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CHAPTER 1—ELECTION OF SENATORS AND REPRESENTATIVES

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§ 1. Time for election of Senators

At the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the 3d day of January next thereafter.

(June 4, 1914, ch. 103, § 1, 38 Stat. 384; June 5, 1934, ch. 390, § 3, 48 Stat. 879.)

AMENDMENTS

1934—Act June 5, 1934, substituted ''3d day of January'' for ''fourth day of March''.

CONSTITUTIONAL PROVISIONS

The first section of Amendment XX to the Constitution provides in part: ''* * * 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 the terms of their successors shall then begin.''

Time for election of Senators, see Const. Art. I, § 4, cl. 1.

Vacancies in the Senate, see Const. Amend. XVII.

§ 1a. Election to be certified by governor

It shall be the duty of the executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

(R.S. § 18.)

CODIFICATION

R.S. § 18 derived from act July 25, 1866, ch. 245, § 3, 14 Stat. 244.

§ 1b. Countersignature of certificate of election

The certificate mentioned in section 1a of this title shall be countersigned by the secretary of state of the State.

(R.S. § 19.)

CODIFICATION

R.S. § 19 derived from act July 25, 1866, ch. 245, § 3, 14 Stat. 244.

§ 2. Omitted

CODIFICATION

Section, act Aug. 8, 1911, ch. 5, §§ 1, 2, 37 Stat. 13, 14, fixed composition of House of Representatives at 435 Members, to be apportioned to the States therein enumerated. For provisions dealing with reapportionment of Representatives and manner of election, etc., see sections 2a and 2b of this title.

§ 2a. Reapportionment of Representatives; time and manner; existing decennial census figures as basis; statement by President; duty of clerk

(a) On the first day, or within one week thereafter, of the first regular session of the Eighty-second Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the seventeenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives by the method known as the method of equal proportions, no State to receive less than one Member.

(b) Each State shall be entitled, in the Eighty-third Congress and in each Congress thereafter until the taking effect of a reapportionment under this section or subsequent statute, to the number of Representatives shown in the statement required by subsection (a) of this section, no State to receive less than one Member. It shall be the duty of the Clerk of the House of Representatives, within fifteen calendar days after the receipt of such statement, to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the Sergeant at Arms of the House of Representatives.

(c) Until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled under such apportionment shall be elected in the following manner: (1) If there is no change in the number of Representatives, they shall be elected from the districts then prescribed by the law of such State, and if any of them are elected from the State at large they shall continue to be so elected; (2) if there is an increase in the number of Representatives, such additional Representative or Representatives shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; (3) if there is a decrease in the number of Representatives but the number of districts in such State is equal to such decreased number of Representatives, they shall be elected from the districts then prescribed by the law of such State; (4) if there is a decrease in the number of Representatives but the number of districts in such State is less than such number of Representatives, the number of Representatives by which such number of districts is exceeded shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; or (5) if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they shall be elected from the State at large.

(June 18, 1929, ch. 28, § 22, 46 Stat. 26; Apr. 25, 1940, ch. 152, 54 Stat. 162; Nov. 15, 1941, ch. 470, § 1, 55 Stat. 761; Pub. L. 104–186, title II, § 201, Aug. 20, 1996, 110 Stat. 1724.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–186 struck out at end "; and in case of vacancies in the offices of both the Clerk and the Sergeant at Arms, or the absence or inability of both to act, such duty shall devolve upon the Doorkeeper of the House of Representatives".

1941—Act Nov. 15, 1941, provided for reapportionment based on seventeenth and subsequent decennial censuses.

1940—Act Apr. 25, 1940, provided for reapportionment based on sixteenth decennial census.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the report required by subsec. (a) of this section is listed on page 17), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

CONSTITUTIONAL PROVISIONS

Apportionment of Representatives among the several States, see Const. Art. I, § 2, cl. 3, and Amend. XIV, § 2.

TEMPORARY INCREASE IN MEMBERSHIP

Representation of States of Alaska and Hawaii in House of Representatives as not affecting basis of apportionment established by this section, see section 9 of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions, and section 8 of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 2b. Number of Representatives from each State in 78th and subsequent Congresses

Each State shall be entitled, in the Seventy-eighth and in each Congress thereafter until the

taking effect of a reapportionment under a subsequent statute or section 2a of this title, to the number of Representatives shown in the statement transmitted to the Congress on January 8, 1941, based upon the method known as the method of equal proportions, no State to receive less than one Member.

(Nov. 15, 1941, ch. 470, § 2(a), 55 Stat. 762.)

CERTIFICATES TO EXECUTIVES OF STATES

Section 2(b) of act Nov. 15, 1941, required Clerk of House of Representatives, within 15 days of Nov. 15, 1941, to send a new certificate of entitlement of a State to Representatives, if such a certificate had been sent prior to Nov. 15, 1941, under provisions of section 2a of this title.

§ 2c. Number of Congressional Districts; number of Representatives from each District

In each State entitled in the Ninety-first Congress or in any subsequent Congress thereafter to more than one Representative under an apportionment made pursuant to the provisions of section 2a(a) of this title, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established, no district to elect more than one Representative (except that a State which is entitled to more than one Representative and which has in all previous elections elected its Representatives at Large may elect its Representatives at Large to the Ninety-first Congress).

(Pub. L. 90–196, Dec. 14, 1967, 81 Stat. 581.)

§§ 3, 4. Omitted

CODIFICATION

Section 3, act Aug. 8, 1911, ch. 5, § 3, 37 Stat. 14, which related to election by districts, expired by its own limitation on enactment of Reapportionment Act of June 18, 1929, ch. 28, § 22, 46 Stat. 21 (section 2a of this title). It was not restated in act June 18, 1929, providing for reapportionment under Fifteenth Census, and hence it was not applicable thereto. See *Wood v. Broom*, 1932 (53 S. Ct. 1, 287 U.S. 1, 77 L. Ed. 131).

Section 4, act Aug. 8, 1911, ch. 5, § 4, 37 Stat. 14, which related to additional Representatives at large, expired by its own limitation on enactment of Reapportionment Act of June 18, 1929, ch. 28, § 22, 46 Stat. 21 (section 2a of this title). It was not restated in act June 18, 1929, providing for reapportionment under Fifteenth Census, and hence it was not applicable thereto. See *Wood v. Broom*, 1932 (53 S. Ct. 1, 287 U.S. 1, 77 L. Ed. 131).

§ 5. Nominations for Representatives at large

Candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

(Aug. 8, 1911, ch. 5, § 5, 37 Stat. 14.)

§ 6. Reduction of representation

Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

(R.S. § 22.)

CODIFICATION

R.S. § 22 derived from act Feb. 2, 1872, ch. 11, § 6, 17 Stat. 29.

§ 7. Time of election

The Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January next thereafter.

(R.S. § 25; Mar. 3, 1875, ch. 130, § 6, 18 Stat. 400; June 5, 1934, ch. 390, § 2, 48 Stat. 879.)

CODIFICATION

R.S. § 25 derived from act Feb. 2, 1872, ch. 11, § 3, 17 Stat. 28.

The second sentence of this section, which was based on section 6 of the act Mar. 3, 1875 and made this section inapplicable to any State that had not yet changed its day of election and whose constitution required an amendment to change the day of election of its State officers, was omitted.

AMENDMENTS

1934—Act June 5, 1934, substituted ''3d day of January'' for ''fourth day of March''.

CONSTITUTIONAL PROVISIONS

The first section of Amendment XX to the Constitution provides: ''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 the terms of their successors shall then begin.''

Time for election of Representatives, see Const. Art. I, § 4, cl. 1.

§ 8. Vacancies

(a) In general

Except as provided in subsection (b) of this section, the time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

(b) Special rules in extraordinary circumstances

(1) In general

In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

(2) Timing of special election

A special election held under this subsection to fill a vacancy shall take place not later than 49 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which

begins on the date of the announcement of the vacancy—

(A) a regularly scheduled general election for the office involved is to be held; or

(B) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the chief executive of the State prior to the date of the announcement of the vacancy.

(3) Nominations by parties

If a special election is to be held under this subsection, the determination of the candidates who will run in such election shall be made—

(A) by nominations made not later than 10 days after the Speaker announces that the vacancy exists by the political parties of the State that are authorized by State law to nominate candidates for the election; or

(B) by any other method the State considers appropriate, including holding primary elections, that will ensure that the State will hold the special election within the deadline required under paragraph (2).

(4) Extraordinary circumstances

(A) In general

In this subsection, ''extraordinary circumstances'' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

(B) Judicial review

If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28.

(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

(5) Protecting ability of absent military and overseas voters to participate in special elections

(A) Deadline for transmittal of absentee ballots

In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act [42 U.S.C. 1973ff et seq.]) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

(B) Period for ballot transit time

Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.

(6) Application to District of Columbia and territories

This subsection shall apply—

(A) to a Delegate or Resident Commissioner to the Congress in the same manner as it applies to a Member of the House of Representatives; and

(B) to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands in the same manner as it applies to a State, except that a vacancy in the representation from any such jurisdiction in the House shall not be taken into account by the Speaker in determining whether vacancies in the representation from the States in the House exceed 100 for purposes of paragraph (4)(A).

(7) Rule of construction regarding Federal election laws

Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.

(R.S. §26; Pub. L. 109–55, title III, §301, Aug. 2, 2005, 119 Stat. 588.)

REFERENCES IN TEXT

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (b)(5), (7)(C), is Pub. L.

99–410, Aug. 28, 1986, 100 Stat. 924, as amended, which is classified principally to subchapter I–G (§1973ff et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1971 of Title 42 and Tables.

The Voting Rights Act of 1965, referred to in subsec. (b)(7)(A), is Pub. L. 89–110, Aug. 6, 1965, 79 Stat. 437, as amended, which is classified generally to subchapters I–A (§1973 et seq.), I–B (§1973aa et seq.), and I–C (§1973bb et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1971 of Title 42 and Tables.

The Voting Accessibility for the Elderly and Handicapped Act, referred to in subsec. (b)(7)(B), is Pub. L. 98–435, Sept. 28, 1984, 98 Stat. 1678, as amended, which is classified generally to subchapter I–F (§1973ee et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1971 of Title 42 and Tables.

The National Voter Registration Act of 1993, referred to in subsec. (b)(7)(D), is Pub. L. 103–31, May 20, 1993, 107 Stat. 77, as amended, which is classified principally to subchapter I–H (§1973gg et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1971 of Title 42 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(7)(E), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(7)(F), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Help America Vote Act of 2002, referred to in subsec. (b)(7)(G), is Pub. L. 107–252, Oct. 29, 2002, 116 Stat. 1666, which is classified principally to chapter 146 (§15301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 15301 of Title 42 and Tables.

CODIFICATION

R.S. §26 derived from act Feb. 2, 1872, ch. 11, §4, 17 Stat. 28.

AMENDMENTS

2005—Pub. L. 109–55 designated existing provisions as subsec. (a), inserted heading, substituted ''Except as provided in subsection (b) of this section, the time'' for ''The time'', and added subsec. (b).

CONSTITUTIONAL PROVISIONS

Vacancies in the House of Representatives, see Const. Art. I, §2, cl. 4.

§9. Voting for Representatives

All votes for Representatives in Congress must be by written or printed ballot, or voting machine the use of which has been duly authorized by the State law; and all votes received or recorded contrary to this section shall be of no effect.

(R.S. §27; Feb. 14, 1899, ch. 154, 30 Stat. 836.)

CODIFICATION

R.S. §27 derived from acts Feb. 28, 1871, ch. 99, §19, 16 Stat. 440, and May 30, 1872, ch. 239, 17 Stat. 192.

CHAPTER 2—ORGANIZATION OF CONGRESS

Sec.
21. Oath of Senators.
22. Oath of President of Senate.
23. Presiding officer of Senate may administer oaths.
24. Secretary of Senate or assistant secretary may administer oaths.
25. Oath of Speaker, Members, and Delegates.
25a. Delegate to House of Representatives from District of Columbia.
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28. Parliamentary precedents of House of Representatives.
28a. Compilation of the Precedents of House of Representatives; date of completion; biennial update; printing and availability of copies.
28b. Printing and binding as public document of Precedents of House of Representatives; number of sets authorized.
28c. Distribution of Precedents by Public Printer.
28d. Distribution of Precedents by Public Printer for official use; particular distribution; marking and ownership of sets.
28e. Distribution of Precedents by Joint Committee on Printing of surplus sets; additional printing, etc., of sets under authority of Joint Committee.
29. Condensed and simplified versions of House precedents; other useful materials in summary form; form and distribution to Members of Congress, Resident Commissioner from Puerto Rico, and others; appointment and compensation of personnel; utilization of services of personnel of Federal agencies.
29a. Early organization of House of Representatives.
29b, 29c. Omitted.
29d. Committee on Standards of Official Conduct of House of Representatives.
30. Term of service of Members of Congress as trustees or directors of corporations or institutions appropriated for.
30a. Jury duty exemption of elected officials of legislative branch.

CHANGE OF NAME AND TRANSFER OF FUNCTIONS OF COMMITTEES AND OFFICERS OF HOUSE OF REPRESENTATIVES

Pub. L. 104–14, June 3, 1995, 109 Stat. 186, provided that:

''SECTION 1. REFERENCES IN LAW TO COMMITTEES OF THE HOUSE OF REPRESENTATIVES.

''(a) REFERENCES TO COMMITTEES WITH NEW NAMES.—Except as provided in subsection (c), any reference in any provision of law enacted before January 4, 1995, to—

''(1) the Committee on Armed Services of the House of Representatives shall be treated as referring to the Committee on National Security of the House of Representatives;

''(2) the Committee on Banking, Finance and Urban Affairs of the House of Representatives shall be treated as referring to the Committee on Banking and Financial Services of the House of Representatives;

''(3) the Committee on Education and Labor of the House of Representatives shall be treated as referring to the Committee on Economic and Educational Opportunities of the House of Representatives;

''(4) the Committee on Energy and Commerce of the House of Representatives shall be treated as referring to the Committee on Commerce of the House of Representatives;

''(5) the Committee on Foreign Affairs of the House of Representatives shall be treated as referring to the

Committee on International Relations of the House of Representatives;

''(6) the Committee on Government Operations of the House of Representatives shall be treated as referring to the Committee on Government Reform and Oversight of the House of Representatives;

''(7) the Committee on House Administration of the House of Representatives shall be treated as referring to the Committee on House Oversight of the House of Representatives;

''(8) the Committee on Natural Resources of the House of Representatives shall be treated as referring to the Committee on Resources of the House of Representatives;

''(9) the Committee on Public Works and Transportation of the House of Representatives shall be treated as referring to the Committee on Transportation and Infrastructure of the House of Representatives; and

''(10) the Committee on Science, Space, and Technology of the House of Representatives shall be treated as referring to the Committee on Science of the House of Representatives.

''(b) REFERENCES TO ABOLISHED COMMITTEES.—Any reference in any provision of law enacted before January 4, 1995, to—

''(1) the Committee on District of Columbia of the House of Representatives shall be treated as referring to the Committee on Government Reform and Oversight of the House of Representatives;

''(2) the Committee on Post Office and Civil Service of the House of Representatives shall be treated as referring to the Committee on Government Reform and Oversight of the House of Representatives, except that a reference with respect to the House Commission on Congressional Mailings [probably should be ''Mailing''] Standards (the 'Franking Commission') shall be treated as referring to the Committee on House Oversight of the House of Representatives; and

''(3) the Committee on Merchant Marine and Fisheries of the House of Representatives shall be treated as referring to—

''(A) the Committee on Agriculture of the House of Representatives, in the case of a provision of law relating to inspection of seafood or seafood products;

''(B) the Committee on National Security of the House of Representatives, in the case of a provision of law relating to interoceanic canals, the Merchant Marine Academy and State Maritime Academies, or national security aspects of merchant marine;

''(C) the Committee on Resources of the House of Representatives, in the case of a provision of law relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography;

''(D) the Committee on Science of the House of Representatives, in the case of a provision of law relating to marine research; and

''(E) the Committee on Transportation and Infrastructure of the House of Representatives, in the case of a provision of law relating to a matter other than a matter described in any of subparagraphs (A) through (D).

''(c) REFERENCES TO COMMITTEES WITH JURISDICTION CHANGES.—Any reference in any provision of law enacted before January 4, 1995, to—

''(1) the Committee on Energy and Commerce of the House of Representatives shall be treated as referring to—

''(A) the Committee on Agriculture of the House of Representatives, in the case of a provision of law relating to inspection of seafood or seafood products;

''(B) the Committee on Banking and Financial Services of the House of Representatives, in the case of a provision of law relating to bank capital markets activities generally or to depository institution securities activities generally; and

''(C) the Committee on Transportation and Infrastructure of the House of Representatives, in the case of a provision of law relating to railroads, railway labor, or railroad retirement and unemployment (except revenue measures related thereto); and

''(2) the Committee on Government Operations of the House of Representatives shall be treated as referring to the Committee on the Budget of the House of Representatives in the case of a provision of law relating to the establishment, extension, and enforcement of special controls over the Federal budget.

''SEC. 2. REFERENCES IN LAW TO OFFICERS OF THE HOUSE OF REPRESENTATIVES.

''Any reference in any provision of law enacted before January 4, 1995, to a function, duty, or authority—

''(1) of the Clerk of the House of Representatives shall be treated as referring, with respect to that function, duty, or authority, to the officer of the House of Representatives exercising that function, duty, or authority, as determined by the Committee on House Oversight of the House of Representatives;

''(2) of the Doorkeeper of the House of Representatives shall be treated as referring, with respect to that function, duty, or authority, to the officer of the House of Representatives exercising that function, duty, or authority, as determined by the Committee on House Oversight of the House of Representatives;

''(3) of the Postmaster of the House of Representatives shall be treated as referring, with respect to that function, duty, or authority, to the officer of the House of Representatives exercising that function, duty, or authority, as determined by the Committee on House Oversight of the House of Representatives; and

''(4) of the Director of Non-legislative and Financial Services of the House of Representatives shall be treated as referring, with respect to that function, duty, or authority, to the officer of the House of Representatives exercising that function, duty, or authority, as determined by the Committee on House Oversight of the House of Representatives.''

§ 21. Oath of Senators

The oath of office shall be administered by the President of the Senate to each Senator who shall be elected, previous to his taking his seat.

(R.S. § 28.)

CODIFICATION

R.S. § 28 derived from act June 1, 1789, ch. 1, § 2, 1 Stat. 23.

§ 22. Oath of President of Senate

When a President of the Senate has not taken the oath of office, it shall be administered to him by any Member of the Senate.

(R.S. § 29.)

CODIFICATION

R.S. § 29 derived from act June 1, 1789, ch. 1, § 2, 1 Stat. 23.

§ 23. Presiding officer of Senate may administer oaths

The presiding officer, for the time being, of the Senate of the United States, shall have power to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect to any matter within the jurisdiction of the Senate.

(Apr. 18, 1876, ch. 66, § 1, 19 Stat. 34.)

§ 24. Secretary of Senate or assistant secretary may administer oaths

The Secretary of the Senate, and the assistant secretary thereof, shall, respectively, have power to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it.

(Apr. 18, 1876, ch. 66, § 2, 19 Stat. 34; Pub. L. 92–51, July 9, 1971, 85 Stat. 125.)

CHANGE OF NAME

Assistant secretary of the Senate deemed successor in references to chief clerk of the Senate in all laws, rules, resolutions, and orders, effective July 1, 1971, under provisions of Pub. L. 92–51, July 9, 1971, 85 Stat. 125.

§ 25. Oath of Speaker, Members, and Delegates

At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk, previous to entering on any other business; and to the Members and Delegates who afterward appear, previous to their taking their seats.

The Clerk of the House of Representatives of the Eightieth and each succeeding Congress shall cause the oath of office to be printed, furnishing two copies to each Member and Delegate who has taken the oath of office in accordance with law, which shall be subscribed in person by the Member or Delegate, who shall thereupon deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record; and such signed copies, or certified copies thereof, or of either of such records thereof, shall be admissible in evidence in any court of the United States, and shall be held conclusive proof of the fact that the signer duly took the oath of office in accordance with law.

(R.S. § 30; Feb. 18, 1948, ch. 53, 62 Stat. 20.)

CODIFICATION

R.S. § 30 derived from act June 1, 1789, ch. 1, § 2, 1 Stat. 23.

The last paragraph of this section, which permitted Members and Delegates of the House of Representatives of the Eightieth Congress to subscribe and deliver two signed copies of the printed oath of office at any time before the expiration of the Eightieth Congress, was omitted.

AMENDMENTS

1948—Act Feb. 18, 1948, added last two paragraphs to provide a way by which any Member of House of Representatives can establish by record evidence the fact that the Member took the oath of office and so became a Member.

§ 25a. Delegate to House of Representatives from District of Columbia

(a) The people of the District of Columbia shall be represented in the House of Representatives by a Delegate, to be known as the ''Delegate to the House of Representatives from the District of Columbia'', who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, shall have all the privileges granted a Representative by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Representatives. The Delegate shall be elected to serve during each Congress.

(b) No individual may hold the office of Delegate to the House of Representatives from the District of Columbia unless on the date of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least twenty-five years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date.

He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

(Pub. L. 91–405, title II, § 202, Sept. 22, 1970, 84 Stat. 848.)

REFERENCES IN TEXT

The District of Columbia Election Act, referred to in subsecs. (a) and (b)(1), is act Aug. 12, 1955, ch. 862, 69 Stat. 699, as amended, which is not classified to the Code.

EFFECTIVE DATE

Section 206(b) of title II of Pub. L. 91–405 provided that: ''This title and the amendments made by this title [enacting this section and section 25b of this title and amending section 2106 of Title 5, Government Organization and Employees, sections 4342, 6954, and 9342 of Title 10, Armed Forces, sections 201, 203, 204, 591, 594, and 595 of Title 18, Crimes and Criminal Procedure, and section 1973i of Title 42, The Public Health and Welfare] shall take effect on the date of its enactment [Sept. 22, 1970].''

§ 25b. Repealed. Pub. L. 104–186, title II, § 202(1), Aug. 20, 1996. 110 Stat. 1724

Section, Pub. L. 91–405, title II, § 204(a), Sept. 22, 1970, 84 Stat. 852, related to application of certain Federal laws to Delegate to House of Representatives from District of Columbia.

§ 26. Roll of Representatives-elect

Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively, or the laws of the United States. In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom relative to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve

on the Sergeant at Arms of the next preceding House of Representatives.

(R.S. §§31–33; Pub. L. 104–186, title II, §202(2), Aug. 20, 1996, 110 Stat. 1724.)

CODIFICATION

R.S. §31 derived from acts Feb. 21, 1867, ch. 56, §1, 14 Stat. 397 and Mar. 3, 1863, ch. 108, 12 Stat. 804.

R.S. §§32 and 33 derived from act Feb. 21, 1867, ch. 56, §2, 14 Stat. 397.

R.S. §31 constitutes first sentence; R.S. §32 constitutes second sentence; and R.S. §33 constituted the third sentence, prior to repeal by Pub. L. 104–186. See 1996 Amendment note below.

AMENDMENTS

1996—Pub. L. 104–186 struck out third sentence which read as follows: ''In case of vacancies in the offices of both the Clerk and the Sergeant at Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of Representatives or the organization of the House shall be performed by the Doorkeeper of the next preceding House of Representatives.'' See Codification note above.

§ 27. Change of place of meeting

Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the members to meet at the seat of Government, the President is authorized, by proclamation, to convene Congress at such other place as he may judge proper.

(R.S. §34.)

CODIFICATION

R.S. §34 derived from act Apr. 3, 1794, ch. 17, 1 Stat. 353.

§ 28. Parliamentary precedents of House of Representatives

(a) Periodic compilation; other useful materials; index digest; date of completion

The Parliamentarian of the House of Representatives, at the beginning of the fifth fiscal year following the completion and publication of the parliamentary precedents of the House authorized by the Legislative Branch Appropriation Act, 1966 (79 Stat. 270; Public Law 89–90), and at the beginning of each fifth fiscal year thereafter, shall commence the compilation and preparation for printing of the parliamentary precedents of the House of Representatives, together with such other materials as may be useful in connection therewith, and an index digest of such precedents and other materials. Each such compilation and preparation for printing of the parliamentary precedents of the House shall be completed by the close of the fiscal year immediately following the fiscal year in which such work is commenced.

(b) Form, number, and distribution of compilation

As so compiled and prepared, such precedents and other materials and index digest shall be printed on pages of such size, and in such type and format, as the Parliamentarian may determine and shall be printed in such numbers and for such distribution as may be provided by law enacted prior to printing.

(c) Appointment and compensation of personnel; utilization of services of personnel of Federal agencies

For the purpose of carrying out each such compilation and preparation, the Parliamentarian may—

(1) subject to the approval of the Speaker, appoint (as employees of the House of Representatives) clerical and other personnel and fix their respective rates of pay; and

(2) utilize the services of personnel of the Library of Congress and the Government Printing Office.

(Pub. L. 91–510, title III, §331, Oct. 26, 1970, 84 Stat. 1186.)

REFERENCES IN TEXT

The Legislative Branch Appropriation Act, 1966, referred to in subsec. (a), is Pub. L. 89–90, July 27, 1965, 79 Stat. 265. For complete classification of this Act to the Code, see Tables.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 28a. Compilation of the Precedents of House of Representatives; date of completion; biennial update; printing and availability of copies

The Speaker is authorized and directed to complete the Compilation of the Precedents of the House of Representatives by January 1, 1977, and prepare an updated compilation of such precedents every two years thereafter. Copies of the Compilation of Precedents shall be printed in sufficient quantity to be available to every Member and the standing committees of the House of Representatives.

(Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on section 208 of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

EFFECTIVE DATE

Pub. L. 93–554 provided that the enactment of House Resolution No. 988, Ninety-third Congress, into permanent law is effective Jan. 2, 1975.

§ 28b. Printing and binding as public document of Precedents of House of Representatives; number of sets authorized

(a) There shall be printed and bound as a public document two thousand sets of the Precedents of the House of Representatives compiled and prepared by Lewis Deschler (hereinafter in sections 28b to 28e of this title referred to as the ''Precedents'') in accordance with the provisions of the Legislative Branch Appropriation Act, 1966 (Public Law 89–90; 79 Stat. 265).

(b) The number of sets authorized to be printed and bound by or pursuant to sections 28b to 28e of this title shall be in lieu of the usual number of copies for binding and distribution required by section 701 of title 44.

(Pub. L. 94–551, §1, Oct. 18, 1976, 90 Stat. 2537.)

REFERENCES IN TEXT

The Legislative Branch Appropriation Act, 1966, referred to in text, is Pub. L. 89–90, July 27, 1965, 79 Stat. 265. For complete classification of this Act to the Code, see Tables.

§ 28c. Distribution of Precedents by Public Printer

(a) Delivery to Members of Ninety-fifth Congress; marking of volumes

The Public Printer shall deliver one set of the Precedents to each Senator or Representative in, or Delegate or Resident Commissioner to, the Ninety-fifth Congress. The name of the Member to whom the set is delivered shall be legibly stamped on the front cover of each volume of the set.

(b) Members of Congress following Ninety-fifth Congress not already having sets of Precedents; necessity of written request to Superintendent of Documents for set

Each Senator or Representative in, or Delegate or Resident Commissioner to, each Congress following the Ninety-fifth Congress who has not theretofore received a set of the Precedents shall be entitled to receive one set of the Precedents, upon transmitting a written request for such set to the Superintendent of Documents.

(c) Additional distribution of sets

The Public Printer shall make the following distribution of sets of the Precedents:

(1) to the office of the Vice President, to the office of the speaker of the House of Representatives, and to the office of the President pro tempore of the Senate, each, five sets;

(2) to the office of the majority leader of the House of Representatives and to the office of the minority leader of the House of Representatives, each, three sets;

(3) to the Parliamentarian of the House of Representatives, sixty sets;

(4) to the Parliamentarian of the Senate, five sets;

(5) to the Clerk of the House of Representatives and to the Sergeant at Arms of the House of Representatives, each[1] two sets;

(6) to the Secretary of the Senate and to the Sergeant at Arms of the Senate, each, two sets;

(7) to the superintendent of the House document room, two sets;

(8) to the superintendent of the Senate document room, two sets;

(9) to the Library of Congress, for international exchange and for official use in Washington, District of Columbia, one hundred and fifty sets;

(10) to the National Archives, three sets;

(11) to the government of the District of Columbia, twelve sets;

(12) to the Smithsonian Institute, two sets;

(13) to the library of each legislative branch of each State, territory, and possession of the United States, one set; and

(14) to the Superintendent of Documents, eight hundred and sixteen sets for distribution to the depository library system.

[1] So in original. Probably should be followed by a comma.

(Pub. L. 94–551, § 2, Oct. 18, 1976, 90 Stat. 2537; Pub. L. 104–186, title II, § 202(3), Aug. 20, 1996, 110 Stat. 1724.)

AMENDMENTS

1996—Subsec. (c)(2). Pub. L. 104–186, § 202(3)(A), substituted ''Representatives, each'' for ''Representives, each''.

Subsec. (c)(5). Pub. L. 104–186, § 202(3)(B), substituted ''and to the Sergeant at Arms of the House of Representatives, each two sets'' for '', to the Sergeant at Arms of the House of Representatives, and to the Doorkeeper of the House of Representatives, each, two sets''.

§ 28d. Distribution of Precedents by Public Printer for official use; particular distribution; marking and ownership of sets

(a) The Public Printer shall make the following distribution of sets of the Precedents;

(1) to each standing or joint committee of the Congress which is in existence on October 18, 1976, or which is established after October 18, 1976, four sets;

(2) to the office of the Legislative Counsel of the House of Representatives, five sets;

(3) to the office of the Legislative Counsel of the Senate, five sets;

(4) to the library of the House of Representatives, four sets;

(5) to the library of the Senate, two sets;

(6) to the library of the Supreme Court of the United States, nine sets;

(7) to the office of the Official Reporter of Debates of the House of Representatives, three sets; and

(8) to the office of the Official Reporter of Debates of the Senate, three sets.

(b) Each set of Precedents distributed by the Public Printer under subsection (a) of this section shall be for official use. Each such set shall be legibly stamped on the front cover ''Property of the United States Government.'' Each such set, upon delivery, shall become and remain the property of the United States, and may not be removed from the building in which is located the designated library or office, as the case may be.

(Pub. L. 94–551, § 3, Oct. 18, 1976, 90 Stat. 2538.)

§ 28e. Distribution of Precedents by Joint Committee on Printing of surplus sets; additional printing, etc., of sets under authority of Joint Committee

(a) Any set of the Precedents printed and bound pursuant to subsection (a) of section 28b of this title, not needed to carry out the distributions required by sections 28b to 28e of this title, shall be distributed under the direction of the Joint Committee on Printing.

(b) The Joint Committee on Printing may from time to time authorize and direct that additional sets of the Precedents, be printed, bound, and distributed in such manner as the Joint Committee determines will best carry out the purposes of sections 28b to 28e of this title.

(Pub. L. 94–551, § 4, Oct. 18, 1976, 90 Stat. 2538.)

§ 29. Condensed and simplified versions of House precedents; other useful materials in summary form; form and distribution to Members of Congress, Resident Commissioner from Puerto Rico, and others; appointment and compensation of personnel; utilization of services of personnel of Federal agencies

The Parliamentarian of the House of Representatives shall prepare, compile, and maintain on a current basis and in cumulative form, for each Congress commencing with the Ninety-third Congress a condensed and, insofar as practicable, up-to-date version of all of the parliamentary precedents of the House of Representatives which have current use and application in the House, together with informative text prepared by the Parliamentarian and other useful related material in summary form. The Parliamentarian shall have such matter printed for each Congress on pages of such size and in such type and format as he considers advisable to promote the usefulness of such matter to the Members of the House and shall provide a printed copy thereof to each Member in each Congress, including the Resident Commissioner from Puerto Rico, and may make such other distribution of such printed copies as he considers advisable. In carrying out this section, the Parliamentarian may appoint and fix the pay of personnel and utilize the services of personnel of the Library of Congress and the Government Printing Office.

(Pub. L. 91–510, title III, § 332, Oct. 26, 1970, 84 Stat. 1186.)

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 29a. Early organization of House of Representatives

(a) Caucus or conference for incumbent Members reelected to and Members-elect of ensuing Congress; time and procedure for calling

(1) The majority leader or minority leader of the House of Representatives after consultation with the Speaker may at any time during any even-numbered year call a caucus or conference of all incumbent Members of his or her political party who have been reelected to the ensuing Congress and all other Members-elect of such party, for the purpose of taking all steps necessary to achieve the prompt organization of the Members and Members-elect of such party for the ensuing Congress.

(2) If the majority leader or minority leader calls an organizational caucus or conference under paragraph (1), he or she shall file with the Clerk of the House a written notice designating the date upon which the caucus or conference is to convene. As soon as possible after the election of Members to the ensuing Congress, the Clerk shall furnish each Member-elect of the party involved with appropriate written notification of the caucus or conference.

(3) If a vacancy occurs in the office of majority leader or minority leader during any even-numbered year (and has not been filled), the chairman of the caucus or conference of the party involved for the current Congress may call an organizational caucus or conference under paragraph (1) by filing written notice thereof as provided by paragraph (2).

(b) Payment and reimbursement for travel and per diem expenses for Members attending caucus or conference; exceptions; regulations governing payments and reimbursements; reimbursement vouchers

(1)(A) Each Member-elect (other than an incumbent Member reelected to the ensuing Congress) who attends a caucus or conference called under subsection (a) of this section, and each incumbent Member reelected to the ensuing Congress who attends any such caucus or conference convening after the adjournment sine die of the Congress in the year involved, shall be paid for one round trip between his or her place of residence in the district which he or she represents and Washington, District of Columbia, for the purpose of attending such caucus or conference. Payment shall be made through the issuance of a transportation request form to each such Member-elect or incumbent Member by the Finance Office of the House before such caucus or conference.

(B) Each Member-elect (other than an incumbent Member reelected to the ensuing Congress) who attends a caucus or conference called under subsection (a) of this section shall in addition be reimbursed on a per diem or other basis for expenses incurred in connection with his or her attendance at such caucus or conference.

(2) Payments and reimbursements to Members-elect under paragraph (1) shall be made as provided (with respect to Members) in the regulations prescribed by the Committee on House Oversight with respect to travel and other expenses of committees and Members. Reimbursements shall be paid on special voucher forms prescribed by the Committee on House Oversight.

(c) Availability of applicable accounts of House

The applicable accounts of the House of Representatives are made available to carry out the purposes of this section.

(d) Orientation programs for new Members

With the approval of the majority leader (in the case of a Member or Member-elect of the majority party) or the minority leader (in the case of a Member or Member-elect of the minority party), subsections (b) and (c) of this section shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members[1] in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference.

(Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104–186, title II, § 202(4), Aug. 20, 1996, 110 Stat. 1725; Pub. L. 108–447, div. G, title I, § 107(a), (b)(1), (c)(1), Dec. 8, 2004, 118 Stat. 3176.)

[1] So in original. Probably should be capitalized.

CODIFICATION

Section is based on section 202 of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108–447, §107(a), substituted ''conference of all'' for ''conference, to begin on or after the first day of December and conclude on or before the twentieth day of December in such year and to be attended by all''.

Subsec. (b)(1)(B). Pub. L. 108–447, §107(b)(1), substituted a period for ''for a period not to exceed the shorter of the following—

''(i) the period beginning with the day before the designated date upon which such caucus or conference is to convene and ending with the day after the date of the final adjournment of such caucus or conference; or

''(ii) fourteen days.''

Subsec. (d). Pub. L. 108–447, §107(c)(1), added subsec. (d).

1996—Subsec. (b)(2). Pub. L. 104–186, §202(4)(A), substituted ''House Oversight'' for ''House Administration'' in two places.

Subsec. (c). Pub. L. 104–186, §202(4)(B), substituted ''applicable accounts of the House of Representatives are'' for ''contingent fund of the House is''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–447, div. G, title I, §107(d), Dec. 8, 2004, 118 Stat. 3177, provided that: ''The amendments made by this section [amending this section and section 43b–2 of this title] shall apply with respect to the One Hundred Tenth Congress and each succeeding Congress.''

EFFECTIVE DATE

Pub. L. 93–554 provided that the enactment of House Resolution No. 988, Ninety-third Congress, into permanent law is effective Jan. 2, 1975.

§§ 29b, 29c. Omitted

CODIFICATION

Section 29b, based on section 204 of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law, effective Jan. 2, 1975, by Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777, established a Commission on Information and Facilities in House of Representatives to be composed of nine members of the House appointed by Speaker, required Speaker to appoint an Advisory Council to assist Commission in carrying out its functions, required Commission to conduct study of informational problems, facilities and space, and House legislative counsel requirements, provided for the scope of study of informational problems, and required Commission to make an annual progress report to Speaker, to complete study of House legislative counsel requirements by Jan. 1, 1976, and to submit a final report by Jan. 2, 1977.

Section 29c, based on clause 10, rule I, of the Rules of the House of Representatives as in effect before July 17, 1984, relating to the Office for the Bicentennial for the House of Representatives, established by House Resolution No. 621, Ninety-seventh Congress, Dec. 17, 1982, which was enacted into permanent law by Pub. L. 98–367, title I, §102, July 17, 1984, 98 Stat. 479, established in House of Representatives an Office for the Bicentennial of the House of Representatives to coordinate planning of commemoration of two-hundredth anniversary of House of Representatives and to be staffed by a professional historian appointed by Speaker without regard to political affiliation and solely on basis of fitness to perform duties of the position and to serve at pleasure of Speaker, and provided that the Office cease to exist not later than Sept. 30, 1989, unless otherwise provided by law or resolution. Office of the Historian of the House of Representatives was established by clause 10, rule I, of the Rules of the House of Representatives, as added on Jan. 3, 1989 (H. Res. 5, 101st Congress).

§29d. Committee on Standards of Official Conduct of House of Representatives

(a) Omitted

(b) Committee composition

The respective party caucus or conference of the House of Representatives shall each nominate to the House of Representatives at the beginning of each Congress 7 members to serve on the Committee on Standards of Official Conduct.

(c) Investigative subcommittees

The Committee on Standards of Official Conduct shall adopt rules providing—

(1) for the establishment of a 4 or 6-member investigative subcommittee (with equal representation from the majority and minority parties) whenever the committee votes to undertake any investigation;

(2) that the senior majority and minority members on an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee; and

(3) that the chairman and ranking minority member of the full committee may only serve as non-voting, ex officio members on an investigative subcommittee.

Clause 5(d) of rule XI[1] of the Rules of the House of Representatives shall not apply to any investigative subcommittee.

(d) Adjudicatory subcommittees

The Committee on Standards of Official Conduct shall adopt rules providing—

(1) that upon the completion of an investigation, an investigative subcommittee shall report its findings and recommendations to the committee;

(2) that, if an investigative subcommittee by majority vote of its membership adopts a statement of alleged violation, the remaining members of the committee shall comprise an adjudicatory subcommittee to hold a disciplinary hearing on the violation alleged in the statement;

(3) that any statement of alleged violation and any written response thereto shall be made public at the first meeting or hearing on the matter which is open to the public after the respondent has been given full opportunity to respond to the statement in accordance with committee rules, but, if no public hearing or meeting is held on the matter, the statement of alleged violation and any written response thereto shall be included in the committee's final report to the House of Representatives as required by clause 4(e)(1)(B) of rule X[1] of the Rules of the House of Representatives;

(4) that a quorum for an adjudicatory subcommittee for the purpose of taking testi-

[1] See References in Text note below.

mony and conducting any business shall consist of a majority of the membership of the subcommittee plus one; and

(5) that an adjudicatory subcommittee shall determine, after receiving evidence, whether the counts in the statement have been proved and shall report its findings to the committee.

Clause 5(d) of rule XI[1] of the Rules of the House of Representatives shall not apply to any adjudicatory subcommittee.

(e) to (h) Omitted

(i) Advice and education

(1) The Committee on Standards of Official Conduct shall establish within the committee an Office on Advice and Education (hereinafter in this subsection referred to as the ''Office'') under the supervision of the chairman.

(2) The Office shall be headed by a director who shall be appointed by the chairman, in consultation with the ranking minority member, and shall be comprised of such staff as the chairman determines is necessary to carry out the responsibilities of the Office.

(3) The primary responsibilities of the Office shall include:

(A) Providing information and guidance to Members, officers and employees of the House regarding any laws, rules, regulations, and other standards of conduct applicable to such individuals in their official capacities, and any interpretations and advisory opinions of the committee.

(B) Submitting to the chairman and ranking minority member of the committee any written request from any such Member, officer or employee for an interpretation of applicable laws, rules, regulations, or other standards of conduct, together with any recommendations thereon.

(C) Recommending to the committee for its consideration formal advisory opinions of general applicability.

(D) Developing and carrying out, subject to the approval of the chairman, periodic educational briefings for Members, officers and employees of the House on those laws, rules, regulations, or other standards of conduct applicable to them.

(4) No information provided to the Committee on Standards of Official Conduct by a Member, officer or employee of the House of Representatives when seeking advice regarding prospective conduct of such Member, officer or employee may be used as the basis for initiating an investigation under clause 4(e)(1)(B) of rule X[1] of the Rules of the House of Representatives, if such Member, officer or employee acts in accordance with the written advice of the committee.

(j) Effective date

This section shall take effect immediately before noon January 3, 1991, except that subsections (g), (h), and (i) shall take effect on January 1, 1990.

(Pub. L. 101–194, title VIII, § 803, Nov. 30, 1989, 103 Stat. 1774.)

REFERENCES IN TEXT

The Rules of the House of Representatives for the One Hundred Sixth Congress were adopted and amended generally by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Provisions formerly appearing in clause 5(d) of rule XI, referred to in subsecs. (c) and (d), are now contained in clause 6(d) of rule X. Provisions formerly appearing in clause 4(e)(1)(B) of rule X, referred to in subsecs. (d)(3) and (i)(4), are now contained in clause 3(a)(2) of rule XI.

CODIFICATION

Section is comprised of section 803 of Pub. L. 101–194. Subsecs. (a) and (e) to (h) of section 803 amended the Rules of the House of Representatives which are not classified to the Code.

ACCEPTANCE OF GIFTS; AMENDMENTS TO ADVISORY OPINIONS

Section 801(e) of Pub. L. 101–194 provided that: ''The Committee on Standards of Official Conduct of the House of Representatives shall amend its advisory opinions relating to the acceptance of gifts (1) to prohibit lodging received as personal hospitality in excess of 30 days in any calendar year from any individual unless a written waiver is granted by the committee and (2) to exempt gifts of food and beverages consumed not in connection with gifts of lodging from coverage under clause 4 of rule XLIII [now clause 4 of rule XXIII] of the Rules of the House of Representatives.''

NONCAMPAIGN USE OF CAMPAIGN VEHICLES

Section 802(e) of Pub. L. 101–194 provided that: ''The Committee on Standards of Official Conduct of the House of Representatives shall issue an advisory opinion to provide for appropriate conditions for the incidental noncampaign use of vehicles owned or leased by a campaign committee of a Member of the House of Representatives.''

RESTRICTIONS ON REIMBURSABLE TRAVEL EXPENSES

Section 805 of Pub. L. 101–194 provided that:

''(a) RESTRICTIONS.—The Committee on Standards of Official Conduct of the House of Representatives shall amend its advisory opinions relating to the acceptance of necessary travel expenses incurred on or after January 1, 1990, in connection with speaking engagements and similar events to—

''(1) prohibit the acceptance of such expenses for more than 4 consecutive days in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of foreign travel; and

''(2) permit the acceptance of travel expenses for the spouse or other family member in connection with any substantial participation event or fact-finding activity.

''(b) EXEMPTION AUTHORITY.—The Committee on Standards of Official Conduct of the House of Representatives is authorized to grant prior written exemptions from the limitations contained in subsection (a)(1) in exceptional circumstances.''

§ 30. Term of service of Members of Congress as trustees or directors of corporations or institutions appropriated for

In all cases where Members of Congress or Senators are appointed to represent Congress on any board of trustees or board of directors of any corporation or institution to which Congress makes any appropriation, the term of said Members or Senators, as such trustee or director, shall continue until the expiration of two months after the first meeting of the Congress chosen next after their appointment.

(Mar. 3, 1893, ch. 199, § 1, 27 Stat. 553.)

CODIFICATION

Section was formerly classified to section 722 of Title 31 prior to the general revision and enactment of Title

31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

§ 30a. Jury duty exemption of elected officials of legislative branch

(a) Notwithstanding any other provision of Federal, State or local law, no elected official of the legislative branch of the United States Government shall be required to serve on a grand or petit jury, convened by any Federal, State or local court, whether such service is requested by judicial summons or by some other means of compulsion.

(b) ''Elected official of the legislative branch'' shall mean each Member of the United States House of Representatives, the Delegates from the District of Columbia, Guam, the American Virgin Islands, and American Samoa, and the Resident Commissioner from Puerto Rico, and each United States Senator.

(Pub. L. 101–520, title III, §310, Nov. 5, 1990, 104 Stat. 2278.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1991.

CHAPTER 3—COMPENSATION AND ALLOWANCES OF MEMBERS

Sec.
31. Compensation of Members of Congress.
31–1. Repealed.
31–2. Gifts and travel.
31a. Repealed.
31a–1. Expense allowance of Majority and Minority Leaders of Senate; expense allowance of Majority and Minority Whips; methods of payment; taxability.
31a–2. Representation Allowance Account for Majority and Minority Leaders of Senate.
31a–2a. Transfer of funds from representation allowance of Majority and Minority Leaders of Senate to expense allowance; availability; definitions.
31a–2b. Transfer of funds from appropriations account of Majority and Minority Leaders of Senate to appropriations account, Miscellaneous Items, within Senate contingent fund.
31a–2c. Transfer of funds from appropriations account of Majority and Minority Whips of Senate to appropriations account, Miscellaneous Items, within Senate contingent fund.
31a–2d. Transfer of funds from appropriations account of the Office of the Vice President and the Offices of the Secretaries for the Majority and Minority to the Senate contingent fund.
31a–3. Expense allowance for Chairmen of Majority and Minority Conference Committees of Senate; method of payment; taxability.
31a–4. Expense allowance for Chairmen of Majority and Minority Policy Committees of Senate; method of payment; taxability.
31b. Expense allowance of Speaker of House of Representatives.
31b–1. Former Speakers of House of Representatives; retention of office, furniture, etc., in Congressional district following expiration of term as Representative; exceptions.
31b–2. Allowance available to former Speaker for payment of office and other expenses for administration, etc., of matters pertaining to incumbency in office as Representative and Speaker.
Sec.
31b–3. Repealed.
31b–4. Franked mail and printing privileges of former Speaker.
31b–5. Staff assistance to former Speaker for administration, etc., of matters pertaining to incumbency in office as Representative and Speaker; compensation and status of staff.
31b–6. Repealed.
31b–7. Availability of entitlements of former Speaker for 5 years.
31c. Repealed.
32. Compensation of President pro tempore of Senate.
32a. Compensation of Deputy President pro tempore of Senate.
32b. Expense allowance of President pro tempore of Senate; methods of payment; taxability.
33. Senators' salaries.
34. Representatives' and Delegates' salaries payable monthly.
35. Salaries payable monthly after taking oath.
35a. End-of-the-month salary payment schedule inapplicable to Senators.
36. Salaries of Senators.
36a. Payment of sums due deceased Senators and Senate personnel.
37. Salaries of Representatives, Delegates, and Resident Commissioners elected for unexpired terms.
38. Repealed.
38a. Disposition of unpaid salary and other sums on death of Representative or Resident Commissioner.
38b. Death gratuity payments as gifts.
39. Deductions for absence.
40. Deductions for withdrawal.
40a. Deductions for delinquent indebtedness.
41, 42. Repealed.
42a. Special delivery postage allowance for President of Senate.
42a–1 to 43b–1. Repealed or Omitted.
43b–2. Staff expenses for House Members attending organizational caucus or conference.
43b–3. Payments and reimbursements for certain House staff expenses.
43c. Repealed.
43d. Organizational expenses of Senator-elect.
44 to 46. Omitted.
46a. Stationery allowance for President of Senate.
46a–1. Senate revolving fund for stationery allowances; availability of unexpended balances; withdrawals.
46a–2 to 46b. Omitted or Repealed.
46b–1. House revolving fund for stationery allowances; disposition of moneys from stationery sales; availability of unexpended balances.
46b–2 to 46d. Repealed.
46d–1. Long-distance telephone calls for Vice President.
46d–2 to 46i. Repealed.
47. Mode of payment.
48. Certification of salary and mileage accounts.
49. Certificate of salary during recess.
50. Substitute to sign certificates for salary and accounts.
51. Monuments to deceased Senators or House Members.
52, 53. Repealed.
54. Annotated United States Code for Members of House of Representatives to be paid for from Members' Representational Allowance.
55. United States Code Annotated or United States Code Service; procurement for Senators.
56. Repealed.
57. Adjustment of House of Representatives allowances by Committee on House Oversight.

Sec.
57a. Limitation on allowance authority of Committee on House Oversight.
57b. Representational allowance for Members of House of Representatives.
58. Mail, telegraph, telephone, stationery, office supplies, and home State office and travel expenses for Senators.
58a. Telecommunications services for Senators; payment of costs out of contingent fund.
58a–1. Payment for telecommunications equipment and services; definitions.
58a–2. Certification of telecommunications equipment and services as official.
58a–3. Report on telecommunications to Committee on Rules and Administration.
58a–4. Metered charges on copiers; ''Sergeant at Arms'' and ''user'' defined; certification of services and equipment as official; deposit of payments; availability for expenditure.
58b. Repealed.
58c. Senators' Official Personnel and Office Expense Account.
58c–1. Repealed.
59. Home State office space for Senators; lease of office space.
59–1. Additional home State office space for Senators; declaration of disaster or emergency.
59a. Repealed.
59b. Purchase of office equipment or furnishings by Senators.
59c. Transferred.
59d. Transportation of official records and papers to House Members' district.
59d–1. Transportation of official records and papers to a Senator's State.
59e. Official mail of persons entitled to use congressional frank.
59f. Mass mailings by Senate offices; quarterly statements; publication of summary tabulations.
59g. Mass mailing of information by Senators under frank; quarterly registration with Secretary of Senate.
59h. Mass mailing sent by House Members.

§ 31. Compensation of Members of Congress

(1) The annual rate of pay for—

(A) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

(B) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

(C) the Speaker of the House of Representatives,

shall be the rate determined for such positions under chapter 11 of this title, as adjusted by paragraph (2) of this section.

(2)(A) Subject to subparagraph (B), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 of title 5 in the rates of pay under the General Schedule, each annual rate referred to in paragraph (1) shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate which corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect.

(B) In no event shall the percentage adjustment taking effect under subparagraph (A) in any calendar year (before rounding), in any rate of pay, exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5 in the rates of pay under the General Schedule.

(Aug. 2, 1946, ch. 753, title VI, § 601(a), 60 Stat. 850; Jan. 19, 1949, ch. 2, § 1(d), 63 Stat. 4; Mar. 2, 1955, ch. 9, § 4(a), 69 Stat. 11; Pub. L. 88–426, title II, § 204, Aug. 14, 1964, 78 Stat. 415; Pub. L. 89–301, § 11(e), Oct. 29, 1965, 79 Stat. 1120; Pub. L. 91–67, § 2, Sept. 15, 1969, 83 Stat. 107; Pub. L. 94–82, title II, § 204(a), Aug. 9, 1975, 89 Stat. 421; Pub. L. 101–194, title VII, § 704(a)(2)(B), Nov. 30, 1989, 103 Stat. 1769; Pub. L. 101–509, title V, § 529 [title I, § 101(b)(4)(D)], Nov. 5, 1990, 104 Stat. 1427, 1439; Pub. L. 103–356, title I, § 101(1), Oct. 13, 1994, 108 Stat. 3410.)

References in Text

The General Schedule, referred to in par. (2), is set out under section 5332 of Title 5, Government Organization and Employees.

Section 704(a)(1) of the Ethics Reform Act of 1989, referred to in par. (2)(A), is section 704(a)(1) of Pub. L. 101–194, which is set out as a note under section 5318 of Title 5.

Prior Provisions

A prior section 31, acts Feb. 26, 1907, ch. 1635, § 4, 34 Stat. 993; Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301; May 17, 1932, ch. 190, 47 Stat. 158, related to compensation of Members of Congress, prior to enactment of act Aug. 2, 1946.

Amendments

1994—Par. (2). Pub. L. 103–356 designated existing provisions as subpar. (A), substituted ''Subject to subparagraph (B), effective'' for ''Effective'', and added subpar. (B).

1990—Par. (2). Pub. L. 101–509 substituted ''5303'' for ''5305''.

1989—Par. (2). Pub. L. 101–194 substituted ''the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect'' for ''the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule''.

1975—Pub. L. 94–82 designated existing provisions as par. (1), substituted provisions that rate of pay of the specified parties shall be determined under section 351 et seq. of this title, as adjusted by par. (2) for provisions setting rate of compensation at $42,500 for Senators, Representatives, Delegates, and Resident Commissioner, $62,500 for Speaker, and $49,500 for President pro tempore of Senate and Majority and Minority Leaders of House and Senate, and added par. (2).

1969—Pub. L. 91–67 increased compensation of Speaker from $43,000 to $62,500 per annum and compensation of Majority and Minority Leaders of both Houses of Congress from $35,000 to $49,500 per annum, and fixed compensation of President pro tempore of Senate at $49,500 per annum.

1965—Pub. L. 89–301 inserted provisions setting rate of compensation of Majority and Minority Leaders of Senate and House of Representatives at $35,000 per annum each.

1964—Pub. L. 88–426 increased compensation of Senators, Representatives and Resident Commissioner from $22,500 to $30,000 per annum and that of Speaker from $35,000 to $43,000 per annum, and eliminated provisions which related to Delegates from the Territories.

1955—Act Mar. 2, 1955, increased salaries of Senators, Representatives, Delegates, and Resident Commissioner from $12,500 a year to $22,500 and compensation of Speaker from $30,000 to $35,000 a year.

1949—Act Jan. 19, 1949, increased Speaker's salary from $20,000 per year to $30,000.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 101 of Pub. L. 103–356 provided that the amendment made by that section is effective Dec. 31, 1994.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101–509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–194 effective Jan. 1, 1991, see section 704(b) of Pub. L. 101–194, set out as a note under section 5318 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91–67 effective Mar. 1, 1969, see section 3 of Pub. L. 91–67, set out as a note under section 104 of Title 3, The President.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–301 effective on first day of first pay period which begins on or after October 1, 1965, see section 17 of Pub. L. 89–301.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–426 effective at noon, Jan. 3, 1965, see section 501(b) of Pub. L. 88–426.

EFFECTIVE DATE OF 1955 AMENDMENT

Section 5 of act Mar. 2, 1955, provided that: ''The provisions of this Act [amending this section, section 104 of Title 3, The President, section 7443 of Title 26, Internal Revenue Code, sections 5, 44, 135, 173, 213, 252, and 508 of Title 28, Judiciary and Judicial Procedure, section 101 of Title 48, Territories and Insular Possessions, and section 654 of Title 50, War and National Defense, and repealing section 31a of this title] shall take effect Mar. 1, 1955.''

EFFECTIVE DATE OF 1949 AMENDMENT

Amendment by act Jan. 19, 1949, effective at noon, Jan. 20, 1949, see section 3 of act Jan. 19, 1949.

EFFECTIVE DATE

Section 601(a) of act Aug. 2, 1946, provided that the salary rates provided by such section 601(a) are effective Jan. 3, 1947.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–186, §1(a), Aug. 20, 1996, 110 Stat. 1718, provided that: ''This Act [see Tables for classification] may be cited as the 'House of Representatives Administrative Reform Technical Corrections Act'.''

SHORT TITLE OF 1964 AMENDMENT

Section 201 of title II of Pub. L. 88–426 provided that: ''This title [enacting sections 61a, 61a–2, 61d, 61e, 60e–11, 84–2, 136a, 136b, and 273 of this title, sections 42a and 51a of former Title 31, Money and Finance, sections 162a, 166b, and 166b–1 of former Title 40, Public Buildings, Property, and Works, and section 39a of former Title 44, Public Printing and Documents, amending this section and section 72a of this title, and enacting provisions set out as notes under this section and sections 60a–1 and 60f of this title] may be cited as the 'Federal Legislative Salary Act of 1964'.''

COST OF LIVING ADJUSTMENT

Pub. L. 103–6, §7, Mar. 4, 1993, 107 Stat. 35, provided that:

''(a) COST OF LIVING ADJUSTMENT.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

''(b) SEVERABILITY.—If any provision of this Act [enacting provisions set out as notes under sections 1 and 3304 of Title 26, Internal Revenue Code, and section 352 of Title 45, Railroads, and amending provisions set out as notes under section 3304 of Title 26 and section 352 of Title 45], or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or an amendment made by this Act, or the application of such provision to other persons or circumstances, shall not be affected.''

ANNUAL RATE OF PAY INCREASE FOR CERTAIN MEMBERS OF CONGRESS SERVING ON OR AFTER JULY 1, 1983

Pub. L. 98–63, title I, §908(d), (f), July 30, 1983, 97 Stat. 338, which provided that, effective with respect to service as a Member performed on or after July 1, 1983, and notwithstanding any other provision of law, in the case of a Member serving in office or position of Senator, President pro tempore of Senate, Majority Leader of Senate, or Minority Leader of Senate during a calendar year, the annual rate of pay paid to such Member for such service would not be less than the annual rate of pay payable for such position on Dec. 17, 1982, increased by 15 percent and rounded in accordance with section 5318 of Title 5, was repealed by Pub. L. 102–90, title I, §6(c), Aug. 14, 1991, 105 Stat. 451.

APPROPRIATION OF FUNDS FOR COMPENSATION OF MEMBERS OF CONGRESS AND FOR ADMINISTRATIVE EXPENSES AT LEVELS AUTHORIZED BY LAW AND RECOMMENDED BY THE PRESIDENT FOR FEDERAL EMPLOYEES

Pub. L. 97–51, §130(c), Oct. 1, 1981, 95 Stat. 966, provided that: ''Effective beginning with fiscal year 1983, and continuing each year thereafter, such sums as hereafter may be necessary for 'Compensation of Members' (and administrative expenses related thereto), as authorized by law and at such level recommended by the President for Federal employees for that fiscal year are hereby appropriated from money in the Treasury not otherwise appropriated. Such sums when paid shall be in lieu of any sums accrued in prior years but not paid. For purposes of this subsection, the term 'Member' means each Member of the Senate and the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegates from the District of Columbia, Guam, Virgin Islands, and American Samoa, and the Vice President.''

COMMISSION ON JUDICIAL AND CONGRESSIONAL SALARIES

Act Aug. 7, 1953, ch. 353, 67 Stat. 485, which established a Commission to determine appropriate rates of salaries for justices and judges of courts of United States and for Vice President, Speaker of House of Representatives, and Members of Congress, was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 657.

SALARY INCREASES

For adjustment of pay rates under this section, see the executive order detailing the adjustment of certain

rates of pay set out as a note under section 5332 of Title 5, Government Organization and Employees.

For prior year salary increases per the recommendation of the President, see Prior Salary Recommendations notes under section 358 of this title.

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of Title 5, Government Organization and Employees.

§ 31–1. Repealed. Pub. L. 102–90, title I, § 6(c), Aug. 14, 1991, 105 Stat. 451

Section, Pub. L. 98–63, title I, § 908(a)–(c), July 30, 1983, 97 Stat. 337, 338; Pub. L. 99–190, § 137, Dec. 19, 1985, 99 Stat. 1323; Pub. L. 101–194, title VI, § 601(b)(2), title XI, § 1101(b), Nov. 30, 1989, 103 Stat. 1762, 1782; Pub. L. 101–280, § 7(b)(2)[(d)(2)], May 4, 1990, 104 Stat. 161, related to maximum amount of honoraria which could be accepted by Members of Congress.

§ 31–2. Gifts and travel

(a) Gifts

(1) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5 or $250, whichever is greater[1] from any person, organization, or corporation unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(2) The prohibitions of this subsection do not apply to gifts—

(A) from relatives;

(B) with a value of $100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978; or

(C) of personal hospitality of an individual.

(3) For purposes of this subsection—

(A) the term ''gift'' means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provided such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, (6) meals or beverages consumed or enjoyed, provided the meals or beverages are not consumed or enjoyed in connection with a gift of overnight lodging, or (7) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and

(B) the term ''relative'' has the same meaning given to such term in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).[2]

(4) If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph (1) such Member, officer, or employee shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

(5)(A) Notwithstanding the provisions of this subsection, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the select[3] Committee on Ethics has determined that participation in such program by Members, officers, or employees of the Senate is in the interests of the Senate and the United States.

(B) Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises to participate in any such program. The chairman of the Select Committee shall place in the Congressional Record a list of all individuals,[4] participating, the supervisors of such individuals where applicable;[5] and the nature and itinerary of such program.

(C) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (A) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

(b) Limits on domestic and foreign travel by Members and staff of Senate

The term ''necessary expenses'', with respect to limits on domestic and foreign travel by Members and staff of the Senate, means reasonable expenses for food, lodging, or transportation which are incurred by a Member, officer, or employee of the Senate in connection with services provided to (or participation in an event sponsored by) the organization which provides reimbursement for such expenses or which provides the food, lodging, or transportation directly. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for a continuous period in excess of 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless such travel is approved by the Committee on Ethics as necessary for participation in a conference, seminar, meeting or similar matter. Necessary expenses do not include the provision of food, lodging, or transportation, or the pay-

[1] So in original. Probably should be followed by a comma.

[2] See References in Text note below.

[3] So in original. Probably should be capitalized.

[4] So in original. The comma probably should not appear.

[5] So in original. The semicolon probably should be a comma.

ment for such expenses, for anyone accompanying a Member, officer, or employee of the Senate, other than the spouse or child of such Member, officer, or employee of the Senate or one Senate employee acting as an aide to a Member.

(Pub. L. 101–194, title IX, §901, Nov. 30, 1989, 103 Stat. 1778; Pub. L. 101–280, §8, May 4, 1990, 104 Stat. 162; Pub. L. 102–90, title III, §314(c), Aug. 14, 1991, 105 Stat. 470.)

REFERENCES IN TEXT

Section 102(a)(2)(A) of the Ethics in Government Act of 1978, referred to in subsec. (a)(2)(B), is section 102(a)(2)(A) of title I of Pub. L. 95–521, as amended. Section 102 was classified to section 702 of this title prior to the general amendment of title I of Pub. L. 95–521 by Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1724. Title I of Pub. L. 95–521, as so amended, is set out in the Appendix to Title 5, Government Organization and Employees.

Section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521), referred to in subsec. (a)(3)(B), was classified to section 707(2) of this title prior to the general amendment of title I of Pub. L. 95–521 by Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1724. Title I of Pub. L. 95–521, as so amended, is set out in the Appendix to Title 5, and the definition of ''relative'' is contained in section 109(16) of Pub. L. 95–521.

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102–90, §314(c)(1)–(3), redesignated par. (2) as (1), substituted ''in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5 or $250, whichever is greater'' for ''having an aggregate value exceeding $300 during a calendar year'', and struck out former par. (1) which read as follows: ''No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.''

Subsec. (a)(2). Pub. L. 102–90, §314(c)(2), (4), redesignated par. (5) as (2) and, in subpar. (B), substituted ''$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978'' for ''less than $75''. Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 102–90, §314(c)(5), redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: ''the term 'foreign national' means a person acting directly or indirectly on behalf of a foreign corporation, partnership, or business enterprise, a foreign trade, cultural, educational, or other association, a foreign political party, or a foreign government;''.

Pub. L. 102–90, §314(c)(1), (2), redesignated par. (6) as (3) and struck out former par. (3) which read as follows: ''In determining the aggregate value of any gift or gifts accepted by an individual during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in paragraph (5)) given by such individual to such person, organization, or corporation during that calendar year.''

Subsec. (a)(4). Pub. L. 102–90, §314(c)(1), (2), redesignated par. (7) as (4) and struck out former par. (4) which read as follows: ''For purposes of this subsection, only the following shall be deemed to have a direct interest in legislation before the Congress:

''(A) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

''(B) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 441b of this title), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.''

Subsec. (a)(5) to (8). Pub. L. 102–90, §314(c)(2), redesignated pars. (5) to (8) as (2) to (5), respectively.

1990—Subsec. (a)(5)(D). Pub. L. 101–280, §8(1)(A), struck out subpar. (D) which read as follows: ''from an individual who is a foreign national if that individual is not acting; directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.''

Subsec. (a)(6)(A) to (C). Pub. L. 101–280, §8(1)(B), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

Subsec. (b). Pub. L. 101–280, §8(2), substituted ''or child of such Member'' for ''of a Member'' and struck out ''(and 2 nights)'' after ''of 3 days'' and ''(and 6 nights)'' after ''or 7 days''.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 314(g) of Pub. L. 102–90, as amended by Pub. L. 102–378, §4(c), Oct. 2, 1992, 106 Stat. 1358, provided that:

''(1) The amendments made by subsections (b) through (f) [amending this section, section 505 of the Ethics in Government Act of 1978, Pub. L. 95–521, set out in the Appendix to Title 5, Government Organization and Employees, and section 7701 of Title 26, Internal Revenue Code] shall take effect on January 1, 1992.

''(2) The amendment made by subsection (a) [amending section 102 of the Ethics in Government Act of 1978, Pub. L. 95–521, set out in the Appendix to Title 5] shall take effect on January 1, 1993.''

[Amendment by Pub. L. 102–378 to section 314(g) of Pub. L. 102–90, set out above, effective Dec. 31, 1991, see section 9(b)(1) of Pub. L. 102–378, set out as an Effective Date of 1992 Amendment note under section 6303 of Title 5.]

§31a. Repealed. Mar. 2, 1955, ch. 9, §4(b), 69 Stat. 11, eff. Mar. 1, 1955

Section, acts Aug. 2, 1946, ch. 753, title VI, §601(b), 60 Stat. 850; Oct. 20, 1951, ch. 521, title VI, §619(d), 65 Stat. 570, related to expense allowance for Senators, Representatives, Delegates, and Resident Commissioner.

§31a–1. Expense allowance of Majority and Minority Leaders of Senate; expense allowance of Majority and Minority Whips; methods of payment; taxability

Effective fiscal year 1978 and each fiscal year thereafter, the expense allowances of the Majority and Minority Leaders of the Senate are increased to $40,000 each fiscal year for each leader: *Provided*, That, effective with the fiscal year 1983 and each fiscal year thereafter, the expense allowance of the Majority and Minority Whips of the Senate shall not exceed $10,000 each fiscal year for each Whip: *Provided further*, That, during the period beginning on January 3, 1977, and ending September 30, 1977, and during each fiscal year thereafter, the Vice President, the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip may receive the expense allowance (a) as reimbursement for actual expenses incurred upon certification and

documentation of such expenses by the Vice President, the respective Leader or the respective Whip, or (b) in equal monthly payments: *Provided further*, That effective January 3, 1977, the amounts paid to the Vice President, the Majority or Minority Leader of the Senate, or the Majority or Minority Whip of the Senate as reimbursement of actual expenses incurred upon certification and documentation pursuant to the second proviso of this section shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under title 26.

(Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 79; Pub. L. 95–94, title I, § 109, Aug. 5, 1977, 91 Stat. 661; Pub. L. 95–355, title I, Sept. 8, 1978, 92 Stat. 532; Pub. L. 98–63, title I, § 101, July 30, 1983, 97 Stat. 333; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 108–7, div. H, title I, § 1(b)(1), (c), Feb. 20, 2003, 117 Stat. 349; Pub. L. 108–447, div. G, title I, § 13(a)(1), Dec. 8, 2004, 118 Stat. 3171.)

CODIFICATION

Section is based on the three provisos in paragraph under heading ''Expense Allowances of the Vice President, Majority and Minority Leaders and Majority and Minority Whips'' in the appropriation for the Senate in the Supplemental Appropriations Act, 1977 (Pub. L. 95–26), and section 109 of the Congressional Operations Appropriation Act, 1978, which is title I of the Legislative Branch Appropriation Act, 1978 (Pub. L. 95–94), and subsequent acts cited in the credits to this section.

AMENDMENTS

2004—Pub. L. 108–447 substituted ''$40,000'' for ''$20,000''.

2003—Pub. L. 108–7 substituted ''$20,000'' for ''$10,000'' and ''not exceed $10,000'' for ''not exceed $5,000''.

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1983—Pub. L. 98–63 substituted provisions increasing allowances for each Whip to $5,000 each fiscal year, effective fiscal year 1983 and each fiscal year thereafter, for provisions authorizing not to exceed $2,500 each fiscal year for each Whip, effective Apr. 1, 1977.

1978—Pub. L. 95–355 substituted provisions increasing allowances for each leader to $10,000 each fiscal year, effective fiscal year 1978 and each fiscal year thereafter, for provisions authorizing not to exceed $5,000 each fiscal year for each leader, effective with fiscal year 1977 and each fiscal year thereafter.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–447, div. G, title I, § 13(c), Dec. 8, 2004, 118 Stat. 3172, provided that: ''The amendments made by this section [amending this section, section 32b of this title, and provisions set out as a note under section 32b of this title] shall apply to fiscal year 2005 and each fiscal year thereafter.''

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 1(f), Feb. 20, 2003, 117 Stat. 349, provided that: ''The amendments made by this section [amending this section, sections 31a–3, 31a–4, and 32b of this title, and section 111 of Title 3, The President] shall apply to fiscal year 2003 and each fiscal year thereafter.''

§ 31a–2. Representation Allowance Account for Majority and Minority Leaders of Senate

(a) Establishment; purpose

There is hereby established an account, within the Senate, to be known as the ''Representation Allowance Account for the Majority and Minority Leaders''. Such Allowance Account shall be used by the Majority and Minority Leaders of the Senate to assist them properly to discharge their appropriate responsibilities in the United States to members of foreign legislative bodies and prominent officials of foreign governments and intergovernmental organizations.

(b) Payments; allotment; reimbursement for actual expenses; taxability

Payments authorized to be made under this section shall be paid by the Secretary of the Senate. Of the funds available for expenditure from such Allowance Account for any fiscal year, one-half shall be allotted to the Majority Leader and one-half shall be allotted to the Minority Leader. Amounts paid from such Allowance Account to the Majority or Minority Leader shall be paid to him from his allotment and shall be paid to him only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses. Amounts paid to the Majority or Minority Leader pursuant to this section shall not be reported as income and shall not be allowed as a deduction under title 26.

(c) Authorization of appropriations

There are authorized to be appropriated for each fiscal year (commencing with the fiscal year ending September 30, 1985) not more than $20,000 to the Allowance Account established by this section.

(Pub. L. 99–88, title I, § 197, Aug. 15, 1985, 99 Stat. 350.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1985.

§ 31a–2a. Transfer of funds from representation allowance of Majority and Minority Leaders of Senate to expense allowance; availability; definitions

(a) The Secretary of the Senate shall, upon the written request of the Majority or Minority Leader of the Senate, transfer from any available funds in such Leader's allotment in the Leader's Representation Allowance (as defined in subsection (b)(1) of this section) for any fiscal year (commencing with the fiscal year ending September 30, 1985) to such Leader's Expense Allowance (as defined in subsection (b)(2) of this section) to such year such amount as is specified in the request. Any funds so transferred for any fiscal year at the request of either such Leader shall be available to such Leader for such year for the same purposes as, and in like manner and subject to the same conditions as, are other funds which are available to him for such year as his expense allowance as Majority or Minority Leader.

(b)(1) The term ''Leader's Representation Allowance'' means the Representation Allowance Account for the Majority and Minority Leaders established by section 31a–2 of this title.

(2) The term ''Leader's Expense Allowance'', when used in reference to the Majority or Minority Leader of the Senate, refers to the moneys available, for any fiscal year, to such Leader

as an expense allowance and the appropriation account from which such moneys are funded.

(Pub. L. 100–71, title I, § 1, July 11, 1987, 101 Stat. 422.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1987.

§ 31a–2b. Transfer of funds from appropriations account of Majority and Minority Leaders of Senate to appropriations account, Miscellaneous Items, within Senate contingent fund

(a) Requests for transfers

Upon the written request of the Majority or Minority Leader of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the headings ''Salaries, Officers and Employees'' and ''Offices of the Majority and Minority Leaders'', such amount as either Leader shall specify to the appropriations account, within the contingent fund of the Senate, ''Miscellaneous Items''.

(b) Authority to incur expenses

The Majority and Minority Leaders of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such leader shall be paid from the amount transferred pursuant to subsection (a) of this section by such leader and upon vouchers approved by such leader.

(c) Authority to advance sums

The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsections (a) and (b) of this section.

(Pub. L. 102–27, title II, Apr. 10, 1991, 105 Stat. 144.)

CODIFICATION

Section is from the Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991.

§ 31a–2c. Transfer of funds from appropriations account of Majority and Minority Whips of Senate to appropriations account, Miscellaneous Items, within Senate contingent fund

(a) Requests for transfers

Upon the written request of the Majority or Minority Whip of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the headings ''SALARIES, OFFICERS AND EMPLOYEES'' and ''OFFICES OF THE MAJORITY AND MINORITY WHIPS'', such amount as either whip shall specify to the appropriations account, within the contingent fund of the Senate, ''MISCELLANEOUS ITEMS''.

(b) Authority to incur expenses

The Majority and Minority Whips of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such whip shall be paid from the amount transferred pursuant to subsection (a) of this section by such whip and upon vouchers approved by such whip.

(c) Authority to advance sums

The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsections (a) and (b) of this section.

(Pub. L. 105–55, title I, § 2, Oct. 7, 1997, 111 Stat. 1180.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1998, which is title I of the Legislative Branch Appropriations Act, 1998.

§ 31a–2d. Transfer of funds from appropriations account of the Office of the Vice President and the Offices of the Secretaries for the Majority and Minority to the Senate contingent fund

(a) Office of the Vice President

(1) In general

Upon the written request of the Vice President, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading ''OFFICE OF THE VICE PRESIDENT'' under the heading ''SALARIES, OFFICERS AND EMPLOYEES'' such amount as the Vice President shall specify to the appropriations account under the heading ''MISCELLANEOUS ITEMS'' within the contingent fund of the Senate.

(2) Authority to incur expenses

The Vice President may incur such expenses as may be necessary or appropriate. Expenses incurred by the Vice President shall be paid from the amount transferred under paragraph (1) by the Vice President and upon vouchers approved by the Vice President.

(3) Authority to advance sums

The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(b) Offices of the Secretaries for the Majority and Minority

(1) In general

Upon the written request of the Secretary for the Majority or the Secretary for the Minority, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading ''OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY'' under the heading ''SALARIES, OFFICERS AND EMPLOYEES'' such amount as the Secretary for the Majority or the Secretary for the Minority shall specify to the appropriations account under the heading ''MISCELLANEOUS ITEMS'' within the contingent fund of the Senate.

(2) Authority to incur expenses

The Secretary for the Majority or the Secretary for the Minority may incur such expenses as may be necessary or appropriate. Ex-

penses incurred by the Secretary for the Majority or the Secretary for the Minority shall be paid from the amount transferred under paragraph (1) by the Secretary for the Majority or the Secretary for the Minority and upon vouchers approved by the Secretary for the Majority or the Secretary for the Minority, as applicable.

(3) Authority to advance sums

The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(c) Effective date

This section shall apply to fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108–447, div. G, title I, § 5, Dec. 8, 2004, 118 Stat. 3169.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 31a–3. Expense allowance for Chairmen of Majority and Minority Conference Committees of Senate; method of payment; taxability

For each fiscal year (commencing with the fiscal year ending September 30, 1985), there is hereby authorized an expense allowance for the Chairmen of the Majority and Minority Conference Committees which shall not exceed $5,000 each fiscal year for each such Chairman; and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses, and amounts so paid shall not be reported as income and shall not be allowed as a deduction under title 26.

(Pub. L. 99–88, title I, Aug. 15, 1985, 99 Stat. 348; Pub. L. 108–7, div. H, title I, § 1(d), Feb. 20, 2003, 117 Stat. 349.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1985.

AMENDMENTS

2003—Pub. L. 108–7 substituted ''not exceed $5,000'' for ''not exceed $3,000''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 applicable to fiscal year 2003 and each fiscal year thereafter, see section 1(f) of Pub. L. 108–7, set out as a note under section 31a–1 of this title.

§ 31a–4. Expense allowance for Chairmen of Majority and Minority Policy Committees of Senate; method of payment; taxability

For each fiscal year (commencing with the fiscal year ending September 30, 2001), there is authorized an expense allowance for the Chairmen of the Majority and Minority Policy Committees which shall not exceed $5,000 each fiscal year for each such Chairman; and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses, and amounts so paid shall not be reported as income and shall not be allowed as a deduction under title 26.

(Pub. L. 106–554, § 1(a)(2) [title I, § 5], Dec. 21, 2000, 114 Stat. 2763, 2763A–97; Pub. L. 108–7, div. H, title I, § 1(e), Feb. 20, 2003, 117 Stat. 349.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2001, which is title I of the Legislative Branch Appropriations Act, 2001.

AMENDMENTS

2003—Pub. L. 108–7 substituted ''$5,000'' for ''$3,000''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 applicable to fiscal year 2003 and each fiscal year thereafter, see section 1(f) of Pub. L. 108–7, set out as a note under section 31a–1 of this title.

§ 31b. Expense allowance of Speaker of House of Representatives

There shall be paid to the Speaker of the House of Representatives in equal monthly installments an expense allowance of $10,000 per annum to assist in defraying expenses relating to or resulting from the discharge of his official duties, for which no accounting, other than for income tax purposes, shall be made by him.

(Jan. 19, 1949, ch. 2, § 1(e), 63 Stat. 4; Oct. 20, 1951, ch. 521, title VI, § 619(c), 65 Stat. 570; Pub. L. 104–186, title II, § 203(1), Aug. 20, 1996, 110 Stat. 1725.)

AMENDMENTS

1996—Pub. L. 104–186 struck out ''(which shall be in lieu of the allowance provided by section 601(b) of the Legislative Reorganization Act of 1946, as amended)'' after ''per annum''.

1951—Act Oct. 20, 1951, made Speaker's expense allowance taxable.

EFFECTIVE DATE OF 1951 AMENDMENT

Amendment by act Oct. 20, 1951, effective at noon, Jan. 3, 1953, see section 619(e) of act Oct. 20, 1951, set out as a note under section 102 of Title 3, The President.

EFFECTIVE DATE

Section effective at noon, Jan. 20, 1949, see section 3 of act Jan. 19, 1949.

§ 31b–1. Former Speakers of House of Representatives; retention of office, furniture, etc., in Congressional district following expiration of term as Representative; exceptions

(a) Each former Speaker of the House of Representatives (hereafter referred to in sections 31b–1 to 31b–7 of this title as the ''Speaker'') is entitled to retain, for as long as he determines there is need therefor, commencing at the expiration of his term of office as a Representative in Congress the complete and exclusive use of one office selected by him in order to facilitate the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives. Such office shall be located in the United States and shall be furnished and maintained by the Government in a condition appropriate for his use.

(b) Sections 31b–1 to 31b–7 of this title shall not apply with respect to any former Speaker of the House of Representatives for any period during which such former Speaker holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate or to any former Speaker separated from the service by reason of expulsion from the House.

(Pub. L. 91–665, ch. VIII, Jan. 8, 1971, 84 Stat. 1989; Pub. L. 93–532, §1, Dec. 22, 1974, 88 Stat. 1723; Pub. L. 99–225, Dec. 28, 1985, 99 Stat. 1743.)

CODIFICATION

Subsection (a) of this section is based on section 1 of House Resolution No. 1238, Ninety-first Congress, Dec. 23, 1970, which was enacted into permanent law by Pub. L. 91–665.

Subsection (b) of this section is based on section 1(b) of Pub. L. 93–532.

As originally enacted into permanent law, section applied to Speaker of House of Representatives in 91st Congress and has been extended to apply to each former Speaker of House of Representatives. See section 1(a) of Pub. L. 93–532, set out as a note under this section.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–225 substituted ''one office selected by him in order to facilitate the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives. Such office shall be located in the United States and shall be furnished and maintained by the Government in a condition appropriate for his use'' for ''the Federal office space which is currently made available for his use in the congressional district represented by him and which shall be maintained by the Government in a condition appropriate for his use as he may request, together with all furniture, equipment, and furnishings currently made available by the Government for his use in connection with such office space, including any necessary replacements of such office furniture, equipment, and furnishings, in order to facilitate the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives''.

EFFECTIVE DATE

Section 7 of House Resolution No. 1238, Ninety-first Congress, Dec. 23, 1970, as enacted into permanent law by Pub. L. 91–665, provided that: ''The foregoing provisions of this resolution [enacting sections 31b–1 to 31b–6 of this title] shall become effective on the date of the enactment of this resolution as permanent law [Jan. 8, 1971].''

EXTENSION OF HOUSE RESOLUTION NO. 1238, 91ST CONGRESS, TO FORMER SPEAKERS OF HOUSE OF REPRESENTATIVES

Section 1(a) of Pub. L. 93–532 provided that: ''The provisions of H. Res. 1238, Ninety-first Congress, as enacted into permanent law by the Supplemental Appropriations Act, 1971 (84 Stat. 1989) [enacting sections 31b–1 to 31b–6 of this title and provision set out as a note under this section], are hereby extended to, and made applicable with respect to, each former Speaker of the House of Representatives, as long as he determines there is need therefor, commencing at the expiration of his term of office as Representative in Congress.''

§ 31b–2. Allowance available to former Speaker for payment of office and other expenses for administration, etc., of matters pertaining to incumbency in office as Representative and Speaker

The Speaker is entitled to have the applicable accounts of the House of Representatives be available for payment of, for as long as he determines there is need therefor, commencing at the expiration of his term of office as a Representative in Congress, an allowance equal to the Members' Representational Allowance (to be paid in the same manner as such Allowance) for office and other expenses incurred in connection with the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives.

(Pub. L. 91–665, ch. VIII, Jan. 8, 1971, 84 Stat. 1989; Pub. L. 93–532, §1(a), Dec. 22, 1974, 88 Stat. 1723; Pub. L. 99–151, title I, §102(b), Nov. 13, 1985, 99 Stat. 797; Pub. L. 104–186, title II, §203(2), Aug. 20, 1996, 110 Stat. 1725.)

CODIFICATION

Section is based on section 2 of House Resolution No. 1238, Ninety-first Congress, Dec. 23, 1970, which was enacted into permanent law by Pub. L. 91–665.

As originally enacted into permanent law, section applied to Speaker of House of Representatives in 91st Congress and has been extended to apply to each former Speaker of House of Representatives. See section 1(a) of Pub. L. 93–532, set out as a note under section 31b–1 of this title.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts of the House of Representatives'' for ''contingent fund of the House'' and ''Members' Representational Allowance'' for ''base allowance component of the Official Expenses Allowance then currently in effect for each Member of the House''.

1985—Pub. L. 99–151 substituted ''have the contingent fund of the House be available for payment of'' for ''reimbursement, from the contingent fund of the House'' and ''an allowance equal to the base allowance component of the Official Expenses Allowance then currently in effect for each Member of the House (to be paid in the same manner as such Allowance)'' for ''in the manner provided by applicable provisions of the Legislative Appropriation Act, 1955, as amended by the Act of June 13, 1957 (71 Stat. 82; Public Law 85–54), and by the provisions of House Resolution 831, Eighty-eighth Congress, adopted August 14, 1964, enacted as permanent law by section 103 of the Legislative Branch Appropriation Act, 1966 (79 Stat. 281; Public Law 89–90; 2 U.S.C. 122a), in an aggregate quarterly amount equal to the aggregate quarterly amount to which a Member of the House of Representatives is entitled under such provisions of law as in effect on January 8, 1971, or as amended or supplemented after such date,''.

EFFECTIVE DATE

Section effective Jan. 8, 1971, see Effective Date note set out under section 31b–1 of this title.

CROSS REFERENCES

For establishment of Members' Representational Allowance, see section 57b of this title.

§ 31b–3. Repealed. Pub. L. 99–151, title I, § 102(b), Nov. 13, 1985, 99 Stat. 797

Section, based on H. Res. No. 1238, §3, Dec. 23, 1970, enacted into permanent law by Pub. L. 91–665, ch. VIII,

Jan. 8, 1971, 84 Stat. 1989; Pub. L. 93–532, § 1(a), Dec. 22, 1974, 88 Stat. 1723, provided for reimbursement of former Speaker of House for telephone service charges for administration, etc., of matters pertaining to incumbency in office as Representative and Speaker.

§ 31b–4. Franked mail and printing privileges of former Speaker

(a) The Speaker may send mail as franked mail under sections 3210 and 3213 of title 39, and send and receive mail as franked mail under section 3211 of that title, for as long as he determines there is need therefor, commencing at the close of the period specified in those sections following the expiration of his term of office as a Representative in Congress. The postage on such mail, including registry fees if registration is required, shall be paid and credited as provided by section 3216(a) of title 39.

(b) For as long as he determines there is need therefor, commencing at the expiration of his term of office as a Representative in Congress, the Speaker shall be entitled to the benefits afforded by section 733 of title 44.

(Pub. L. 91–665, ch. VIII, Jan. 8, 1971, 84 Stat. 1989; Pub. L. 93–532, § 1(a), Dec. 22, 1974, 88 Stat. 1723.)

CODIFICATION

Section is based on section 4 of House Resolution No. 1238, Ninety-first Congress, Dec. 23, 1970, which was enacted into permanent law by Pub. L. 91–665.

As originally enacted into permanent law, section applied to Speaker of House of Representatives in 91st Congress and has been extended to apply to each former Speaker of House of Representatives. See section 1(a) of Pub. L. 93–532, set out as a note under section 31b–1 of this title.

References to sections of Title 39, Postal Service, have been substituted for references to obsolete sections of Title 39, The Postal Service, in view of revision and reenactment of such Title by the Postal Reorganization Act, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 719.

EFFECTIVE DATE

Section effective Jan. 8, 1971, see Effective Date note set out under section 31b–1 of this title.

§ 31b–5. Staff assistance to former Speaker for administration, etc., of matters pertaining to incumbency in office as Representative and Speaker; compensation and status of staff

In order to provide staff assistance to the Speaker in connection with the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives, the contingent fund of the House is hereby made available, for as long as he determines there is need therefor, commencing at the expiration of the term of office of the Speaker as a Representative in Congress for payment of the salaries of an Administrative Assistant, who shall be paid at a basic per annum rate of not to exceed the then current rate for step 11 of level 13 of the House Employees Schedule, as determined by the Speaker, a Secretary, who shall be paid at a basic per annum rate of not to exceed the then current rate for step 8 of level 12 of such Schedule, as determined by the Speaker, and an additional Secretary, who shall be paid at a gross per annum rate of not to exceed the then current rate for step 1 of level 6 of such Schedule as determined by the Speaker, designated and appointed by the Speaker to serve as members of his office staff in such period. Each person so designated and appointed shall be held and considered, for the duration of such appointment, as—

(1) an ''employee'' for the purposes of subchapter I of chapter 81 (relating to compensation for work injuries) of title 5, and

(2) a ''congressional employee'' within the meaning of section 2107 of title 5, for the purposes of—

(A) subchapter III (relating to civil service retirement) of chapter 83 of such title,

(B) chapter 87 (relating to Federal employees group life insurance) of such title, and

(C) chapter 89 (relating to Federal employees group health insurance) of such title.

(Pub. L. 91–665, ch. VIII, Jan. 8, 1971, 84 Stat. 1989; Pub. L. 93–532, § 1(a), Dec. 22, 1974, 88 Stat. 1723; Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668; Pub. L. 99–151, title I, § 102(a), Nov. 13, 1985, 99 Stat. 797; Pub. L. 104–186, title II, § 203(3), Aug. 20, 1996, 110 Stat. 1725; Pub. L. 108–447, div. G, title I, § 110, Dec. 8, 2004, 118 Stat. 3177.)

CODIFICATION

Section is based on section 5 of House Resolution No. 1238, Ninety-first Congress, Dec. 23, 1970, which was enacted into permanent law by Pub. L. 91–665.

Amendment by Pub. L. 95–94 is based on section 2 of House Resolution No. 1576, Ninety-fourth Congress, Sept. 30, 1976, which was enacted into permanent law by Pub. L. 95–94.

As originally enacted into permanent law, section applied to Speaker of House of Representatives in 91st Congress and has been extended to apply to each former Speaker of House of Representatives. See section 1(a) of Pub. L. 93–532, set out as a note under section 31b–1 of this title.

AMENDMENTS

2004—Pub. L. 108–447 substituted ''step 11 of level 13'' for ''step 5 of level 11'' and ''step 8 of level 12'' for ''step 9 of level 8''.

1996—Pub. L. 104–186 substituted ''for payment of'' for ''to enable the Clerk of the House to pay''.

1985—Pub. L. 99–151 substituted ''not to exceed the then current rate for step 5 of level 11 of the House Employees Schedule'' for ''not to exceed $3,000'' the first place it appeared, ''not to exceed the then current rate for step 9 of level 8 of such Schedule'' for ''not to exceed $3,000'' the second place it appeared, and ''not to exceed the then current rate for step 1 of level 6 of such Schedule'' for ''not to exceed $9,000''.

1977—Pub. L. 95–94 inserted reference to an additional Secretary paid at a gross per annum of not to exceed $9,000 as determined by the Speaker and struck out ''as Administrative Assistant or Secretary'' after ''Each person so designated and appointed''.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 2 of H. Res. 1576 provided that amendment is effective on the date of enactment of such section 2 into permanent law, Aug. 5, 1977, the date of approval of Pub. L. 95–94. See Codification note above.

EFFECTIVE DATE

Section effective Jan. 8, 1971, see Effective Date note set out under section 31b–1 of this title.

§ 31b–6. Repealed. Pub. L. 99–151, title I, § 102(b), Nov. 13, 1985, 99 Stat. 797

Section, based on H. Res. No. 1238, § 6, Dec. 23, 1970, enacted into permanent law by Pub. L. 91–665, ch. VIII,

Jan. 8, 1971, 84 Stat. 1989; Pub. L. 93–532, § 1(a), Dec. 22, 1974, 88 Stat. 1723, provided for an allowance to the former Speaker of the House for stationery and other office supplies.

§ 31b–7. Availability of entitlements of former Speaker for 5 years

The entitlements of a former Speaker of the House of Representatives under sections 31b–1 to 31b–7 of this title shall be available—

(1) in the case of an individual who is a former Speaker on October 1, 1993, for 5 years, commencing on October 1, 1993; and

(2) in the case of an individual who becomes a former Speaker after October 1, 1993, for 5 years, commencing at the expiration of the term of office of the individual as a Representative in Congress.

(Pub. L. 103–69, title I, § 101A(a), Aug. 11, 1993, 107 Stat. 699.)

CODIFICATION

Section is based on section 8 of House Resolution No. 1238, Ninety-first Congress, Dec. 23, 1970, as added by Pub. L. 103–69. House Resolution No. 1238 was enacted into permanent law by Pub. L. 91–665, ch. VIII, Jan. 8, 1971, 84 Stat. 1989.

EFFECTIVE DATE

Section 101A(b) of Pub. L. 103–69 provided that: ''The amendment made by subsection (a) [enacting this section] shall take effect on October 1, 1993.''

§ 31c. Repealed. Pub. L. 97–51, § 139(b)(2), Oct. 1, 1981, 95 Stat. 967

Section, acts July 9, 1952, ch. 598, 66 Stat. 467; Aug. 1, 1953, ch. 304, title I, 67 Stat. 322, provided that, for taxable years beginning after Dec. 31, 1953, the place of residence of a Member of Congress (including any Delegate and Resident Commissioner) within the State, congressional district, Territory, or possession which he represented in Congress would be considered his home for the purposes of tax provisions making deductible certain living expenses away from home, but that amounts expended by such Member within each taxable year for living expenses could not be deducted for income tax purposes in excess of $3,000.

EFFECTIVE DATE OF REPEAL

Repeal applicable to taxable years beginning after Dec. 31, 1980, see section 139(b)(3) of Pub. L. 97–51, as amended, set out as an Effective Date of 1981 Amendment note under section 162 of Title 26, Internal Revenue Code.

§ 32. Compensation of President pro tempore of Senate

Whenever there is no Vice President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice President.

(R.S. § 36.)

CODIFICATION

R.S. § 36 derived from act Aug. 16, 1856, ch. 123, § 2, 11 Stat. 48.

CROSS REFERENCES

Compensation of Vice President, see section 104 of Title 3, The President.

§ 32a. Compensation of Deputy President pro tempore of Senate

Effective January 5, 1977, the compensation of a Deputy President pro tempore of the Senate shall be at a rate equal to the rate of annual compensation of the President pro tempore and the Majority and Minority Leaders of the Senate.

(Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 79.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1977.

§ 32b. Expense allowance of President pro tempore of Senate; methods of payment; taxability

Effective with fiscal year 1978 and each fiscal year thereafter, there is hereby authorized an expense allowance for the President Pro Tempore which shall not exceed $40,000 each fiscal year. The President Pro Tempore may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President Pro Tempore, or (2) in equal monthly payments. Such amounts paid to the President Pro Tempore as reimbursement of actual expenses incurred upon certification and documentation pursuant to this provision, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under title 26.

(Pub. L. 95–355, title I, Sept. 8, 1978, 92 Stat. 532; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 108–7, div. H, title I, § 1(b)(2), Feb. 20, 2003, 117 Stat. 349; Pub. L. 108–447, div. G, title I, § 13(a)(2), Dec. 8, 2004, 118 Stat. 3171.)

AMENDMENTS

2004—Pub. L. 108–447 substituted ''$40,000'' for ''$20,000''.

2003—Pub. L. 108–7 substituted ''$20,000'' for ''$10,000''.

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–447 applicable to fiscal year 2005 and each fiscal year thereafter, see section 13(c) of Pub. L. 108–447, set out as a note under section 31a–1 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 applicable to fiscal year 2003 and each fiscal year thereafter, see section 1(f) of Pub. L. 108–7, set out as a note under section 31a–1 of this title.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE

Pub. L. 108–7, div. H, title I, § 7, Feb. 20, 2003, 117 Stat. 350, as amended by Pub. L. 108–447, div. G, title I, §§ 4, 13(b), Dec. 8, 2004, 118 Stat. 3169, 3171, established the Office of the President pro tempore emeritus of the Senate applicable only with respect to the 108th Congress and the 109th Congress.

§ 33. Senators' salaries

Senators elected, whose term of office begins on the 3d day of January, and whose credentials in due form of law shall have been presented in the Senate, may receive their compensation from the beginning of their term.

(June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1022; Pub. L. 97–51, § 112(b)(2), Oct. 1, 1981, 95 Stat. 963.)

PRIOR PROVISIONS

A prior section 33, act Mar. 3, 1883, ch. 143, 22 Stat. 632, entitled Senators to receive their compensation monthly, from the beginning of their term, prior to repeal by section 112(b)(1) of Pub. L. 97–51.

AMENDMENTS

1981—Pub. L. 97–51 struck out ''monthly'' after ''may receive their compensation''.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 112(e) of Pub. L. 97–51 provided that: ''The amendments and repeals made by this section [enacting section 35a of this title and amending this section and sections 39 and 60c–1 of this title] shall be effective in the case of compensation payable for months after December 1981.''

§ 34. Representatives' and Delegates' salaries payable monthly

Representatives and Delegates-elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 26 of this title, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker.

(R.S. § 38; Mar. 3, 1875, ch. 130, § 1, 18 Stat. 389.)

CODIFICATION

R.S. § 38 derived from act Mar. 3, 1873, ch. 226, § 1, 17 Stat. 488.

§ 35. Salaries payable monthly after taking oath

Each Member and Delegate, after he has taken and subscribed the required oath, is entitled to receive his salary at the end of each month.

(R.S. § 39.)

CODIFICATION

R.S. § 39 derived from Res. Mar. 29, 1867, No. 18, 15 Stat. 24.

§ 35a. End-of-the-month salary payment schedule inapplicable to Senators

Section 35 of this title shall not be construed as being applicable to a Senator.

(Pub. L. 97–51, § 112(c), Oct. 1, 1981, 95 Stat. 963.)

CODIFICATION

Provisions of subsec. (c) of section 112 of Pub. L. 97–51 that such subsec. (c) would apply on and after the effective date of the amendments and repeals made by section 112 of Pub. L. 97–51 were omitted in the codification of this section since their impact was identical to that of the effective date provisions of subsec. (e) of section 112 of Pub. L. 97–51, set out as an Effective Date of 1981 Amendment note under section 33 of this title. See Effective Date note below.

EFFECTIVE DATE

Section effective in the case of compensation payable for months after December 1981, see section 112(e) of Pub. L. 97–51, set out as an Effective Date of 1981 Amendment note under section 33 of this title.

§ 36. Salaries of Senators

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified: *Provided*, That when Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

Salaries of Senators elected during a session to succeed appointees shall commence on the day they qualify: *Provided*, That when Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election.

(Feb. 10, 1923, ch. 68, 42 Stat. 1225; Feb. 6, 1931, ch. 111, 46 Stat. 1065; June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1022; Feb. 13, 1935, ch. 6, § 1, 49 Stat. 22, 23.)

PRIOR PROVISIONS

July 31, 1894, ch. 174, 28 Stat. 162.
R.S. § 51.

AMENDMENTS

1935—Act Feb. 13, 1935, inserted proviso as to commencement of salaries of Senators elected during a sine die adjournment on day following their election and provision as to commencement of salaries of Senators elected during a session to succeed appointees on day they qualify but that upon failure to qualify their salaries are to commence on day following sine die adjournment of Senate and struck out provision that salaries of Senators elected to fill vacancies are to commence on day they qualify.

1934—Act June 19, 1934, made nonsubstantive changes in grammar and punctuation.

1931—Act Feb. 6, 1931, made nonsubstantive changes in grammar and punctuation and struck out ''to fill such vacancies'' after ''When no appointments have been made''.

CONSTITUTIONAL PROVISIONS

The first section of amendment XX to the Constitution provides in part: ''* * * 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 the terms of their successors shall then begin.''

§ 36a. Payment of sums due deceased Senators and Senate personnel

Under regulations prescribed by the Secretary of the Senate, a person serving as a Senator or officer or employee whose compensation is disbursed by the Secretary of the Senate may designate a beneficiary or beneficiaries to be paid any unpaid balance of salary or other sums due such person at the time of his death. When any person dies while so serving, any such unpaid balance shall be paid by the disbursing officer of the Senate to the designated beneficiary or beneficiaries. If no designation has been made, such unpaid balance shall be paid to the widow or widower of that person, or if there is no widow or widower, to the next of kin or heirs at law of that person.

Section 50 of the Revised Statutes[1] shall not be effective as to persons included within the foregoing.

(Jan. 6, 1951, ch. 1213, Ch. I, § 1, 64 Stat. 1224; Pub. L. 92–607, ch. V, § 503, Oct. 31, 1972, 86 Stat. 1505.)

REFERENCES IN TEXT

Section 50 of the Revised Statutes, referred to in text, was classified to section 38 of this title and was repealed by Pub. L. 104–186, title II, § 203(4), Aug. 20, 1996, 110 Stat. 1725. See section 38a of this title.

AMENDMENTS

1972—Pub. L. 92–607 inserted provisions for designation of a beneficiary by Senators and officers and employees whose compensation is disbursed by Secretary of Senate to whom shall be paid any unpaid balance of salary or other sums due such person at time of death.

§ 37. Salaries of Representatives, Delegates, and Resident Commissioners elected for unexpired terms

The salaries of Representatives in Congress, Delegates from Territories, and Resident Commissioners, elected for unexpired terms, shall commence on the date of their election and not before.

(July 16, 1914, ch. 141, § 1, 38 Stat. 458.)

§ 38. Repealed. Pub. L. 104–186, title II, § 203(4), Aug. 20, 1996, 110 Stat. 1725

Section, R.S. §§ 49, 50; acts Jan. 20, 1874, ch. 11, 18 Stat. 4; Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301, related to pay of member dying after commencement of Congress. See section 38a of this title.

§ 38a. Disposition of unpaid salary and other sums on death of Representative or Resident Commissioner

When any individual who has been elected a Member of, or Resident Commissioner to, the House of Representatives dies after the commencement of the Congress to which he has been elected, any unpaid balance of salary and other sums due such individual shall be paid to the person or persons surviving at the date of death, in the following order of precedence, and such payment shall be a bar to the recovery by any other person of amounts so paid:

First, to the beneficiary or beneficiaries designated by such individual in writing to receive such unpaid balance and other sums due filed with the Chief Administrative Officer of the House of Representatives and received by the Chief Administrative Officer prior to such individual's death;

Second, if there be no such beneficiary, to the widow or widower of such individual;

Third, if there be no beneficiary or surviving spouse, to the child or children of such individual, and descendants of deceased children, by representation;

Fourth, if none of the above, to the parents of such individual, or the survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased individual, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased individual.

(July 2, 1954, ch. 455, title I, § 105, 68 Stat. 409; Pub. L. 86–102, July 23, 1959, 73 Stat. 224; Pub. L. 104–186, title II, § 203(5), Aug. 20, 1996, 110 Stat. 1725.)

AMENDMENTS

1996—Pub. L. 104–186 struck out "(including amounts held in the trust fund account in the office of the Sergeant at Arms)" after "due such individual" in first undesignated par. and substituted "Chief Administrative Officer of the House of Representatives and received by the Chief Administrative Officer" for "Sergeant at Arms, and received by the Sergeant at Arms" in second undesignated par.

1959—Pub. L. 86–102 inserted provisions including amounts held in trust fund account, authorizing an individual to designate a beneficiary or beneficiaries, and prescribing order of precedence in cases where no designation of beneficiary has been made.

§ 38b. Death gratuity payments as gifts

Any death gratuity payment at any time specifically appropriated by any Act of Congress or at any time made out of the applicable accounts of the House of Representatives or the contingent fund of the Senate shall be held to have been a gift.

(June 5, 1952, ch. 369, Ch. I, 66 Stat. 101; Pub. L. 104–186, title II, § 203(6), Aug. 20, 1996, 110 Stat. 1725.)

CODIFICATION

Section is also set out as section 125a of this title.

AMENDMENTS

1996—Pub. L. 104–186 substituted "applicable accounts of the House of Representatives or the contingent fund" for "contingent fund of the House of Representatives or".

§ 39. Deductions for absence

The Chief Administrative Officer of the House of Representatives (upon certification by the Clerk of the House of Representatives) shall deduct from the monthly payments (or other periodic payments authorized by law) of each Member or Delegate the amount of his salary for each day that he has been absent from the House, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

(R.S. § 40; Pub. L. 97–51, § 112(d), Oct. 1, 1981, 95 Stat. 963; Pub. L. 104–186, title II, § 203(7), Aug. 20, 1996, 110 Stat. 1726; Pub. L. 109–55, title I, § 5, Aug. 2, 2005, 119 Stat. 568.)

CODIFICATION

R.S. § 40 derived from act Aug. 16, 1856, ch. 123, § 6, 11 Stat. 49.

AMENDMENTS

2005—Pub. L. 109–55 struck out "Secretary of the Senate and the" before "Chief Administrative Officer", ", respectively," before "shall deduct from", ", respectively" before ", unless such Member", and "Senate or" after "absent from the".

1996—Pub. L. 104–186 substituted "the Chief Administrative Officer of the House of Representatives (upon certification by the Clerk of the House of Representatives)" for "Sergeant-at-Arms of the House".

[1] See References in Text note below.

1981—Pub. L. 97–51 substituted ''from the monthly payments (or other periodic payments authorized by law)'' for ''from the monthly payments''.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–51 effective in the case of compensation payable for months after December 1981, see section 112(e) of Pub. L. 97–51, set out as a note under section 33 of this title.

§ 40. Deductions for withdrawal

When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his mileage in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives respectively.

(R.S. § 41.)

CODIFICATION

R.S. § 41 derived from Res. July 17, 1862, No. 68, § 2, 12 Stat. 628.

§ 40a. Deductions for delinquent indebtedness

Whenever a Representative, Delegate, Resident Commissioner, or a United States Senator, shall fail to pay any sum or sums due from such person to the House of Representatives or Senate, respectively, the appropriate committee or officer of the House of Representatives or Senate, as the case may be, having jurisdiction of the activity under which such debt arose, shall certify such delinquent sum or sums to the Chief Administrative Officer of the House of Representatives in the case of an indebtedness to the House of Representatives and to the Secretary of the Senate in the case of an indebtedness to the Senate, and such latter officials are authorized and directed, respectively, to deduct from any salary, mileage, or expense money due to any such delinquent such certified amounts or so much thereof as the balance or balances due such delinquent may cover. Sums so deducted by the Secretary of the Senate shall be disposed of by him in accordance with existing law, and sums so deducted by the Chief Administrative Officer of the House of Representatives shall be disposed of by him in accordance with existing law.

(June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1024; Pub. L. 104–186, title II, § 203(8), Aug. 20, 1996, 110 Stat. 1726.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Chief Administrative Officer of the House of Representatives in'' for ''Sergeant at Arms of the House in'' and ''Chief Administrative Officer of the House of Representatives shall be'' for ''Sergeant at Arms of the House shall be paid to the Clerk of the House and''.

§§ 41, 42. Repealed. Pub. L. 104–186, title II, § 203(9)(A), (10), Aug. 20, 1996, 110 Stat. 1726

Section 41, R.S. § 43, provided that no Member or Delegate was entitled to any allowance for newspapers.

Section 42, based on H. Res. No. 420, Ninety-second Congress, May 18, 1971, enacted into permanent law by Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636, related to furnishing of postage stamps to Members, committees, and officers of House of Representatives.

A prior section 42, R.S. § 44, which proscribed compensation or allowance to Senators, Representatives, or Delegates for postage, was repealed by Pub. L. 104–186, title II, § 203(11), Aug. 20, 1996, 110 Stat. 1726. See sections 42a and 46a of this title.

APPLICABILITY OF PROHIBITION DURING NINETY-FIFTH CONGRESS

Section 302(c) of H. Res. No. 287, Ninety-fifth Congress, Mar. 2, 1977, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, which provided that former section 41 of this title was to have no effect during the Ninety-fifth Congress, was repealed by Pub. L. 104–186, title II, § 203(9)(B), Aug. 20, 1996, 110 Stat. 1726.

§ 42a. Special delivery postage allowance for President of Senate

The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year (commencing with the fiscal year ending September 30, 1982) to the President of the Senate, upon request by such person, United States special delivery postage stamps in such amount as may be necessary for the mailing of postal matters arising in connection with his official business.

(Pub. L. 97–51, § 127(a)(1), Oct. 1, 1981, 95 Stat. 965.)

PRIOR PROVISIONS

A prior section 42a, acts July 1, 1941, ch. 268, 55 Stat. 450; June 26, 1944, ch. 277, title I, 58 Stat. 339; June 13, 1945, ch. 189, 59 Stat. 243; Oct. 11, 1951, ch. 485, 65 Stat. 391; July 2, 1954, ch. 455, title I, 68 Stat. 402; Aug. 5, 1955, ch. 568, 69 Stat. 503; June 27, 1956, ch. 453, 70 Stat. 359; July 31, 1958, Pub. L. 85–570, 72 Stat. 442; July 12, 1960, Pub. L. 86–628, 74 Stat. 449; Dec. 30, 1963, Pub. L. 88–248, 77 Stat. 805; July 27, 1965, Pub. L. 89–90, 79 Stat. 268; July 23, 1968, Pub. L. 90–417, 82 Stat. 400; Dec. 12, 1969, Pub. L. 91–145, 83 Stat. 342; July 9, 1971, Pub. L. 92–51, 85 Stat. 128; Oct. 31, 1972, Pub. L. 92–607, ch. V, § 506(k)(1), formerly § 506(h)(1), 86 Stat. 1508, redesignated § 506(i)(1) by Pub. L. 95–391, title I, Sept. 30, 1978, 92 Stat. 773, redesignated § 506(j)(1) by Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, and redesignated § 506(k)(1) by Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, provided for an airmail and special-delivery postage allowance for President of the Senate, prior to repeal by section 127(a)(2) of Pub. L. 97–51.

§§ 42a–1, 42b. Omitted

CODIFICATION

Section 42a–1, act July 2, 1954, ch. 455, title I, 68 Stat. 402, prescribed airmail and special-delivery postage allowances for Speaker and House majority and minority leaders and whips, and was omitted from the Code as superseded by former section 42d of this title.

Section 42b, acts June 22, 1949, ch. 235, 63 Stat. 222; July 2, 1954, ch. 455, title I, 68 Stat. 402, prescribed airmail and special-delivery postage allowances for each House standing committee, and was omitted from the Code as superseded by former section 42c of this title.

§§ 42c, 42d. Repealed. Pub. L. 104–186, title II, § 203(12), Aug. 20, 1996, 110 Stat. 1726

Section 42c, Pub. L. 85–778, § 1, Aug. 27, 1958, 72 Stat. 934; H. Res. No. 532, Eighty-eighth Congress, Oct. 2, 1963, enacted into permanent law by Pub. L. 88–454, § 103, Aug. 20, 1964, 78 Stat. 550; H. Res. No. 1003, Ninetieth Congress, Dec. 14, 1967, enacted into permanent law by Pub. L. 90–392, title I, July 9, 1968, 82 Stat. 318, related

to airmail and special delivery stamps for House Members and standing committees.

Section 42d, Pub. L. 85–778, § 2, Aug. 27, 1958, 72 Stat. 934; H. Res. No. 532, Eighty-eighth Congress, Oct. 2, 1963, enacted into permanent law by Pub. L. 88–454, § 103, Aug. 20, 1964, 78 Stat. 550; H. Res. No. 1003, Ninetieth Congress, Dec. 14, 1967, enacted into permanent law by Pub. L. 90–392, title I, July 9, 1968, 82 Stat. 318, related to airmail and special delivery stamps for House Speaker, leaders, whips, and officers.

EXISTING ENTITLEMENTS

Sections 3 and 4 of Pub. L. 85–778, which provided that Members, committees, and officers of the House of Representatives retained their existing entitlements to airmail and special delivery postage stamps until June 30, 1959, and thereafter the airmail and special delivery stamps made available under former sections 42c and 42d of this title were to be in lieu of any made available under any other law, were repealed by Pub. L. 104–186, title II, § 203(12), Aug. 20, 1996, 110 Stat. 1726.

§§ 43, 43a. Omitted

CODIFICATION

Section 43, acts July 28, 1866, ch. 296, § 17, 14 Stat. 323; Aug. 11, 1993, Pub. L. 103–69, title III, § 310(a), 107 Stat. 712, provided for Senators to receive mileage for travel to and from regular sessions, and was omitted from the Code in view of the termination of mileage under this section for Senators by section 1(a) of Pub. L. 104–53, set out below.

Section 43a, acts July 8, 1935, ch. 374, 49 Stat. 459; Aug. 11, 1993, Pub. L. 103–69, title III, § 310(b), 107 Stat. 712, provided for President of Senate to be paid mileage, and was omitted from the Code in view of the termination of mileage under this section for President of Senate by section 1(b) of Pub. L. 104–53, set out below.

TERMINATION OF MILEAGE FOR SENATORS AND PRESIDENT OF SENATE

Pub. L. 104–53, title I, § 1, Nov. 19, 1995, 109 Stat. 517, provided that:

''(a) On and after October 1, 1995, no Senator shall receive mileage under section 17 of the Act of July 28, 1866 (2 U.S.C. 43).

''(b) On and after October 1, 1995, the President of the Senate shall not receive mileage under the first section of the Act of July 8, 1935 (2 U.S.C. 43a).''

§§ 43b, 43b–1. Repealed. Pub. L. 104–186, title II, § 203(13), (14), Aug. 20, 1996, 110 Stat. 1726

Section 43b, Pub. L. 85–570, July 31, 1958, 72 Stat. 443; Pub. L. 86–176, Aug. 21, 1959, 73 Stat. 401; Pub. L. 88–70, July 19, 1963, 77 Stat. 82; Pub. L. 89–90, July 27, 1965, 79 Stat. 269; Pub. L. 89–147, § 1, Aug. 28, 1965, 79 Stat. 583; Pub. L. 89–545, Aug. 27, 1966, 80 Stat. 358; Pub. L. 90–86, § 1, Sept. 17, 1967, 81 Stat. 226; Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 343; Pub. L. 92–51, July 9, 1971, 85 Stat. 128; Pub. L. 92–607, ch. V, §§ 502, 506(k)(2), formerly § 506(h)(2), Oct. 31, 1972, 86 Stat. 1504, 1508, renumbered § 506(i)(2), Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j)(2), Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, renumbered § 506(k)(2), Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, provided for reimbursement of House Members for additional transportation expenses.

Section 43b-1, Pub. L. 89–147, § 2, Aug. 28, 1965, 79 Stat. 583; Pub. L. 90–86, § 2, Sept. 17, 1967, 81 Stat. 226, authorized election by House Members of lump sum transportation payments in lieu of reimbursement of transportation expenses.

§ 43b–2. Staff expenses for House Members attending organizational caucus or conference

(a) In general

Each Member-elect (other than an incumbent Member reelected to the ensuing Congress) who attends a caucus or conference called under section 29a(a) of this title, and each incumbent Member reelected to the ensuing Congress who attends any such caucus or conference convening after the adjournment sine die of the Congress in the year involved, shall be entitled to designate one staff person to be paid for one round trip between that person's place of residence, provided such place of residence is in the district which the Member-elect or incumbent Member represents, and Washington, District of Columbia, for the purpose of accompanying that Member-elect or incumbent Member to such caucus or conference.

(b) Per diem expenses of staff person

Each Member-elect (other than an incumbent Member reelected to the ensuing Congress) who attends a caucus or conference called under such section 29a(a) of this title shall be entitled to designate one staff person who shall in addition be reimbursed on a per diem or other basis for expenses incurred in accompanying the Member-elect at the time of such caucus or conference.

(c) Orientation programs for new Members

With the approval of the majority leader (in the case of a Member or Member-elect of the majority party) or the minority leader (in the case of a Member or Member-elect of the minority party), subsections (a) and (b) of this section shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members[1] in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference.

(Pub. L. 94–59, title II, § 201, July 25, 1975, 89 Stat. 282; Pub. L. 108–447, div. G, title I, § 107(b)(2), (c)(2), Dec. 8, 2004, 118 Stat. 3176.)

CODIFICATION

Section is based on section 1 of House Resolution No. 10, Ninety-fourth Congress, Jan. 14, 1975, which was enacted into permanent law by Pub. L. 94–59.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–447, § 107(b)(2), substituted a period for ''for a period not to exceed the shorter of the following—

''(i) the period beginning with the day before the designated date upon which such caucus or conference is to convene and ending with the day after the date of the final adjournment of such caucus or conference; or

''(ii) fourteen days.''

Subsec. (c). Pub. L. 108–447, § 107(c)(2), added subsec. (c).

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–447 applicable with respect to the One Hundred Tenth Congress and each succeeding Congress, see section 107(d) of Pub. L. 108–447, set out as a note under section 29a of this title.

§ 43b–3. Payments and reimbursements for certain House staff expenses

(a) Payments and reimbursements to staff persons under section 43b–2 of this title shall be made as provided (with respect to staff) in the

[1] So in original. Probably should be capitalized.

regulations prescribed by the Committee on House Oversight with respect to travel and other expenses of staff. Reimbursements shall be paid on special voucher forms prescribed by the Committee on House Oversight.

(b) Additional funds, if any, for staff allowances and office space for use by Members-elect (other than an incumbent Member reelected to the ensuing Congress) shall be authorized by the Committee on House Oversight.

(Pub. L. 94–59, title II, § 201, July 25, 1975, 89 Stat. 282; Pub. L. 104–186, title II, § 203(15), Aug. 20, 1996, 110 Stat. 1727.)

CODIFICATION

Section is based on section 2 of House Resolution No. 10, Ninety-fourth Congress, Jan. 14, 1975, which was enacted into permanent law by Pub. L. 94–59.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration'' wherever appearing.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 43c. Repealed. Pub. L. 89–147, § 4, Aug. 28, 1965, 79 Stat. 584

Section, Pub. L. 86–628, § 105(c), July 12, 1960, 74 Stat. 461, restricted payment of travel or subsistence expenses of Senators and Representatives to specifically authorized trips, official participation in funeral services of deceased Members, and official trips originating in Senator's State or Representative's district when Congress was not in session.

§ 43d. Organizational expenses of Senator-elect

(a) Appointment of employees by Secretary of Senate to assist; termination of employment

Upon the recommendation of a Senator-elect (other than an incumbent Senator or a Senator elected to fill a vacancy), the Secretary of the Senate shall appoint two employees to assist such Senator-elect. Any employee so appointed shall serve through the day before the date on which the Senator-elect recommending his appointment commences his service as a Senator, except that his employment may be terminated before such day upon recommendation of such Senator-elect.

(b) Payment of salaries of appointed employees; funding; maximum amount

(1) Salaries of employees appointed under subsection (a) of this section shall be paid from the appropriation for ''Administrative, Clerical, and Legislative Assistance to Senators''.

(2) Salaries paid to employees appointed upon recommendation of a Senator-elect under subsection (a) of this section shall be charged against the amount of compensation which may be paid to employees in his office under section 61–1(d) of this title (hereinafter referred to as the ''clerk-hire allowance''), for the fiscal year in which his service as a Senator commences. The total amount of salaries paid to employees so appointed upon recommendation of a Senator-elect shall be charged against his clerk-hire allowance for each month in such fiscal year beginning with the month in which his service as a Senator commences (until the total amount has been charged) by whichever of the following amounts is greater: (1) one-ninth of the amount of salaries so paid, or (2) the amount by which the aggregate amount of his clerk-hire allowance which may be paid as of the close of such month under section 61–1(d)(1)(B) of this title exceeds the aggregate amount of his clerk-hire allowance actually paid as of the close of such month.

(c) Payment of transportation and per diem expenses of Senator-elect and appointed employees for one round trip from home State to Washington, D.C. for business of impending Congress; funding; maximum amount

Each Senator-elect and each employee appointed under subsection (a) of this section is authorized one round trip from the home State of the Senator-elect to Washington, D.C., and return, for the purposes of attending conferences, caucuses, or organizational meetings, or for any other official business connected with the impending Congress. In addition, each Senator-elect and each such employee is authorized per diem for not more than seven days while en route to and from Washington, D.C., and while in Washington, D.C. Such transportation and per diem expenses shall be in the same amounts as are payable to Senators and employees in the office of a Senator under section 58(e) of this title, and shall be paid from the contingent fund of the Senate upon itemized vouchers certified by the Senator-elect concerned and approved by the Secretary of the Senate.

(d) Payment of telegrams, telephone services, and stationery expenses

(1) Each Senator-elect is authorized to be reimbursed for expenses incurred for telegrams, telephone services, and stationery related to his position as a Senator-elect in an amount not exceeding one-twelfth of the total amount of expenses authorized to be paid to or on behalf of a Senator from the State which he will represent under section 58 of this title. Reimbursement to a Senator-elect under this subsection shall be paid from the contingent fund of the Senate upon itemized vouchers certified by such Senator-elect and approved by the Secretary of the Senate.

(2) Amounts reimbursed to a Senator-elect under this subsection shall be charged against the amount of expenses which are authorized to be paid to him or on his behalf under section 58 of this title, for each of the twelve months beginning with the month in which his service as a Senator commences (until all of such amounts have been charged) by whichever of the following amounts is greater: (1) one-twelfth of the amounts so reimbursed, or (2) the amount by which the aggregate amount authorized to be so paid under section 58(c) of this title as of the close of such month exceeds the aggregate amount actually paid under such section 58 as of the close of such month.

(e) Effective Date

This section shall take effect on October 1, 1978.

(Pub. L. 95–355, title I, § 105, Sept. 8, 1978, 92 Stat. 534; Pub. L. 104–197, title I, § 2, Sept. 16, 1996, 110 Stat. 2397.)

AMENDMENTS

1996—Subsec. (d)(1). Pub. L. 104–197 substituted ", telephone services, and stationery" for "and telephone services".

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

References in any law, rule, regulation, or order to Senate appropriation account for Administrative, Clerical, and Legislative Assistance Allowance to Senators deemed references to the "Senators' Official Personnel and Office Expense Account", see section 58c(2) of this title.

§§ 44 to 46. Omitted

CODIFICATION

Section 44, act May 7, 1906, ch. 2083, § 1, 34 Stat. 170, authorized a mileage allowance to Delegate from Alaska, and was omitted from the Code as obsolete because Alaska was admitted into the Union with membership of one Representative in Congress on Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1, 7 and 8 of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Section 45, acts July 1, 1902, ch. 1369, § 8, 32 Stat. 694; Aug. 29, 1916, ch. 416, § 20, 39 Stat. 552, which authorized a mileage allowance to Resident Commissioners from Philippine Islands, and was formerly covered by section 1237 of Title 48, Territories and Insular Possessions, is no longer in force in view of the independence of the Philippine Islands effected by section 1394 of Title 22, Foreign Relations and Intercourse, and proclaimed by the President of the United States in Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, set out as note under section 1394 of Title 22. Act Aug. 29, 1916, ch. 416, § 20, 39 Stat. 552, from which section 45 of this title was derived, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 643.

Section 46, acts Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963; May 17, 1932, ch. 190, 47 Stat. 158, allowed sum of $500 as mileage for each session to Resident Commissioner, and was omitted from the Code as superseded by former section 43b–1 of this title.

§ 46a. Stationery allowance for President of Senate

Effective April 1, 1975, and each fiscal year thereafter, the annual allowance for stationery for the President of the Senate shall be $8,000.

(July 1, 1941, ch. 268, 55 Stat. 450; June 13, 1945, ch. 189, 59 Stat. 244; June 14, 1948, ch. 467, 62 Stat. 425; Oct. 11, 1951, ch. 485, 65 Stat. 391; Aug. 1, 1953, ch. 304, title I, 67 Stat. 320; Aug. 5, 1955, ch. 568, 69 Stat. 504; Pub. L. 88–258, title IV, Jan. 6, 1964, 77 Stat. 864; Pub. L. 90–21, title I, May 29, 1967, 81 Stat. 38; Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 342; Pub. L. 92–51, July 9, 1971, 85 Stat. 128; Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 635; Pub. L. 92–607, ch. V, § 506(k)(3), formerly § 506(h)(3), Oct. 31, 1972, 86 Stat. 1508, renumbered § 506(i)(3), Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j)(3), Pub. L. 96–304, title I, § 101(e), July 8, 1980, 94 Stat. 889, renumbered § 506(k)(3), Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189; Pub. L. 94–32, title I, June 12, 1975, 89 Stat. 182; Pub. L. 108–7, div. H, title I, § 2(a), Feb. 20, 2003, 117 Stat. 349.)

CODIFICATION

Section is from Legislative Branch Appropriation Act, 1942, and subsequent Legislative Branch Appropriation Acts.

AMENDMENTS

2003—Pub. L. 108–7 substituted "$8,000" for "$4,500".

1975—Pub. L. 94–32 substituted "Effective April 1, 1975, and each fiscal year thereafter" for "Effective with the fiscal year 1972 and thereafter" and "$4,500" for "$3,600".

1972—Pub. L. 92–607 repealed this section insofar as it related to Senators. For purposes of codification this entailed substituting a period for a comma following "President of the Senate shall be $3,600" and striking out provisions which allowed Senators from $3,600 to $5,000 annually depending on the population of the Senator's home State. See section 58 of this title.

1971—Pub. L. 92–184 inserted provision for an increased allowance for Senators from more populous States ranging from $3,800 for Senators from States of from 3,000,000 to 4,999,999 population to $5,000 for Senators from States of 17,000,000 population and over.

Pub. L. 92–51 provided allowance for Senators from States having population of ten million or more inhabitants of $4,000 per annum effective fiscal year 1972 and thereafter.

1969—Pub. L. 91–145 increased allowance from $3,000 to $3,600 effective with fiscal year 1970.

1967—Pub. L. 90–21 increased allowance from $2,400 to $3,000 effective with fiscal year 1967.

1964—Pub. L. 88–258 increased allowance from $1,800 to $2,400 effective with fiscal year 1964.

1955—Act Aug. 5, 1955, increased allowance from $1,200 to $1,800.

1953—Act Aug. 1, 1953, increased allowance from $800 to $1,200 effective with fiscal year 1954.

1951—Act Oct. 11, 1951, increased allowance from $500 to $800.

1948—Act June 14, 1948, increased allowance from $400 to $500.

1945—Act June 13, 1945, increased allowance from $200 to $400.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 2(b), Feb. 20, 2003, 117 Stat. 349, provided that: "The amendment made by this section [amending this section] shall apply to fiscal year 2003 and each fiscal year thereafter."

EFFECTIVE DATE OF 1972 AMENDMENT

Section 506(k), formerly § 506(h), of Pub. L. 92–607, renumbered § 506(i) by Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j) by Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, and renumbered § 506(k) by Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, provided that the amendment made by that section is effective Jan. 1, 1973.

ADDITIONAL ALLOWANCES

The following acts authorized additional stationery allowances for each Senator and the President of the Senate:

July 15, 1952, ch. 758, Ch. II, 66 Stat. 639.
Sept. 27, 1950, ch. 1052, Ch. II, 64 Stat. 1047.
Oct. 10, 1949, ch. 662, title I, 63 Stat. 738.
May 10, 1948, ch. 270, 62 Stat. 213.
May 1, 1947, ch. 49, title I, 61 Stat. 58.
July 23, 1946, ch. 591, title I, 60 Stat. 602.
Dec. 28, 1945, ch. 589, title I, 59 Stat. 633.

§ 46a–1. Senate revolving fund for stationery allowances; availability of unexpended balances; withdrawals

There is established within the Contingent Fund of the Senate a revolving fund which shall consist of (1) the unexpended balance of the ap-

propriation ''Contingent Expenses, Senate, Stationery, fiscal year 1957'', (2) any amounts hereafter appropriated for stationery allowances of the President of the Senate, and for stationery for use of officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, and (3) any undeposited amounts heretofore received, and any amounts hereafter received as proceeds of sales by the stationery room of the Senate. Any moneys in the fund shall be available until expended for use in the same manner and for the same purposes as funds heretofore appropriated to the Contingent Fund of the Senate for stationery, except that (1) the balance of any amount appropriated for stationery for use of committees and officers of the Senate which remains unexpended at the end of any fiscal year and (2) allowances which are not available for obligation due to vacancies or waiver of entitlement thereto, shall be withdrawn from the revolving fund. Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.

(Pub. L. 85–58, ch. XI, June 21, 1957, 71 Stat. 188; Pub. L. 92–607, ch. V, § 506(*l*), formerly § 506(i), Oct. 31, 1972, 86 Stat. 1508, renumbered § 506(j), Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(k) and amended Pub. L. 96–304, title I, §§ 101, 112(b)(3), July 8, 1980, 94 Stat. 889, 892, renumbered § 506(*l*), Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189; Pub. L. 105–55, title I, § 7, Oct. 7, 1997, 111 Stat. 1181.)

AMENDMENTS

1997—Pub. L. 105–55, which directed the amendment of section 1101 of Pub. L. 85–58 by inserting at end ''Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.'', was executed by making the insertion at the end of this section which is second par. under heading ''CONTINGENT EXPENSES OF THE SENATE'' to reflect the probable intent of Congress.

1980—Pub. L. 96–304, § 112(b)(3), substituted in cl. (2), ''officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate'' for ''committees and officers of the Senate''.

1972—Pub. L. 92–607 struck out ''and of Senators'' after ''the President of the Senate''.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 112(b) of Pub. L. 96–304 provided that the amendment made by section 112(b)(3) of Pub. L. 96–304 is effective as of the close of Feb. 28, 1981.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 506(*l*), formerly § 506(i), of Pub. L. 92–607, renumbered § 506(j) by Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(k) by Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, and renumbered § 506(*l*) by Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, provided that the amendment made by that section is effective Jan. 1, 1973.

TRANSFER OF MONEYS TO FUND BY SECRETARY OF THE SENATE

Pub. L. 101–163, title I, § 6, Nov. 21, 1989, 103 Stat. 1045, provided that: ''On and after the date this Act becomes law [Nov. 21, 1989], the Secretary of the Senate, subject to the approval of the Committee on Appropriations of the Senate, is authorized to provide up to $1,000,000 for capitalization purposes to the revolving fund established by the last paragraph under the heading 'Contingent Expenses of the Senate' appearing under the heading 'SENATE' in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 46a–1), by transferring to such revolving fund any funds available from any Senate appropriation account, with respect to which he has disbursement authority, for the fiscal year in which the transfer is made (or for any preceding fiscal year) or which have been made available until expended; and any moneys so transferred shall be available for use in like manner and to the same extent as the moneys in such revolving fund which were not transferred thereto pursuant to this section.''

§ 46a–2. Omitted

CODIFICATION

Section, Pub. L. 89–545, § 101, Aug. 27, 1966, 80 Stat. 356, provided, effective fiscal year 1967 and thereafter, for stationery allowance of $3,000 per annum for Senators from States having population of 10 million or more inhabitants. See amendment by Pub. L. 90–21 to section 46a of this title providing such an allowance to all Senators effective fiscal year 1967 and thereafter.

§ 46a–3. Repealed. Pub. L. 92–607, ch. V, § 506(k)(4), formerly § 506(h)(4), Oct. 31, 1972, 86 Stat. 1508, renumbered § 506(i)(4), Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j)(4), Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, renumbered § 506(k)(4), Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189

Section, Pub. L. 90–417, § 106, July 23, 1968, 82 Stat. 413, placed limits on the availability of the stationery allowance for Senators. See section 58 of this title.

EFFECTIVE DATE OF REPEAL

Section 506(k), formerly § 506(h), of Pub. L. 92–607, as amended by Pub. L. 93–145, § 101, Nov. 1, 1973, 87 Stat. 532, and renumbered § 506(i) by Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j) by Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, and renumbered § 506(k) by Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, provided that, insofar as this section has application to Senators, the repeal is effective Jan. 1, 1973.

§ 46a–4. Omitted

CODIFICATION

Section, Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 342, made section 46a–3 of this title applicable to President of Senate, and was omitted from the Code in view of the repeal of section 46a–3.

§ 46b. Repealed. Pub. L. 104–186, title II, § 203(16), Aug. 20, 1996, 110 Stat. 1727

Section, acts July 2, 1954, ch. 455, title I, 68 Stat. 402; July 12, 1960, Pub. L. 86–628, 74 Stat. 452; H. Res. No. 533, Eighty-eighth Congress, Oct. 2, 1963, enacted into permanent law by act Aug. 20, 1964, Pub. L. 88–454, § 103, 78 Stat. 550; H. Res. No. 1029, Eighty-ninth Congress, Oct. 5, 1966; H. Res. No. 112, Ninetieth Congress, Mar. 8, 1967, enacted into permanent law by act May 29, 1967, Pub. L. 90–21, title I, 81 Stat. 38, related to stationery allowance for House Members.

Provisions similar to those in this section were contained in the following prior acts:

Aug. 1, 1953, ch. 304, title I, 67 Stat. 324.
July 9, 1952, ch. 598, 66 Stat. 469.
Oct. 11, 1951, ch. 486, 65 Stat. 394.
Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 600.
June 22, 1949, ch. 235, 63 Stat. 221.
June 14, 1948, ch. 467, 62 Stat. 428.
July 17, 1947, ch. 262, 61 Stat. 366.
June 16, 1939, ch. 208, 53 Stat. 830.

§ 46b–1. House revolving fund for stationery allowances; disposition of moneys from stationery sales; availability of unexpended balances

There is established a revolving fund for the purpose of administering the funds appropriated for stationery allowances to each Representative, Delegate, the Resident Commissioner from Puerto Rico; and stationery for use of the committees, departments, and officers of the House. All moneys hereafter received by the stationery room of the House of Representatives from the sale of stationery supplies and other equipment shall be deposited in the revolving fund and shall be available for disbursement from the fund in the same manner as other sums that may be appropriated by the Congress for this purpose. The unexpended balance of all moneys heretofore received by the stationery room of the House of Representatives from the sale of stationery supplies and equipment shall be deposited in the Treasury of the United States to the credit of the fund: *Provided*, That the unexpended balances in the appropriations ''Contingent expenses, House of Representatives, stationery, 1945–1946''; ''Contingent expenses, House of Representatives, stationery, 1946''; ''Contingent expenses, House of Representatives, stationery, 1947–48'', as of June 30, 1947, shall be transferred to and made available for expenditure out of the fund, together with appropriations herein or hereafter made therefor, to remain available until expended.

(July 17, 1947, ch. 262, 61 Stat. 366.)

CHANGE OF NAME

Stationery room of House of Representatives redesignated Office Supply Service.

§ 46b–2. Repealed. Pub. L. 104–186, title II, § 203(17), Aug. 20, 1996, 110 Stat. 1727

Section, act Feb. 27, 1956, ch. 73, 70 Stat. 31, provided for prorated stationery allowance for House Members.

§§ 46c, 46d. Repealed. Pub. L. 90–57, July 28, 1967, 81 Stat. 129

Section 46c, acts June 13, 1945, ch. 189, 59 Stat. 244; July 1, 1946, ch. 530, 60 Stat. 392; Aug. 2, 1946, ch. 753, title I, § 102, 60 Stat. 814; Nov. 1, 1951, ch. 665, Ch. 1, 65 Stat. 760; Aug. 1, 1953, ch. 304, title I, 67 Stat. 321; June 27, 1956, ch. 453, 70 Stat. 360; Jan. 6, 1964, Pub. L. 88–258, title IV, 77 Stat. 863; July 27, 1965, Pub. L. 89–90, 79 Stat. 268; Aug. 27, 1966, Pub. L. 89–545, 80 Stat. 357, provided for payment of long-distance telephone calls for Senators and Vice President made to and from Washington, D.C. See section 58 of this title.

Section 46d, acts June 13, 1945, ch. 189, 59 Stat. 244; July 1, 1946, ch. 530, 60 Stat. 392; Aug. 2, 1946, ch. 753, title I, § 102, 60 Stat. 814; Aug. 1, 1953, ch. 304, title I, 67 Stat. 321; July 2, 1954, ch. 455, title I, 68 Stat. 400; July 31, 1958, Pub. L. 85–570, 72 Stat. 442; July 27, 1965, Pub. L. 89–90, 79 Stat. 268, provided for payment from contingent fund of Senate of long-distance telephone calls for Senators, originating and terminating outside Washington, D.C., and additional payments for calls to or from Washington, D.C. See section 58 of this title.

EFFECTIVE DATE OF REPEAL

Pub. L. 90–57 provided that the repeal is effective Jan. 1, 1968.

§ 46d–1. Long-distance telephone calls for Vice President

Commencing January 20, 1949, the provisions of existing law relating to long-distance telephone calls for Senators shall be equally applicable to the Vice President of the United States.

(May 24, 1949, ch. 138, title I, 63 Stat. 77.)

§ 46d–2. Repealed. Pub. L. 90–57, July 28, 1967, 81 Stat. 130

Section, Pub. L. 89–90, § 101, July 27, 1965, 79 Stat. 268, provided for computation of long-distance telephone calls for Senators, wide area telephone service contracts, and effective date of changes. See section 58 of this title.

EFFECTIVE DATE OF REPEAL

Pub. L. 90–57 provided that the repeal is effective Jan. 1, 1968.

§ 46d–3. Repealed. Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 635

Section, Pub. L. 90–21, title I, May 29, 1967, 81 Stat. 38, made contingent fund of Senate available for reimbursement of each Senator of strictly official telephone service charges incurred outside District of Columbia up to $300 in each fiscal quarter. See section 58 of this title.

EFFECTIVE DATE OF REPEAL

Pub. L. 92–184 provided that the repeal is effective Jan. 1, 1972.

§ 46d–4. Repealed. Pub. L. 92–607, ch. V, § 506(k)(5), formerly § 506(h)(5), Oct. 31, 1972, 86 Stat. 1508, renumbered § 506(i)(5), Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j)(5), Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, renumbered § 506(k)(5), Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189

Section, Pub. L. 90–57, July 28, 1967, 81 Stat. 130, authorized payment from contingent fund of Senate of charges for long distance telephone calls by Senators. See section 58 of this title.

EFFECTIVE DATE OF REPEAL

Section 506(k), formerly § 506(h), of Pub. L. 92–607, renumbered § 506(i) by Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j) by Pub. L. 96–304 title I, § 101, July 8, 1980, 94 Stat. 889, and renumbered § 506(k) by Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, provided that the repeal is effective Jan. 1, 1973.

§ 46d–5. Repealed. Pub. L. 92–342, July 10, 1972, 86 Stat. 435

Section, Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 810, related to reimbursement to Senators and President of Senate of official telephone and telegraph communications charges incurred by them or on their behalf out of contingent fund of Senate up to a maximum of $150 per annum.

EFFECTIVE DATE OF REPEAL

Pub. L. 92–342 provided that the repeal is effective July 1, 1972.

§ 46e. Repealed. Pub. L. 92–607, ch. V, § 506(k)(6), formerly § 506(h)(6), Oct. 31, 1972, 86 Stat. 1508, renumbered § 506(i)(6), Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j)(6), Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, renumbered § 506(k)(6), Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189

Section, acts July 1, 1946, ch. 530, 60 Stat. 392; Aug. 2, 1946, ch. 753, title I, § 102, 60 Stat. 814, authorized the payment of charges for telegrams by Senators. See section 58 of this title.

EFFECTIVE DATE OF REPEAL

Section 506(k), formerly § 506(h), of Pub. L. 92–607, renumbered § 506(i) by Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, renumbered § 506(j) by Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, and renumbered § 506(k) by Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, provided that the repeal is effective Jan. 1, 1973.

§ 46f. Repealed. Pub. L. 104–186, title II, § 203(18)(A), Aug. 20, 1996, 110 Stat. 1727

Section, acts June 23, 1949, ch. 238, § 1, 63 Stat. 264; May 29, 1951, ch. 117, § 1, 65 Stat. 47; Mar. 10, 1953, ch. 6, § 1, 67 Stat. 5; Feb. 27, 1956, ch. 74, § 1, 70 Stat. 31; Sept. 21, 1959, Pub. L. 86–340, § 1, 73 Stat. 605, related to telephone, telegraph, and radiotelegraph allowances for Representatives, Delegates, and Resident Commissioner.

§ 46f–1. Repealed. Feb. 27, 1956, ch. 74, § 2(b), 70 Stat. 32

Section, act July 2, 1954, ch. 455, title I, 68 Stat. 402, fixed maximum minute allowance on long distance telephone calls of House Members, Delegates, and Resident Commissioner.

EFFECTIVE DATE OF REPEAL

Section 3 of act Feb. 27, 1956, provided that: ''The amendments made by this Act [amending sections 46f and 46g of this title and repealing this section] shall take effect as of noon on January 3, 1956.''

§§ 46g, 46g–1. Repealed. Pub. L. 104–186, title II, § 203(18)(B), (19), Aug. 20, 1996, 110 Stat. 1727, 1728

Section 46g, acts June 23, 1949, ch. 238, § 2, 63 Stat. 265; May 29, 1951, ch. 117, § 1, 65 Stat. 47; July 8, 1952, ch. 590, § 1, 66 Stat. 443; Mar. 10, 1953, ch. 6, § 1, 67 Stat. 5; Feb. 27, 1956, ch. 74, § 2(a), (c), 70 Stat. 32; Sept. 4, 1957, Pub. L. 85–289, § 1, 71 Stat. 614; Sept. 21, 1959, Pub. L. 86–340, § 2, 73 Stat. 605; H. Res. No. 735, Eighty-seventh Congress, July 25, 1962, enacted into permanent law by act Dec. 30, 1963, Pub. L. 88–248, § 103, 77 Stat. 817; H. Res. No. 531, Eighty-eighth Congress, Oct. 2, 1963, enacted into permanent law by act Aug. 20, 1964, Pub. L. 88–454, § 103, 78 Stat. 550; Aug. 21, 1965, Pub. L. 89–131, § 1, 79 Stat. 544; H. Res. No. 901, Eighty-ninth Congress, July 29, 1966, enacted into permanent law by act Oct. 27, 1966, Pub. L. 89–697, ch. VI, 80 Stat. 1064, related to telephone, telegraph, and radiotelegraph allowances for House Members.

Section 46g–1, based on H. Res. No. 418, § 1, Ninety-second Congress, May 18, 1971, enacted into permanent law by Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636, related to telephone allowances for House Members for strictly official telephone service.

A prior section 46g-1, based on H. Res. No. 161, Ninetieth Congress, May 11, 1967, enacted into permanent law by Pub. L. 90–392, title I, July 9, 1968, 82 Stat. 318, was repealed by H. Res. No. 418, § 3, Ninety-second Congress, May 18, 1971, enacted into permanent law by Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636, effective Dec. 15, 1971.

§ 46h. Repealed. May 29, 1951, ch. 117, § 2, 65 Stat. 47, eff. July 1, 1951

Section, act June 23, 1949, ch. 238, § 3, 63 Stat. 265, related to limitation on charging telegrams to official business of the House.

§ 46i. Repealed. Pub. L. 104–186, title II, § 203(18)(C), Aug. 20, 1996, 110 Stat. 1728

Section, acts June 23, 1949, ch. 238, § 6, 63 Stat. 265; May 29, 1951, ch. 117, § 3, 65 Stat. 47, defined terms used in former section 46g of this title.

§ 47. Mode of payment

The compensation of Members and Delegates shall be passed as public accounts, and paid out of the public Treasury.

(R.S. § 46.)

CODIFICATION

R.S. § 46 derived from acts Jan. 22, 1818, ch. 5, § 3, 3 Stat. 404, and Feb. 10, 1854, ch. 11, § 1, 10 Stat. 267.

§ 48. Certification of salary and mileage accounts

Salary and mileage accounts of Representatives and Delegates shall be certified by the Speaker of the House of Representatives; and such certificates shall be conclusive upon all the departments and officers of the Government.

(R.S. §§ 47, 48; July 28, 1866, ch. 296, § 17, 14 Stat. 323; Jan. 20, 1874, ch. 11, 18 Stat. 4; Pub. L. 108–447, div. G, title I, § 11, Dec. 8, 2004, 118 Stat. 3171.)

CODIFICATION

R.S. § 47 derived from acts July 28, 1866, ch. 296, § 17, 14 Stat. 323, and Jan. 22, 1818, ch. 5, § 3, 3 Stat. 404.

R.S. § 48 derived from act Sept. 30, 1850, ch. 90, § 1, 9 Stat. 523.

R.S. § 47 constitutes first clause and R.S. § 48 constitutes remainder.

AMENDMENTS

2004—Pub. L. 108–447 substituted ''of Representatives and Delegates shall be certified'' for ''of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates''.

§ 49. Certificate of salary during recess

The Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress after the first session and until the first day of the second session, the certificates for the monthly compensation of Members and Delegates in Congress, which certificate shall be in the form in use on August 15, 1876, and shall have the like force and effect as is given to the certificate of the Speaker.

(Aug. 15, 1876, ch. 287, § 1, 19 Stat. 145.)

§ 50. Substitute to sign certificates for salary and accounts

The Speaker is authorized to designate from time to time some one from among those appointed by him and appropriated for and employed in his office, whose duty it shall be under the direction of the Speaker to sign in his name and for him all certificates required by section 48 of this title for salary and accounts for traveling expenses in going to and returning from Congress of Representatives and Delegates.

(Nov. 12, 1903, P. Res. No. 1, 33 Stat. 1.)

§ 51. Monuments to deceased Senators or House Members

Whenever any deceased Senator or Member of the House of Representatives shall be actually interred in the Congressional Cemetery, so-called, it shall be the duty of the Sergeant at Arms of the Senate, in the case of a Senator, and of the Sergeant at Arms of the House of Representatives, in the case of a Member of the House, to have a monument erected, of granite, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent funds of the Senate or of the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions, as aforesaid, are directed and authorized to be supplied in like manner.

(May 23, 1876, ch. 103, 19 Stat. 54.)

NATIONAL TRUST ENDOWMENT FOR CARE AND MAINTENANCE OF CONGRESSIONAL CEMETERY

Pub. L. 105–275, title II, § 209, Oct. 21, 1998, 112 Stat. 2448, provided that:

''(a) GRANT FOR CARE AND MAINTENANCE OF CONGRESSIONAL CEMETERY.—In order to assist in the perpetual care and maintenance of the historic Congressional Cemetery, the Architect of the Capitol shall make a grant to the National Trust for Historic Preservation (hereafter in this section referred to as the 'National Trust') in accordance with an agreement entered into by the Architect of the Capitol with the National Trust and the Association for the Preservation of Historic Congressional Cemetery (hereafter in this section referred to as the 'Association') which contains the terms and conditions described in subsection (b) and such other provisions as the Architect may deem necessary or desirable for the implementation of this section or for the protection of the interests of the Federal Government.

''(b) TERMS AND CONDITIONS OF AGREEMENT.—The terms and conditions described in this subsection are as follows:

''(1) Upon receipt of the amounts provided under the grant made under subsection (a), the National Trust shall deposit the amounts in a permanently restricted account in its endowment and shall administer, invest, and manage such grant funds in the same manner as other National Trust endowment funds.

''(2) The National Trust shall make distributions to the Association from the amounts deposited in the endowment pursuant to paragraph (1), in accordance with its regularly established spending rate, for the care and maintenance of the Cemetery (other than the cost of personnel), except that the National Trust may only make such distributions incrementally and proportionately upon receipt by the National Trust of contributions from the Association which incrementally match the amounts provided under the grant made under subsection (a) and which are to be added to the permanently restricted account described in paragraph (1).

''(3) The Association shall use such distributions from the endowment and the match for the care and maintenance of Congressional Cemetery, except that the Association may not use such distributions for nonroutine restoration or capital projects.

''(4) The Association, or any successor thereto, shall maintain adequate records and accounts of all financial transactions and operations carried out with such distributions, and such records shall be available at all times for audit and investigation by the Architect of the Capitol and the Comptroller General.

''(c) NO TITLE IN UNITED STATES.—Nothing in this section shall be construed to vest title to the Congressional Cemetery in the United States.''

CONGRESSIONAL CEMETERY; RESTORATION AND PRESERVATION; GRANTS TO THE ASSOCIATION FOR THE PRESERVATION OF HISTORIC CONGRESSIONAL CEMETERY

Pub. L. 97–245, Aug. 26, 1982, 96 Stat. 313, provided: ''That the Congress finds and declares that—

''(1) sections of the Congressional Cemetery in the District of Columbia are of national historic significance, including those areas in which John Philip Sousa, Matthew Brady, J. Edgar Hoover, several former Members of the United States Senate and House of Representatives, and many other persons of historical importance and interest are buried; and

''(2) the physical condition of these areas and related portions of the cemetery has deteriorated to the extent that restoration is necessary to protect and preserve the historical values of these areas.

''SEC. 2. In order to assist in the restoration and preservation of the historic values of the Congressional Cemetery, the Architect of the Capitol is authorized and directed to make grants to the Association for the Preservation of Historic Congressional Cemetery, Washington, District of Columbia, to be used for a program of restoration and preservation (but not routine maintenance) of the cemetery to be carried out under terms and conditions to be prescribed by the Architect of the Capitol. The Association shall maintain adequate records and accounts of all financial transactions and operations carried out under such program, and such records shall be available at all times for audit and investigation by the Architect or the Comptroller General of the United States. Nothing in this Act [this note] shall be construed to vest title to the Congressional Cemetery in the United States.

''SEC. 3. There is authorized to be appropriated $300,000 for grants to be made under section 2 of this Act, such sums to remain available until expended.

''SEC. 4. No authority under this Act [this note] to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts.''

§§ 52, 53. Repealed. Pub. L. 92–607, ch. V, § 506(k)(7), formerly § 506(h)(7), Oct. 31, 1972, 86 Stat. 1508, redesignated § 506(i)(7), Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, redesignated § 506(j)(7), Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, redesignated § 506(k)(7), Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189

Section 52, Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 634, provided for office space for Senators in their home states. See section 58 of this title.

Similar provisions were contained in the following prior appropriations acts:

June 27, 1956, ch. 453, 70 Stat. 359, as amended Pub. L. 89–211, § 1(b), Sept. 29, 1965, 79 Stat. 857.
Aug. 5, 1955, ch. 568, 69 Stat. 504.
July 2, 1954, ch. 455, title I, 68 Stat. 399.
Aug. 1, 1953, ch. 304, title I, 67 Stat. 321.
July 9, 1952, ch. 598, 66 Stat. 466.
Oct. 11, 1951, ch. 485, 65 Stat. 391.
Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 597.
June 22, 1949, ch. 235, 63 Stat. 219.
June 14, 1948, ch. 467, 62 Stat. 425.

Section 53, Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 634, provided for payment of office expenses of Senators in their home states. See section 58 of this title.

Similar provisions were contained in the following prior appropriations acts:

June 27, 1956, ch. 453, 70 Stat. 359, as amended Pub. L. 89–90, July 27, 1965, 79 Stat. 269; Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 343.

Aug. 5, 1955, ch. 568, 69 Stat. 504.
July 2, 1954, ch. 455, title I, 68 Stat. 399.

EFFECTIVE DATE OF REPEAL

Section 506(k), formerly § 506(h), of Pub. L. 92–607, redesignated § 506(i) by Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, redesignated § 506(j) by Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, and redesignated § 506(k) by Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, provided that the repeal is effective Jan. 1, 1973.

§ 54. Annotated United States Code for Members of House of Representatives to be paid for from Members' Representational Allowance

(a) In general

The Clerk of the House of Representatives shall, at the request of a Member of the House of Representatives, furnish to the Member, for official use only, one set of a privately published annotated version of the United States Code, including supplements and pocket parts. The furnishing of a set of the United States Code under this section shall be in lieu of any distribution under section 212 of title 1 and shall be paid for from the Members' Representational Allowance.

(b) "Member of the House of Representatives" defined

As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(c) Regulations

The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(Pub. L. 104–186, title I, § 107, Aug. 20, 1996, 110 Stat. 1723.)

CODIFICATION

Section is comprised of section 107 of Pub. L. 104–186. Subsec. (d) of section 107 of Pub. L. 104–186 repealed former section 54 of this title. See Prior Provisions note below.

PRIOR PROVISIONS

A prior section 54, based on H. Res. No. 506, Ninetieth Congress, Aug. 21, 1967, enacted into permanent law by Pub. L. 90–392, title I, July 9, 1968, 82 Stat. 318, related to procurement for House Members of sets of United States Code Annotated or Federal Code Annotated, prior to repeal by Pub. L. 104–186, title I, § 107(d), Aug. 20, 1996, 110 Stat. 1723.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 55. United States Code Annotated or United States Code Service; procurement for Senators

In lieu of the volumes of the Code of Laws of the United States, and the supplements thereto, supplied a Senator under section 212 of title 1, the Secretary of the Senate is authorized and directed to supply to a Senator upon written request of, and as specified by, that Senator—

(1) one copy of each of the volumes of the United States Code Annotated being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume, each annual pocket part, and each pamphlet supplementing each such pocket part to the United States Code Annotated; or

(2) one copy of each of the volumes of the United States Code Service being published at the time the Senator takes office, and, as long as the Senator holds office, one copy of each replacement volume and each pocket supplement to the United States Code Service.

A Senator is entitled to make a written request under this paragraph and be supplied such volumes, pocket parts, and supplements the first time he takes office as a Senator and each time thereafter he takes office as a Senator after a period of time during which he has not been a Senator. In submitting such written request, the Senator shall certify that the volumes, pocket parts, or supplements he is to be supplied are to be for his exclusive, personal use. A Senator holding office on July 9, 1971, shall be entitled to file a written request and receive the volumes, pocket parts, and supplements, as the case may be, referred to in this paragraph if such request is filed within 60 days after July 9, 1971. Expenses incurred under this authorization shall be paid from the contingent fund of the Senate.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 129; Pub. L. 92–607, ch. V, § 501, Oct. 31, 1972, 86 Stat. 1504.)

AMENDMENTS

1972—Pub. L. 92–607 substituted ''United States Code Service'' for ''Federal Code Annotated'' in two places.

§ 56. Repealed. Pub. L. 104–186, title II, § 203(20)(A), Aug. 20, 1996, 110 Stat. 1728

Section, based on H. Res. No. 418, § 2, Ninety-second Congress, May 18, 1971, enacted into permanent law by Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636, related to office expenses within District of Columbia of Delegate from District of Columbia.

REIMBURSEMENT OF EXPENSES OF HOUSE MEMBERS; MEMBER OF HOUSE OF REPRESENTATIVES AND MEMBER DEFINED

Section 302(a), (b), and (d) of H. Res. No. 287, Ninety-fifth Congress, Mar. 2, 1977, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, which related to reimbursement to Members of House of Representatives for official expenses incurred in the United States, was repealed by Pub. L. 104–186, title II, § 203(20)(B), Aug. 20, 1996, 110 Stat. 1728.

§ 57. Adjustment of House of Representatives allowances by Committee on House Oversight

(a) In general

Subject to the provision of law specified in subsection (b) of this section, the Committee on House Oversight of the House of Representatives may, by order of the Committee, fix and adjust the amounts, terms, and conditions of, and other matters relating to, allowances of the House of Representatives within the following categories:

(1) For Members of the House of Representatives, the Members' Representational Allowance, including all aspects of official mail within the jurisdiction of the Committee under section 59e of this title.

(2) For committees, the Speaker, the Majority and Minority Leaders, the Clerk, the Ser-

geant at Arms, and the Chief Administrative Officer, allowances for official mail (including all aspects of official mail within the jurisdiction of the Committee under section 59e of this title), stationery, and telephone and telegraph and other communications.

(b) Provision specified

The provision of law referred to in subsection (a) of this section is section 57a of this title.

(c) "Member of the House of Representatives" defined

As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636; Pub. L. 104–186, title I, § 102, Aug. 20, 1996, 110 Stat. 1719; Pub. L. 106–57, title I, § 103(a)(4)(A), Sept. 29, 1999, 113 Stat. 415.)

CODIFICATION

Section is based on House Resolution No. 457, Ninety-second Congress, July 21, 1971, which was enacted into permanent law by Pub. L. 92–184.

AMENDMENTS

1999—Subsec. (a)(1), (2). Pub. L. 106–57 substituted ''all aspects of official mail'' for ''all aspects of the Official Mail Allowance''.

1996—Pub. L. 104–186 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) authorizing Committee on House Administration to adjust certain allowances for Members, committees, and officers of House of Representatives.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–57, title I, § 103(c), Sept. 29, 1999, 113 Stat. 416, provided that: ''The amendments made by this section [amending this section and sections 59e and 92 of this title] shall apply with respect to the first session of the One Hundred Sixth Congress and each succeeding session of Congress.''

CLERK HIRE ALLOWANCE; INCREASE

Pub. L. 101–520, title I, § 104, Nov. 5, 1990, 104 Stat. 2262, effective for 102d Congress, increased authorization for the Clerk Hire Allowance by $50,000.

COMMITTEE ORDER NO. 1 (REVISED)[1]

Resolved, that effective January 25, 1972, each Member of the House of Representatives shall be entitled to office space suitable for his use in the district he represents at such places designated by him in such district. The Sergeant at Arms shall secure office space satisfactory to the Member in post offices or Federal buildings at not more than two (2) locations if such space is available. Office space to which a Member is entitled under this resolution which is not secured by the Sergeant at Arms may be secured by the Member, and the Clerk shall approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for office space not exceeding a total allowance to each Member of $200 per month; but if a Member certifies to the Committee on House Administration that he is unable to obtain suitable space in his district for $200 per month due to high rental rates or other factors, the Committee on House Administration may, as the Committee considers appropriate, direct the Clerk to approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for suitable office space not exceeding a total allowance to each Member of $350 per month. Members shall be entitled to have no more than three (3) district offices outfitted with office equipment, carpeting, and draperies at the expense of the General Services Administration.

As used in this resolution the term ''Member'' means any Member of the House of Representatives, the Resident Commissioner of Puerto Rico, and the Delegate of the District of Columbia.

COMMITTEE ORDER NO. 2 (REVISED)

Resolved, that effective January 3, 1973, until otherwise provided by order of the Committee on House Administration:

(a) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by Members (including the Resident Commissioner from Puerto Rico) in traveling on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the district which he represents, for not more than 36 round trips during each Congress, such reimbursement to be made in accordance with rules and regulations established by the Committee on House Administration of the House of Representatives.

(b) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by employees in the office of a Member (including the Resident Commissioner from Puerto Rico) for not more than 6 round trips during any Congress between Washington, District of Columbia and any point in the Congressional district represented by the Member. Such payment shall be made only upon vouchers approved by the Member, containing a certification by him that such travel was performed on official duty. The Committee on House Administration shall make such rules and regulations as may be necessary to carry out this section.

(c) A Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) may elect to receive in any Congress, in lieu of reimbursement of transportation expenses for such Congress is authorized in paragraph (a) above, a lump sum transportation payment of $2,250 for each Congress. The Committee on House Administration of the House of Representatives shall make such rules and regulations as may be necessary to carry out this section.

(d) This order shall not affect any allowance for travel of Members of the House of Representatives (including the Resident Commissioner from Puerto Rico) which is authorized to be paid from funds other than the contingent fund of the House of Representatives.

COMMITTEE ORDER NO. 3

Resolved, that effective March 1, 1972, until otherwise provided by order of the Committee on House Administration, each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia shall be entitled to an annual clerk hire allowance of $157,092 for not to exceed 16 clerks. There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this order until otherwise provided by law.

COMMITTEE ORDER NO. 4

Resolved, that effective January 3, 1973, until otherwise provided by order of the Committee on House Administration; the allowance for stationery for each Member of the House of Representatives, Delegates, and Resident Commissioner shall be $4,250 per regular session.

[1] Rescinded. See Committee Order No. 12.

COMMITTEE ORDER NO. 5

Resolved, that effective May 1, 1973, until otherwise provided by order of the Committee on House Administration upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico, or a Delegate to the House of Representatives may employ in lieu of 1 of the 16 clerks allowed under his clerk hire allowance, a research assistant at such salary as the Member may designate. The Member's annual clerk hire allowance will then be increased at the rate of $20,000.

There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this order until otherwise provided by law.

COMMITTEE ORDER NO. 6

Resolved, that effective May 1, 1973, until otherwise provided by order of the Committee on House Administration, upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives may allocate up to $250 a month of any unused portion of his clerk hire allowance for the leasing of equipment necessary for the conduct of his office.

There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this order until otherwise provided by law.

COMMITTEE ORDER NO. 7

Resolved, that effective October 1, 1973, until otherwise provided by Order of the Committee on House Administration the quarterly allowance for official telephone service outside the District of Columbia for Members, Delegates, and the Resident Commissioner from Puerto Rico is increased from $450 quarterly to $600 quarterly.

COMMITTEE ORDER NO. 8

Resolved, that effective October 1, 1973, until otherwise provided by Order of the Committee on House Administration the quarterly allowance for official office expenses incurred outside the District of Columbia by Members, Delegates, and the Resident Commissioner from Puerto Rico has been increased from $300 quarterly to $500 quarterly.

COMMITTEE ORDER NO. 9

Resolved, that effective October 1, 1973, until otherwise provided by Order of the Committee on House Administration the number of units provided for official telephone calls, telegrams, cablegrams, and radiograms made or sent by on or behalf of a Member, Delegate, or the Resident Commissioner of Puerto Rico has been increased from 80,000 units to 100,000 units for each regular session of Congress. Such units shall accumulate and be available for use until the aggregate number of such units in the close of each session is not more than 200,000. Unused units in excess of 200,000 at the close of session may not be carried forward for use in a succeeding session.

COMMITTEE ORDER NO. 10

Resolved, that until otherwise provided by the Committee on House Administration, there shall be paid from the contingent fund of the House of Representatives to each Member, Resident Commissioner, or Delegate to the House of Representatives an additional allowance of $1,000 for stationery. Such payment shall be effective each session beginning with the 2nd Session of the 93d Congress.

Effective date: 2d Session of the 93d Congress.

COMMITTEE ORDER NO. 11

Resolved, that effective January 1, 1974, until otherwise provided by the Committee on House Administration, one word of a telegram, cablegram, or radiogram, shall be charged as two (2) units, except that one word of a night letter shall be charged as one (1) unit. In addition, twelve (12) units shall be charged for physical delivery of any telegram, cablegram, or radiogram, by the Telegraph Company.

COMMITTEE ORDER NO. 12

Resolved, that effective March 1, 1974, each Member of the House of Representatives shall be entitled to office space suitable for his use in the district he represents at such places designated by him in such district. The Sergeant at Arms shall secure office space satisfactory to the Member in post offices or Federal buildings at not more than three (3) locations if such space is available. Office space to which a Member is entitled under this resolution which is not secured by the Sergeant At Arms may be secured by the Member, and the Clerk shall approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for office space not exceeding a total allowance to each Member of $200 per month; but if a Member certifies to the Committee on House Administration that he is unable to obtain suitable space in his district for $200 per month due to high rental rates or other factors, the Committee on House Administration may, as the Committee considers appropriate, direct the Clerk to approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for suitable office space not exceeding a total allowance to each Member of $500 per month. In the event suitable office space is not available in post offices or other Federal buildings and the Member certifies to the Committee on House Administration that he is unable to obtain suitable private space in his district for $500.00 per month due to high rental rates or other factors, the Committee on House Administration may direct the Clerk to approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for suitable office space not exceeding approximately 1,500 square feet at rates not to exceed the highest applicable rate charged to Federal agencies in the district established by regulations issued by the Administrator of General Services pursuant to Section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) [now 40 U.S.C. 586(a), (b)]. Members shall be entitled to have no more than three (3) district offices outfitted with office equipment, carpeting, and draperies at the expense of the General Services Administration.

As used in this resolution the term ''Member'' means any Member of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegates from the District of Columbia, Guam, and the Virgin Islands.

Committee Order No. 12 rescinds the provisions of Committee Order No. 1 revised.

COMMITTEE ORDER NO. 13

Resolved, that in addition to postage stamps authorized to be furnished under any other provision of law, until otherwise provided by order of the Committee on House Administration, the Clerk of the House of Representatives shall for each regular session of Congress procure and furnish United States postage stamps to each Representative, the Resident Commissioner of Puerto Rico, and the Delegates from the District of Columbia, Guam, and the Virgin Islands in an amount not exceeding $230, and to each standing committee of the House of Representatives upon request of the chairman thereof, in an amount not exceeding $140. In addition to postage stamps authorized under any other provision of law, until otherwise provided by order of the Committee on House Administration, the Speaker, the majority and minority leaders, and the majority and minority whips of the House of Representatives shall each be allowed United States postage stamps in an amount not exceeding $205.

Effective date: August 20, 1974.

COMMITTEE ORDER NO. 14

Resolved, that until otherwise provided by order of the Committee on House Administration; the allowance for Stationery for each Member of the House of Representatives, Delegate, and Resident Commissioner, shall be $6,500 per regular session. Such payment shall be made to each Member, Delegate, and the Resident Commissioner serving as such on or after the date of adoption of this resolution.

Effective date: August 20, 1974.

COMMITTEE ORDER NO. 15

Resolved, the Clerk of the House is authorized and directed to pay each Member, the Resident Commissioner from Puerto Rico, and the Delegates to the House of Representatives from the contingent fund of the House the amount of $500 quarterly upon the certification of each such Member, Resident Commissioner and Delegate for official expenses incurred outside the District of Columbia; effective with the beginning of the 94th Congress.

Effective date: December 18, 1974.

COMMITTEE ORDER NO. 16

Resolved, that effective this date, until otherwise provided by order of the Committee on House Administration, each Member, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia to the House of Representatives shall be entitled to an annual clerk hire allowance for the employment of not to exceed 18 clerks, and the Delegates from Guam and the Virgin Islands to the House of Representatives shall be entitled to an annual clerk hire allowance for the employment of not to exceed 11 clerks.

Effective date: March 6, 1975.

COMMITTEE ORDER NO. 17

Resolved, that effective March 1, 1975, until otherwise provided by order of the Committee on House Administration, upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives may allocate an amount not to exceed $250 a month of any unused portion of his or her clerk hire allowance for the leasing of equipment necessary for the conduct of his or her office or for the leasing of computer and related services in connection with his or her official duties.

COMMITTEE ORDER NO. 18

Resolved, that effective this date, until otherwise provided by order of the Committee on House Administration, each Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives is authorized a $650 per month allowance to lease office equipment, and upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives may allocate an amount not to exceed $250 a month of any unused portion of his or her clerk hire allowance for the leasing of equipment necessary for the conduct of his or her office or for the leasing of computer and related services in connection with his or her official duties. The said monthly allowances are not cumulative.

Effective date: April 23, 1975.

COMMITTEE ORDER NO. 19

Resolved, that effective this date [June 2, 1975], until otherwise provided by order of the Committee on House Administration:

(a) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by Members (including the Resident Commissioner from Puerto Rico, the Delegates from the District of Columbia, the Virgin Islands, and Guam) in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the district which he represents, for not more than 26-round trips during each session of Congress (at the discretion of the Member, Resident Commissioner and Delegates no more than 6 of the 26-round trips may be allocated to the employees of their offices, such reimbursement to be made in accordance with rules and regulations established by the Committee on House Administration of the House of Representatives.

(b) The contingent fund of the House of Representatives is made available for reimbursement of transportation expenses incurred by employees in the office of a Member (including the Resident Commissioner from Puerto Rico, the Delegates from the District of Columbia, the Virgin Islands, and Guam) in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the Congressional district represented by the Member, for not more than 6-round trips during each session of Congress. Such payment shall be made only upon the receipt of a voucher approved by the Member, containing a certification by him stating that such travel was performed on official business. The Committee on House Administration shall make such rules and regulations as may be necessary to carry out this section.

(c) A Member of the House of Representatives (including the Resident Commissioner from Puerto Rico, the Delegates from the District of Columbia, the Virgin Islands, and Guam) may elect to receive in each session of Congress, in lieu of reimbursement of transportation expenses for each session of Congress as authorized in paragraph (a) above, a lump sum transportation payment of $2,250 for each session of Congress. The Committee on House Administration of the House of Representatives shall make such rules and regulations as may be necessary to carry out this section.

(d) This order shall not affect any allowance for travel of Members of the House of Representatives (including the Resident Commissioner from Puerto Rico, the Delegates from the District of Columbia, the Virgin Islands, and Guam) which is authorized to be paid from funds other than the contingent fund of the House of Representatives.

COMMITTEE ORDER NO. 20

Resolved, that effective June 1, 1975, until otherwise provided by order of the Committee on House Administration, each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegates from the District of Columbia, the Virgin Islands, and Guam shall be entitled to an additional annual clerk hire allowance of $22,500. There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this order until otherwise provided by law.

COMMITTEE ORDER NO. 21

Resolved, that effective June 1, 1975, until otherwise provided by order of the Committee on House Administration, each Member of the House of Representatives, Delegate and Resident Commissioner shall be entitled to a constituent communication's allowance equivalent to the fair market value of the printing and production costs of two standard 11 x 17 inch Congressional district-wide constituent reports per annum for use in production and printing of newsletters, questionnaires or similar correspondence eligible to be mailed under the frank. The Committee on House Administration shall make such rules and regulations as may be necessary to establish the fair market value of the cost of printing and production of two standard 11 x 17 inch Congressional district-wide constituent report. There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary until otherwise provided by law.

COMMITTEE ORDER NO. 22

Resolved, that effective for the 94th Congress, until otherwise provided by Order of the Committee on House Administration, that in addition to the basic installation and service charges not to exceed the cost of three telephone lines at each of three district offices, the number of units provided for official telephone calls, telegrams, cablegrams, and radiograms made or sent by on or behalf of a Member, Delegate, or the Resident Commissioner of Puerto Rico is hereby changed to an overall allowance of 125,000 units for each regular session of Congress. These units shall be transferable among the Washington, D.C. and district offices. In addition, payment for the use of a WATS line is authorized, but the charges for such WATS line shall be calculated and deducted at a rate of 11 cents per unit. Such units shall accumulate and be available for use until the aggregate number of such units at the close of each session or Congress is not more than 250,000. Unused units in excess of 250,000 at the close of a session may not be carried forward for use in a succeeding session or Congress.

COMMITTEE ORDER NO. 23

Resolved, that effective this date [July 29, 1975], until otherwise provided by order of the Committee on House Administration, each Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives is authorized upon written request to the Committee on House Administration, to allocate an amount not to exceed $1000 a month of any unused portion of his or her clerk hire allowance for the leasing of computer and related services in connection with his or her official duties. The said monthly allowance is not cumulative.

COMMITTEE ORDER NO. 24

Resolved, that effective October 1, 1975, until otherwise provided by order of the Committee on House Administration, each Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives is authorized a $750.00 per month allowance to lease office equipment, and upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives may allocate an amount not to exceed $250.00 a month of any unused portion of his or her clerk hire allowance for the leasing of equipment necessary for the conduct of his or her office in connection with his or her official duties. The said monthly allowances are not cumulative.

COMMITTEE ORDER NO. 25

Resolved, that effective immediately prior to noon on January 3, 1977, until otherwise provided by order of the Committee on House Administration, the allowance for airmail and special delivery stamps authorized by 2 U.S.C. 42c and 42d shall be reduced from its existing level to one dollar per session.

COMMITTEE ORDER NO. 26

Resolved, that effective immediately prior to noon, January 3, 1977, until otherwise provided by Order of the Committee on House Administration, each Member of the House of Representatives shall be entitled to annual clerk-hire allowance of $238,584.00 for not to exceed 18 clerks. The amount of this allowance may be adjusted by the Committee on House Administration subsequent to the adoption of this order to reflect any adjustment to federal salary levels that occur under the Federal Pay Comparability Act of 1971.

The Committee on House Administration of the House of Representatives shall promulgate such regulations as may be necessary to carry out the provisions of this resolution.

''Member'' means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER NO. 27

Resolved, that effective September 1, 1976, until otherwise provided by order of the Committee on House Administration, reimbursements to Members for authorized expenditures shall be made only as prescribed by regulations of, and on forms issued by the Committee on House Administration.

''Member'' means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER NO. 28

Resolved, that effective immediately prior to noon on January 3, 1977, until otherwise provided by Order of the Committee on House Administration, if a Member elects to utilize WATS or similar service in his or her office in the District of Columbia, the Telecommunications Allowance shall be reduced by one-half. The Committee on House Administration shall promulgate regulations to implement this order and ensure adequate telecommunications service for Members representing districts where WATS or similar service is not available.

''Member'' means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER NO. 29

Resolved, that effective immediately prior to noon on January 3, 1977, until otherwise provided by Order of the Committee on House Administration, a Member may at any time during a session of Congress:

1—Receive in lieu of transportation authorized under 2 U.S.C. 43b a lump sum payment not to exceed $1.00 per session.

2—Withdraw a sum not to exceed $1.00 per session from his or her stationery account.

3—Receive under the provisions of 2 U.S.C. 122a an amount not to exceed $1.00 per session for official expenses outside the District of Columbia unless such Member submits an itemization of the expenses for which such Member seeks reimbursement.

The Committee on House Administration of the House of Representatives shall promulgate such regulations as may be necessary to carry out the provisions of this resolution.

''Member'' means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER NO. 30

Resolved, that effective immediately prior to noon on January 3, 1977, until otherwise provided by Order of the Committee on House Administration, Members may elect to transfer the authorization to expend funds among the following allowances.

1. Constituent Communication Allowance.
2. Official Expenses Outside the District of Columbia Allowance.
3. Stationery Allowance.
4. Equipment Lease Allowance.
5. Travel Allowance for Members and Designated Employees. The maximum amount transferable will be limited to an amount computed as follows:

64 times the rate per mile between the District of Columbia and the furthest point in the Member's District, according to the Rand McNally Standard Highway Mileage Guide. In no case shall this amount be less than $2,250. The following rates per mile apply:

Under 500 miles	$.15/mile
At least 500 but under 750 miles	.14/mile
At least 750 but under 1000 miles	.13/mile
At least 1000 but under 1750 miles	.12/mile
At least 1750 but under 2250 miles	.11/mile
At least 2250 but under 2500 miles	.10/mile
At least 2500 but under 3000 miles	.09/mile
3000 miles or over	.08/mile

6. Telephone and Telegraph Allowance. The maximum amount transferable will be limited to an amount computed as follows:

15,000 minutes times the highest long-distance telephone rate from the District of Columbia to the Member's District.

If the Member has elected to utilize WATS or similar service in his or her office in the District of Columbia, the amount will be reduced by one-half.

7. District Office Rental Allowance. The maximum amount transferable will be computed as follows:

1500 times the highest allowable GSA rental cost per square foot for office space in the Member's District.

Additionally, a Member may transfer a maximum of $12,000 per regular session of Congress for computer and related services and a maximum of $3,000 per regular session of Congress for Office Equipment leasing for his or her clerk-hire allowance.

All transfers made under this order shall be among the several above-stated categories and for the necessary and official expenses incurred by the Member in the conduct of his or her duties as a Member of the House of Representatives.

In the event the House precludes the use of the contingent fund of the House for implementation of this committee order, the status quo anti shall be restored as respects the individual accounts and allowances heretofore established by committee order or regulation prior to the adoption of this committee order.

The Committee on House Administration of the House of Representatives shall promulgate such regulations as may be necessary to carry out the provisions of this resolution.

''Member'' means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER NO. 31

Resolved, that effective April 1, 1977, until otherwise provided by order of the Committee on House Administration, each Member, Delegate or Resident Commissioner of the House of Representatives may compensate employees from the clerk-hire allowance at a per annum rate equivalent to, and not to exceed, the highest per annum rate of basic pay, as in effect from time to time, authorized for Level V of the Executive Schedule (5 U.S.C. 5316).

TO ACCOMPANY COMMITTEE ORDER NO. 31

This order will tie the maximum annual rate of compensation which may be paid from the clerk-hire allowance to the Executive Schedule, and will reestablish the previously existing parity between the maximum which may be paid a committee employee, and the maximum which may be paid a clerk-hire employee.

The Order raises the ceiling from its present level of $39,600 to $47,500, which corresponds to a Level V position, but provides no additional funds to the clerk-hire allowance. If a Member desires to raise an employee's salary, it must be done from the existing allowance.

This action is clearly within the Committee's authority under 2 U.S.C. 57 as modified by H.Res. 1372 (P.L. 94–440) [2 U.S.C. 57a], because it sets a ''term or condition'' of an allowance, and does not fix or adjust the amount of an allowance, which action would require a vote on the House floor.

COMMITTEE ORDER NO. 32

Resolved, That effective October 1, 1977, until otherwise provided by order of the Committee on House Administration, reimbursement for travel by members and employees by privately owned conveyance shall be at the rate of 17 cents per mile for automobile, 15 cents per mile for motorcycle, 36 cents per mile for aircraft, and that such reimbursement shall be made in accordance with rules and regulations established by the Committee on House Administration.

COMMITTEE ORDER NO. 33

Resolved, That effective May 1, 1981, until otherwise provided by the Committee on House Administration, the Allowance for Official Expenses and the Inventory Allowance for District Office Equipment and Furnishings are adjusted as follows:

1. The base allowance for Official expenses is increased to $47,300.

2. The Travel Allowance is increased to a base of $4,950, and the multiplier in the formula used to compute the variable for travel is increased to a range of 18 to 30 cents.

3. The Inventory Allowance for District Office Equipment and Furnishing is increased to $35,000.

Expenditures of these funds shall be made in accordance with rules and regulations established by the Committee on House Administration.

COMMITTEE ORDER NO. 34

Resolved, that effective January 3, 1983, until otherwise provided by the Committee on House Administration, the Allowance for Official Expenses is as follows:

1. The base allowance for Official Expenses is increased to $52,000.

2. The Travel Allowance is increased to a minimum of $5,700, and the multiplier in the formula used to compute the variable for travel is increased to a range of 21 to 35 cents.

Expenditures of these funds shall be made in accordance with rules and regulations established by the Committee on House Administration.

COMMITTEE ORDER NO. 35

Resolved, That effective May 1, 1983, until otherwise provided by the Committee on House Administration, the Clerk-Hire Allowance and the Official Expenses Allowance are adjusted as follows:

1. The base allowance for Official Expenses is increased by $15,000.

2. Each session a Member may allocate not to exceed $30,000 from the basic Clerk-Hire Allowance which may be used to supplement the Official Expenses Allowance, and may allocate not to exceed $30,000 from the Official Expenses Allowance to supplement the basic Clerk-Hire Allowance, provided however that monthly Clerk-Hire disbursements may not exceed 10 percent of the basic Clerk-Hire Allowance.

All disbursements and allocations shall be made in accordance with rules and regulations established by the Committee on House Administration.

COMMITTEE ORDER NO. 36

Resolved, That effective January 3, 1984, until otherwise provided by the Committee on House Administration, the Allowance for Official Expenses is adjusted as follows:

(1) The Travel Allowance is increased to reflect a cost per mile variable ranging from $.23 to $.39, with a minimum of $6,200.

Expenditures of these funds shall be made in accordance with rules and regulations established by the Committee on House Administration.

COMMITTEE ORDER NO. 37

Resolved, That effective October 1, 1985, until otherwise provided by order of the Committee on House Administration, each Member is entitled to three FTS lines for use in district office(s) without charge to the official expenses allowance.

COMMITTEE ORDER NO. 38

Resolved, That effective August 1, 1985, until otherwise provided by the Committee on House Administration, the Clerk-Hire Allowance and the Official Expenses Allowance are adjusted as follows:

Each session a member may allocate not to exceed $40,000 from the basic Clerk-Hire Allowance which may be used to supplement the Official Expenses Allowance, and may allocate not to exceed $40,000 from the Official Expenses Allowance to supplement the basic Clerk-Hire Allowance, provided however that monthly Clerk-Hire disbursements may not exceed 10% of the basic Clerk-Hire Allowance.

All disbursements and allocations shall be made in accordance with rules and regulations established by the Committee on House Administration.

COMMITTEE ORDER NO. 39

Resolved, that effective March 15, 1990, until otherwise provided by the Committee on House Administration, the Clerk-Hire Allowance and the Official Expenses Allowance are adjusted as follows:

Each session a Member may allocate not to exceed $50,000 from the basic Clerk-Hire Allowance which may be used to supplement the Official Expenses Allowance, and may allocate not to exceed $50,000 from the Official Expenses Allowance to supplement the basic Clerk-Hire Allowance, provided however that monthly Clerk-Hire disbursements may not exceed 10% of the basic Clerk-Hire Allowance.

All disbursements and allocations shall be made in accordance with rules and regulations established by the Committee on House Administration.

COMMITTEE ORDER NO. 40

Resolved, That effective May 8, 1991, until otherwise provided by the Committee on House Administration, the Clerk-Hire Allowance and the Official Expenses Allowance are adjusted as follows: Each session a Member may allocate not to exceed $75,000 from the basic Clerk-Hire Allowance which may be used to supplement the Official Expenses Allowance, and may allocate not to exceed $75,000 from the Official Expenses Allowance to supplement the basic Clerk-Hire Allowance, provided however that monthly Clerk Hire disbursements may not exceed 10 percent of the basic Clerk-Hire Allowance.

All disbursements and allocations shall be made in accordance with rules and regulations established by the Committee on House Administration.

COMMITTEE ORDER NO. 41

Resolved, That (a) effective September 1, 1995, and subject to subsection (b), the Clerk Hire Allowance, the Official Expenses Allowance, and the Official Mail Allowance shall cease to exist and the functions formerly carried out under such allowances shall be carried out under a single allowance, to be known as the ''Members' Representational Allowance''.

(b) Under the Members' Representational Allowance, the amount that shall be available to a Member for franked mail with respect to a session of Congress shall be the amount allocated for that purpose by the Committee on House Oversight under paragraphs (1)(A) and (2)(B) of subsection (e) of section 311 of the Legislative Branch Appropriations Act, 1991 [2 U.S.C. 59e(e)(1)(A), (2)(B)], plus an amount equal to the amount permitted to be transferred to the former Official Mail Allowance under paragraph (3) of that subsection.

SEC. 2. The Committee on House Oversight shall have authority to prescribe regulations to carry out this resolution.

COMMITTEE ORDER NO. 42

Resolved, that pursuant to 2 U.S.C. § 57 and 2 U.S.C. § 59e, the Committee hereby orders that:

Sec. 1 Effective January 3, 1999 the amount available within the Members' Representational Allowance for franked mail with respect to a session of Congress shall not be limited by subsection (b) of Committee Order No. 41.

Sec. 2 The Committee on House Oversight shall have the authority to prescribe regulations to carry out this resolution.

§ 57a. Limitation on allowance authority of Committee on House Oversight

(a) In general

An order under the provision of law specified in subsection (c) of this section may fix or adjust the allowances of the House of Representatives only by reason of—

(1) a change in the price of materials, services, or office space;

(2) a technological change or other improvement in office equipment; or

(3) an increase under section 5303 of title 5 in rates of pay under the General Schedule.

(b) Resolution requirement

In the case of reasons other than the reasons specified in paragraph (1), (2), or (3) of subsection (a) of this section, the fixing and adjustment of the allowances of the House of Representatives in the categories described in the provision of law specified in subsection (c) of this section may be carried out only by resolution of the House of Representatives.

(c) Provision specified

The provision of law referred to in subsections (a) and (b) of this section is section 57 of this title.

(Pub. L. 94–440, title II, § 101, Oct. 1, 1976, 90 Stat. 1448; Pub. L. 104–186, title I, § 103, Aug. 20, 1996, 110 Stat. 1720.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a)(3), is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

Section is based on House Resolution No. 1372, § 1, Ninety-fourth Congress, July 1, 1976, which was enacted into permanent law by Pub. L. 94–440.

AMENDMENTS

1996—Pub. L. 104–186 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to limitations on authority of the Committee on House Administration to fix and adjust allowances.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 57b. Representational allowance for Members of House of Representatives

(a) In general

There is established for the House of Representatives a single allowance, to be known as the ''Members' Representational Allowance'', which shall be available to support the conduct of the official and representational duties of a Member of the House of Representatives with respect to the district from which the Member is elected.

(b) Merger

The Clerk Hire Allowance, the Official Expenses Allowance, and the Official Mail Allowance, as in effect on the day before September 1, 1995, are merged into the Members' Representational Allowance.

(c) "Member of the House of Representatives" defined

As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(d) Regulations

The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(e) Effective date

This section shall take effect on September 1, 1995 and shall apply with respect to official and representational duties carried out on or after that date.

(Pub. L. 104–186, title I, § 101, Aug. 20, 1996, 110 Stat. 1719.)

PRIOR PROVISIONS

A prior section 57b, Pub. L. 104–53, title III, § 314, Nov. 19, 1995, 109 Stat. 538, provided that, effective Sept. 1, 1995, Committee on House Oversight of House of Representatives had authority to combine House of Representatives Clerk Hire Allowance, Official Expenses Allowance, and Official Mail Allowance into single allowance, to be known as the ''Members' Representational Allowance'' and to prescribe regulations relating to allocations, expenditures, and other matters with respect to Members' Representational Allowance.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 58. Mail, telegraph, telephone, stationery, office supplies, and home State office and travel expenses for Senators

(a) Authorization for payment from Senate contingent fund

The contingent fund of the Senate is made available for payment (including reimbursement) to or on behalf of each Senator, upon certification of the Senator, for the following expenses incurred by the Senator and his staff:

(1) telecommunications equipment and services subject to such regulations as may be promulgated by the Committee on Rules and Administration of the Senate;

(2)(A) stationery and other office supplies procured for use for official business, and

(B) metered charges for use of copying equipment provided by the Sergeant at Arms and Doorkeeper of the Senate;

(3)[(A) Repealed. Pub. L. 101–520, title I, § 11, Nov. 5, 1990, 104 Stat. 2260] (B) postage on, and fees and charges in connection with official mail matter sent through the mail other than the franking privilege upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration, and (C) costs incurred in the preparation of required official reports, and the acquisition of mailing lists to be used for official purposes, and in the mailing, delivery, or transmitting of matters relating to official business;

(4) official office expenses incurred (other than for equipment and furniture and expenses described in paragraphs (1) through (3)) for an office in his home State;

(5) expenses incurred for publications printed or recorded in any way for auditory and visual use (including subscriptions to books, newspapers, magazines, clipping, and other information services);

(6) subject to the provisions of subsection (e) of this section, reimbursement of travel expenses incurred by the Senator and employees in his office;

(7) expenses incurred for additional office equipment and services related thereto (but not including personal services), in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate;

(8) charges officially incurred for recording and photographic services and products; and

(9) such other official expenses as the Senator determines to be necessary.

Payment under this section shall be made only upon presentation of itemized vouchers for expenses incurred and, in the case of expenses paid or reimbursed under paragraphs (6) and (9), only upon presentation of detailed itemized vouchers for such expenses. Vouchers presented for payment under this section shall be accompanied by such documentation as is required under regulations promulgated by the Committee on Rules and Administration of the Senate. No payment shall be made under paragraph (4) or (9) for any expense incurred for entertainment or meals.

(b) Limits for authorized expenses; recalculation formula

(1)(A) Except as is otherwise provided in the succeeding paragraphs of this subsection and subject to subparagraph (B) of this paragraph, the total amount of expenses authorized to be paid to or on behalf of a Senator under this section shall not exceed for calendar year 1977 or any calendar year thereafter an amount equal to one-half of the sum of the amounts authorized to be paid under this section on the day before August 5, 1977, to or on behalf of both of the Senators from the State which he represents, increased by an amount equal to twenty percent thereof and rounded to the next higher multiple of $1,000.

(B) In the event that the term of office of a Senator begins after the first month of any such calendar year or ends (except by reason of death, resignation, or expulsion) before the last month of any such calendar year, the aggregate amount available to such Senator for such year shall be the aggregate amount computed under paragraph (1) of this subsection, divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month.

(2)(A) In the case of the period which commences January 1, 1988, and ends September 30, 1988, the total of—

(i) the expenses paid to or on behalf of a Senator under this section for such period, plus

(ii) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such period (as determined for purposes of section 61–1(d) of this title),

shall not exceed the aggregate of—

(iii) subject to subparagraph (B), an amount equal to 75 percent of the amount of the authorized expenses under this section for the

calendar year ending December 31, 1987, as determined in the case of a Senator, who represents the State which such Senator represents, whose term of office included all of such calendar year, plus

(iv) the amount by which (I) the aggregate of the gross compensation which may be paid to employees in the office of such Senator for the fiscal year ending September 30, 1988, pursuant to the limitations imposed by section 61–1(d) of this title (as determined without regard to paragraph (1)(B) thereof), exceeds (II) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for that part of such fiscal year which precedes January 1, 1988.

(B) In the event that the term of office of a Senator begins after the first month of the period which commences January 1, 1988, and ends September 30, 1988, or ends (except by reason of death, resignation, or expulsion) before the last month of such period, the amount computed pursuant to subparagraph (A)(iii) of this paragraph (but before application of this subparagraph) shall be recalculated as follows: such amount, as computed under subparagraph (A)(iii) of this paragraph, shall be divided by 9, and multiplied by the number of months in such period which are included in the Senator's term of office, counting any fraction of a month as a full month.

(3)(A) In the case of the fiscal year beginning October 1, 1988, or any fiscal year thereafter, the total of—

(i) the expenses paid to or on behalf of a Senator under this section for such fiscal year, plus

(ii) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such fiscal year (as determined for purposes of section 61–1(d) of this title),

shall not exceed the aggregate of—

(iii) subject to subparagraph (B)—

(I) in case the Senator represents Alabama, $116,300, Alaska, $221,600, Arizona, $128,975, Arkansas, $118,250, California, $168,950, Colorado, $124,100, Connecticut, $105,575, Delaware, $95,825, Florida, $120,200, Georgia, $116,300, Hawaii, $245,000, Idaho, $128,000, Illinois, $138,725, Indiana, $116,300, Iowa, $119,225, Kansas, $119,225, Kentucky, $115,325, Louisiana, $120,200, Maine, $110,450, Maryland, $100,700, Massachusetts, $114,350, Michigan, $124,100, Minnesota, $120,200, Mississippi, $118,250, Missouri, $121,175, Montana, $128,000, Nebraska, $120,200, Nevada, $129,950, New Hampshire, $106,550, New Jersey, $110,450, New Mexico, $125,075, New York, $145,550, North Carolina, $112,400, North Dakota, $119,225, Ohio, $129,950, Oklahoma, $123,125, Oregon, $132,875, Pennsylvania, $128,975, Rhode Island, $104,600, South Carolina, $110,450, South Dakota, $120,200, Tennessee, $116,300, Texas, $149,450, Utah, $128,000, Vermont, $105,575, Virginia, $106,550, Washington, $135,800, West Virginia, $105,575, Wisconsin, $119,225, Wyoming, $123,125, plus

(II) the amount that is equal to the Senator's share for the fiscal year, as determined in accordance with regulations of the Committee on Rules and Administration, of the amount made available within the Senators' Official Personnel and Office Expense Account in the contingent fund of the Senate for official mail expenses of Senators, plus

(iv) the aggregate of the gross compensation which may be paid to employees in the office of such Senator for such fiscal year, under the limitations imposed by section 61–1(d) of this title, but without regard to the provisions of paragraph (1)(C)(iv) thereof.

(B) In the event that the term of office of a Senator begins after the first month of any such fiscal year or ends (except by reason of death, resignation, or expulsion) before the last month of any such fiscal year, the amount referred to in subparagraph (A)(iii)(I) shall be recalculated as follows: such amount, as computed under subparagraph (iii), shall be divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month; and the amount referred to in subparagraph (A)(iii)(II) shall be recalculated in accordance with regulations of the Committee on Rules and Administration.

(c) Repealed. Pub. L. 97–51, § 122, Oct. 1, 1981, 95 Stat. 965

(d) Repealed. Pub. L. 93–371, § 101(3)(e), Aug. 13, 1974, 88 Stat. 429

(e) Transportation, essential travel-related expenses, and per diem expenses; coverage; limitations; amounts

Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator and the employees in his office shall be reimbursed under this section for travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term ''travel expenses'' includes actual transportation expenses, essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses). A Senator or an employee of the Senator shall not be reimbursed for any travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 431(b)[1] of this title, unless his candidacy in such election is uncontested. For purposes of this subsection and subsection (a)(6) of this section, an employee in the Office of the President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.

[1] So in original. Probably should be section ''431(2)''.

(f) Omitted

(g) Closing of deceased Senator's State offices

In the case of the death of any Senator, the chairman of the Committee on Rules and Administration may certify for such deceased Senator for any portion of such sum already obligated but not certified to at the time of such Senator's death, and for any additional amount which may be reasonably needed for the purpose of closing such deceased Senator's State offices, for payment to the person or persons designated as entitled to such payment by such chairman.

(h) Individuals serving on panels or other bodies recommending nominees for Federal judgeships, service academies, United States Attorneys, or United States Marshals

For purposes of subsections (a) and (e) of this section, an individual who is selected by a Senator to serve on a panel or other body to make recommendations for nominees to one or more Federal judgeships or to one or more service academies or one or more positions of United States Attorney or United States Marshal shall be considered to be an employee in the office of that Senator with respect to travel and official expenses incurred in performing duties as a member of such panel or other body, and shall be reimbursed (A) for actual transportation expenses and per diem expenses (but not exceeding actual travel expenses) incurred while traveling in performing such duties within the Senator's home State or between that State and Washington, District of Columbia, and each of the service academies, (B) for official expenses incurred in performing such duties. For purposes of this subsection and subsection (a) of this section, ''official expenses'' means expenses of the type for which reimbursement may be made to an employee in the office of a Senator when traveling on business of a committee of which that Senator is a member, and, for accounting purposes, such expenses shall be treated as expenses for which reimbursement may be made under subsection (a)(4) of this section.

(i) Authorization of Secretary of Senate to pay reimbursable expenses

Whenever a Senator or an employee in his office has incurred an expense for which reimbursement may be made under this section, the Secretary of the Senate is authorized to make payment to that Senator or employee for the expense incurred, subject to the same terms and conditions as apply to reimbursement of the expense under this section.

(j) Advances from Senate contingent fund for travel expenses for official business trips; vouchers; settlement

Whenever a Senator or employee of his office plans an official business trip with respect to which reimbursement for travel expenses is authorized under the preceding provisions of section (a), the Senator (or such an employee who has been designated by the Senator to do so) may, prior to the commencement of such trip and in accordance with applicable regulations of the Senate Committee on Rules and Administration, obtain from any moneys in the contingent fund of the Senate which are available to him for purposes specified in subsection (a)(6) of this section, such advance sum as he shall certify (and be accountable for), to the Secretary of the Senate, to be necessary to defray some or all of the expenses to be incurred on such trip which expenses are reimbursable under the preceding provisions of this section. The receipt by any Senator for any sum so advanced to him or his order out of the contingent fund of the Senate by the Secretary of the Senate shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such Senator (or employee of his office, as the case may be), as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel with respect to which the sum was so advanced, and make settlement with respect to such sum.

(Pub. L. 92–607, ch. V, § 506(a)–(j), Oct. 31, 1972, 86 Stat. 1505–1507; Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93–371, § 3(e), Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 103, July 25, 1975, 89 Stat. 274; Pub. L. 95–94, title I, § 112(a)–(c), Aug. 5, 1977, 91 Stat. 663, 664; Pub. L. 95–240, title II, § 208, Mar. 7, 1978, 92 Stat. 117; Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773; Pub. L. 96–304, title I, §§ 101, 102(a), 103, 104, July 8, 1980, 94 Stat. 889; Pub. L. 97–19, July 6, 1981, 95 Stat. 103; Pub. L. 97–51, § 122, Oct. 1, 1981, 95 Stat. 965; Pub. L. 97–257, title I, § 104(a), Sept. 10, 1982, 96 Stat. 849; Pub. L. 97–276, Oct. 2, 1982, § 101(e), 96 Stat. 1189; Pub. L. 98–51, title I, § 102, July 14, 1983, 97 Stat. 266; Pub. L. 98–181, title I, § 1204(a), Nov. 30, 1983, 97 Stat. 1290; Pub. L. 99–65, § 1(a), July 12, 1985, 99 Stat. 163; Pub. L. 100–137, § 1(b), Oct. 21, 1987, 101 Stat. 815; Pub. L. 100–458, title I, §§ 8(a), 13, 14(a), Oct. 1, 1988, 102 Stat. 2162, 2163; Pub. L. 101–163, title I, § 5(a), Nov. 21, 1989, 103 Stat. 1045; Pub. L. 101–520, title I, §§ 4(c), 8, 9(a), 11, title III, § 311(h)(2), Nov. 5, 1990, 104 Stat. 2258–2260, 2280; Pub. L. 102–90, title I, § 7(a), Aug. 14, 1991, 105 Stat. 451; Pub. L. 105–55, title I, § 3(a), Oct. 7, 1997, 111 Stat. 1180; Pub. L. 105–275, title I, § 1, Oct. 21, 1998, 112 Stat. 2432; Pub. L. 106–57, title I, § 1[(a)], (b), Sept. 29, 1999, 113 Stat. 410, 411.)

CODIFICATION

Section consists of subsecs. (a) to (j) of section 506 of Pub. L. 92–607, as amended. Original subsecs. (h) and (i) which made certain amendments and repeals to sections of this title that contained the provisions now covered by this section, and subsec. (j) which amended earlier appropriations not classified to the Code, were redesignated as subsecs. (i) to (k) by Pub. L. 95–391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, further redesignated as subsecs. (j) to (*l*) by Pub. L. 96–304, title I, § 101, July 8, 1980, 94 Stat. 889, and subsequently redesignated as subsecs. (k) to (m) by Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.

Subsec. (f) related to a reduction of allowances for fiscal year 1973.

The 1982 amendments by Pub. L. 97–276 are based on sections 103 and 106(a) of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, as incorporated by reference in section 101(e) of Pub. L. 97–276, to be effective as if enacted into law.

AMENDMENTS

1999—Subsec. (b)(3)(A)(iii). Pub. L. 106–57, § 1[(a)], amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: ''subject to subparagraph (B), in

case the Senator represents Alabama, $183,565, Alaska, $252,505, Arizona, $197,409, Arkansas, $168,535, California, $470,272, Colorado, $187,366, Connecticut, $161,691, Delaware, $127,384, Florida, $302,307, Georgia, $211,784, Hawaii, $279,648, Idaho, $163,841, Illinois, $267,000, Indiana, $195,391, Iowa, $171,340, Kansas, $168,912, Kentucky, $176,975, Louisiana, $186,714, Maine, $148,205, Maryland, $172,455, Massachusetts, $196,819, Michigan, $235,846, Minnesota, $187,742, Mississippi, $168,587, Missouri, $198,365, Montana, $161,857, Nebraska, $160,550, Nevada, $171,208, New Hampshire, $142,497, New Jersey, $207,754, New Mexico, $166,721, New York, $328,586, North Carolina, $212,711, North Dakota, $150,225, Ohio, $262,252, Oklahoma, $181,913, Oregon, $189,258, Pennsylvania, $267,240, Rhode Island, $138,637, South Carolina, $171,731, South Dakota, $151,838, Tennessee, $192,508, Texas, $353,911, Utah, $168,959, Vermont, $136,315, Virginia, $193,935, Washington, $213,887, West Virginia, $149,135, Wisconsin, $191,314, Wyoming, $153,016, plus''.

Subsec. (b)(3)(B). Pub. L. 106–57, §1(b), substituted ''the amount referred to in subparagraph (A)(iii)(I)'' for ''that part of the amount referred to in subparagraph (A)(iii) that is not specifically allocated for official mail expenses'' and ''the amount referred to in subparagraph (A)(iii)(II)'' for ''the part of the amount referred to in subparagraph (A)(iii) that is allocated for official mail expenses''.

1998—Subsec. (b)(3)(A)(iii). Pub. L. 105–275, §1(a), amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: ''subject to subparagraph (B), in case the Senator represents Alabama, $182,567, Alaska, $251,901, Arizona, $197,079, Arkansas, $168,282, California, $468,724, Colorado, $186,350, Connecticut, $160,903, Delaware, $127,198, Florida, $299,746, Georgia, $210,214, Hawaii, $279,512, Idaho, $163,335, Illinois, $266,248, Indiana, $194,770, Iowa, $170,565, Kansas, $168,177, Kentucky, $177,338, Louisiana, $185,647, Maine, $147,746, Maryland, $173,020, Massachusetts, $195,799, Michigan, $236,459, Minnesota, $187,702, Mississippi, $168,103, Missouri, $197,941, Montana, $161,725, Nebraska, $160,361, Nevada, $171,096, New Hampshire, $142,394, New Jersey, $206,260, New Mexico, $166,140, New York, $327,955, North Carolina, $210,946, North Dakota, $149,824, Ohio, $259,452, Oklahoma, $181,761, Oregon, $189,345, Pennsylvania, $266,148, Rhode Island, $138,582, South Carolina, $170,451, South Dakota, $151,450, Tennessee, $191,954, Texas, $348,681, Utah, $168,632, Vermont, $135,925, Virginia, $193,467, Washington, $214,694, West Virginia, $147,772, Wisconsin, $191,569, Wyoming, $152,438, plus''.

Subsec. (b)(3)(B). Pub. L. 105–275, §1(b), substituted ''that part of the amount referred to in subparagraph (A)(iii) that is not specifically allocated for official mail expenses'' for ''the amount referred to in subparagraph (A)(iii)'' and inserted before period at end ''; and the part of the amount referred to in subparagraph (A)(iii) that is allocated for official mail expenses shall be recalculated in accordance with regulations of the Committee on Rules and Administration''.

1997—Subsec. (b)(3)(A)(iii). Pub. L. 105–55 amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: ''subject to subparagraph (B), in case the Senator represents Alabama, $68,000, Alaska, $176,000, Arizona, $81,000, Arkansas, $70,000, California, $122,000, Colorado, $76,000, Connecticut, $57,000, Delaware, $47,000, Florida, $72,000, Georgia, $68,000, Hawaii, $200,000, Idaho, $80,000, Illinois, $91,000, Indiana, $68,000, Iowa, $71,000, Kansas, $71,000, Kentucky, $67,000, Louisiana, $72,000, Maine, $62,000, Maryland, $52,000, Massachusetts, $66,000, Michigan, $76,000, Minnesota, $72,000, Mississippi, $70,000, Missouri, $73,000, Montana, $80,000, Nebraska, $72,000, Nevada, $82,000, New Hampshire, $58,000, New Jersey, $62,000, New Mexico, $77,000, New York, $98,000, North Carolina, $64,000, North Dakota, $71,000, Ohio, $82,000, Oklahoma, $75,000, Oregon, $85,000, Pennsylvania, $81,000, Rhode Island, $56,000, South Carolina, $62,000, South Dakota, $72,000, Tennessee, $68,000, Texas, $102,000, Utah, $80,000, Vermont, $57,000, Virginia, $58,000, Washington, $88,000, West Virginia, $57,000, Wisconsin, $71,000, Wyoming, $75,000, plus''.

1991—Subsec. (a). Pub. L. 102–90, §7(a)(1), (3)–(5), substituted ''payment (including reimbursement)'' for ''payment'' in introductory provisions, substituted ''Payment'' for ''Reimbursement to a Senator and his employees'' and ''paid or reimbursed'' for ''reimbursed'' in second sentence, and substituted ''payment'' for ''reimbursement'' in last sentence.

Subsec. (a)(3) to (5), (7) to (9). Pub. L. 102–90, §7(a)(2), struck out ''reimbursement to each Senator for'' at beginning of pars. (3), (4), and (7) to (9) and in par. (5) direction to strike such language was executed by striking out ''reimbursements to each Senator for'' to reflect the probable intent of Congress.

1990—Subsec. (a)(2). Pub. L. 101–520, §4(c), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''stationery and other office supplies procured for use for official business;''.

Subsec. (a)(3). Pub. L. 101–520, §311(h)(2), which directed that par. (3) be amended by striking out ''postage on,'' and all that follows through ''Senate, and'', could not be executed because those words do not appear in par. (3) as amended generally by Pub. L. 101–163 which in part restated provisions directed to be stricken by Pub. L. 101–520, §311(h)(2), as subpar. (A). See 1990 and 1989 Amendment notes below.

Pub. L. 101–520, §11, struck out subpar. (A) which read as follows: ''postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege in excess of amounts provided from the appropriation for official mail costs, upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration,''.

Subsec. (b)(3)(A)(iii). Pub. L. 101–520, §8, amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: ''subject to subparagraph (B), in case the Senator represents Alabama, $53,000, Alaska, $137,000, Arizona, $63,000, Arkansas, $54,000, California, $95,000, Colorado, $59,000, Connecticut, $44,000, Delaware, $36,000, Florida, $56,000, Georgia, $53,000, Hawaii, $156,000, Idaho, $62,000, Illinois, $71,000, Indiana, $53,000, Iowa, $55,000, Kansas, $55,000, Kentucky, $52,000, Louisiana, $56,000, Maine, $48,000, Maryland, $40,000, Massachusetts, $51,000, Michigan, $59,000, Minnesota, $56,000, Mississippi, $54,000, Missouri, $57,000, Montana, $62,000, Nebraska, $56,000, Nevada, $64,000, New Hampshire, $45,000, New Jersey, $48,000, New Mexico, $60,000, New York, $76,000, North Carolina, $50,000, North Dakota, $55,000, Ohio, $64,000, Oklahoma, $58,000, Oregon, $66,000, Pennsylvania, $63,000, Rhode Island, $43,000, South Carolina, $48,000, South Dakota, $56,000, Tennessee, $53,000, Texas, $79,000, Utah, $62,000, Vermont, $44,000, Virginia, $45,000, Washington, $68,000, West Virginia $44,000, Wisconsin, $55,000, Wyoming, $58,000, plus''.

Subsec. (h). Pub. L. 101–520, §9(a), inserted ''or one or more positions of United States Attorney or United States Marshal'' after ''one or more service academies''.

1989—Subsec. (a)(3). Pub. L. 101–163 amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege in excess of amounts provided from the appropriation for official mail costs, upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration of the Senate, and reimbursement to each Senator for costs incurred in the preparation of required official reports, and the acquisition of mailing lists to be used for official purposes, and in the mailing, delivery, or transmitting of matters relating to official business;''.

1988—Subsec. (a)(3). Pub. L. 100–458, §13, inserted ''postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege in excess of amounts provided from the appropriation for official mail costs, upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration of the Senate, and'' before ''reimbursement''.

Subsec. (a)(9). Pub. L. 100–458, §§8(a), 14(a), made identical amendments, striking out '', but only (A) in the

case of expenses for the period commencing January 1, 1988, and ending with the close of September 30, 1988, to the extent that such expenses do not exceed ten percent of the total amount of expenses authorized to be paid to or on behalf of such Senator under this section (excluding any amount so authorized by subsection (b)(2)(A)(iv) of this section), and (B) in the case of expenditures for periods commencing on or after October 1, 1988, to the extent such expenses do not exceed ten percent of the total amount of expenses authorized to be paid to or on behalf of such Senator under this section (excluding any amount so authorized by subsection (b)(3)(A)(iv) of this section for the fiscal year involved)'' after ''necessary''.

1987—Subsec. (a). Pub. L. 100–137, §1(b)(1), amended subsec. (a) generally, substituting provisions authorizing payments from the Senate contingent fund for former provisions authorizing such payments.

Subsec. (b). Pub. L. 100–137, §1(b)(2), designated existing provisions of par. (1) as subpar. (A) of par. (1), substituted ''Except as is otherwise provided in the succeeding paragraphs of this subsection and subject to subparagraph (B) of this paragraph,'' for ''Except as otherwise provided in paragraph (2) of this subsection,'', added pars. (2) and (3), and redesignated former par. (2) as subpar. (B) of par. (1).

Subsec. (e). Pub. L. 100–137, §1(b)(4), amended subsection (e) generally, substituting provisions relating to reimbursement for travel expenses incurred by Senators and employees for former provisions relating to reimbursement of those expenses.

Subsec. (h). Pub. L. 100–137, §1(b)(3), struck out ''(1)'' after ''(h)'', substituted ''(a)(4)'' for ''(a)(5)'', and struck out par. (2) which read as follows: ''The amount of official expenses incurred by individuals selected by a Senator for which reimbursement may be made under this subsection shall not exceed $500 each calendar year, and the total amount of expenses incurred by such individuals for which reimbursement may be made under this subsection shall not exceed $3,000 each calendar year.''

Subsec. (j). Pub. L. 100–137, §1(b)(5), substituted ''(a)(6)'' for ''(a)(8)''.

1985—Subsec. (a)(6). Pub. L. 99–65 amended par. (6) generally, substituting ''for telephone service charges officially incurred outside Washington, District of Columbia, which are based on the amount of time the service is used'' for ''reimbursement to each Senator for telephone service charges officially incurred outside Washington, District of Columbia''.

1983—Subsec. (e). Pub. L. 98–181 inserted references to Secretary of Conference of Majority and Secretary of Conference of Minority.

Pub. L. 98–51 inserted provisions authorizing reimbursement for essential travel-related expenses and defined those expenses for purposes of this subsection.

1982—Subsec. (b)(1). Pub. L. 97–276 substituted ''equal to twenty percent thereof'' for ''equal to ten percent thereof''. See Codification note above.

Subsec. (b)(2). Pub. L. 97–257 substituted ''(2) In the event that the term of office of a Senator begins after the first month of any such calendar year or ends (except by reason of death, resignation, or expulsion) before the last month of any such calendar year, the aggregate amount available to such Senator for such year shall be the aggregate amount computed under paragraph (1) of this subsection, divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month.'' for ''(2) In any such calendar year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available to the Senator shall be the aggregate amount, computed under paragraph (1) of this subsection, divided by 12, and multiplied by the number of months the Senator holds such office during that year, counting any fraction of a month as a full month.''

Subsec. (j). Pub. L. 97–276 added subsec. (j). See Codification note above.

1981—Subsec. (a)(9). Pub. L. 97–19 inserted provisions which authorized reimbursement out of contingent fund of Senate to each Senator for expenses for additional office equipment.

Subsec. (c). Pub. L. 97–51 struck out subsec. (c) which provided that aggregate of payments made to or on behalf of a Senator under this section not exceed at any time during each calendar year one-twelfth of the amount computed under subsection (b)(1) of this section multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that calendar year in which the Senator held the office of Senator through the date of payment.

1980—Subsec. (a)(3). Pub. L. 96–304, §103, substituted ''costs incurred in the mailing or delivery of'' for ''air mail and special delivery postage for expenses incurred in the mailing of postal''.

Subsec. (e). Pub. L. 96–304, §102(a), substituted ''prescribed by the Committee on Rules and Administration'' for ''in effect under section 5702 of title 5 for employees of agencies''.

Subsec. (h)(1). Pub. L. 96–304, §104, substituted ''to an employee in the office of a Senator when traveling on business of a committee of which that Senator is a member'' for ''under subsection (a)(9) when such expenses are incurred by or on behalf of a Senator''.

Subsec. (i). Pub. L. 96–304, §101, added subsec. (i).

1978—Subsec. (e). Pub. L. 95–240 inserted reference to President pro tempore and Deputy President pro tempore.

Subsec. (h). Pub. L. 95–391 added subsec. (h).

1977—Subsec. (a). Pub. L. 95–94, §112(a), in par. (1) struck out provision requiring authorization by the Committee on Rules and Administration in the manner prescribed by such Committee, in par. (7) struck out ''and'' at end thereof, in par. (8) substituted provisions requiring reimbursement of travel expenses incurred by the Senator and employees in his office subject to the provisions of subsec. (e) of this section, for provisions authorizing reimbursement of actual travel expenses incurred by the Senator in travel-on official business between Washington, D.C. and the State he represents and within such State, and travel expenses incurred by employees in the Senator's office subject to the provisions of subsec. (e) of this section, added par. (9), and in text following par. (9) inserted provisions relating to reimbursement of expenses incurred under par. (9).

Subsec. (b)(1). Pub. L. 95–94, §112(b), substituted provisions setting forth criteria for determination of total amount of expenses authorized to be paid to or on behalf of a Senator under this section for calendar year 1977 or any calendar year thereafter, for provisions setting forth criteria for determination of total amount of expenses authorized to be paid to or on behalf of a Senator under this section for calendar year 1973 or any calendar year thereafter.

Subsec. (e). Pub. L. 95–94, §112(c), substituted provisions setting forth prerequisites, conditions, and amounts of reimbursement for actual transportation expenses and per diem expenses, but not exceeding actual travel expenses, incurred by a Senator or employee in his office while traveling on official business within the United States, for provisions setting forth prerequisites, conditions, and amounts of reimbursement for per diem and actual transportation expenses incurred, or actual travel expenses incurred, by an employee in a Senator's office, including employees authorized by Senate Resolution 60, 94th Congress, and former section 72a–1c of this title, for round trips made by the employee on official business by the nearest usual route between Washington, D.C. and the home State of the Senator involved, and in traveling within the State.

1975—Subsec. (a)(8). Pub. L. 94–59, §103(1), substituted ''travel expenses incurred by employees'' for ''actual transportation expenses incurred by employees''.

Subsec. (e). Pub. L. 94–59, §103(2), inserted new administrative provisions covering the payment of travel expenses of employees in Senators' offices for round trips between Washington, D.C., and the Senators' home States, inserted references to Senate Resolution 60, 94th Congress, agreed to June 12, 1975, and to sections

68b and 72a–1c of this title, and inserted limiting provisions prohibiting reimbursement for travel during the 60-day period immediately preceding any election in which the Senator is a candidate.

1974—Subsec. (a)(4). Pub. L. 93–371 struck out par. (4) which related to rental charges for office space at not more than three places designated by the Senator in the State he represents. See section 59 of this title.

Subsec. (c). Pub. L. 93–371 struck out provisions setting forth the maximum allowable amount for rental payments for office space occupied by the Senator in State he represents. See section 59 of this title.

Subsec. (d). Pub. L. 93–371 struck out subsec. (d) which authorized the Sergeant at Arms to secure for each Senator home State office space at not more than three places designated by the Senator in such home State. See section 59 of this title.

1973—Subsec. (a)(7). Pub. L. 93–145 inserted ''newspapers,'' after ''subscriptions to''.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–57, title I, §1[(a)], Sept. 29, 1999, 113 Stat. 410, provided that the amendment made by section 1[(a)] is effective in the case of any fiscal year which begins on or after Oct. 1, 1999.

Pub. L. 106–57, title I, §1(c), Sept. 29, 1999, 113 Stat. 411, provided that: ''The amendments made by this section [amending this section] shall apply to any fiscal year which begins on or after October 1, 1999.''

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–275, title I, §1(a), Oct. 21, 1998, 112 Stat. 2432, provided that the amendment made by section 1(a) is effective in the case of any fiscal year which begins on or after Oct. 1, 1998.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 3(a) of Pub. L. 105–55 provided that the amendment made by that section is effective in the case of any fiscal year beginning on or after Oct. 1, 1997.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 7(c) of Pub. L. 102–90 provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 59 of this title] shall take effect October 1, 1991.''

EFFECTIVE DATE OF 1990 AMENDMENT

Section 4(d) of Pub. L. 101–520 provided that: ''The provisions of subsections (a) and (b) [enacting section 58a–4 of this title], and the amendment made by subsection (c) [amending this section] shall take effect on October 1, 1990.''

Section 8 of Pub. L. 101–520 provided that the amendment made by that section is effective in the case of any fiscal year which begins on or after October 1, 1990.

Section 9(b) of Pub. L. 101–520 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective in the case of expenses incurred after September 30, 1989.''

Amendment by section 311(h)(2) of Pub. L. 101–520 applicable with respect to sessions of Congress beginning with the first session of the One Hundred Second Congress, see section 59e(i) of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Sections 8(b) and 14(b) of Pub. L. 100–458 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective only in the case of expenses incurred on or after October 1, 1988.''

EFFECTIVE DATE OF 1987 AMENDMENT

Section 1(b)(1)–(5) of Pub. L. 100–137 provided that the amendments made by that section are effective Jan. 1, 1988.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 2 of Pub. L. 99–65 provided that: ''The amendments made by this Act [amending this section and section 58a of this title] shall take effect on the first day of the first calendar month which begins more than sixty days after the date of enactment of this Act [July 12, 1985].''

EFFECTIVE DATE OF 1983 AMENDMENT

Section 1204(b) of Pub. L. 98–181 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective in the case of expenses incurred or charges imposed on or after October 1, 1983.''

EFFECTIVE DATE OF 1982 AMENDMENTS

Section 103(b) of S. 2939, as reported Sept. 22, 1982, and enacted into permanent law by section 101(e) of Pub. L. 97–276 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective with respect to calendar years after the calendar year 1982.''

Section 106(b) of S. 2939, as reported Sept. 22, 1982, and enacted into permanent law by section 101(e) of Pub. L. 97–276 provided that: ''The amendments made by subsection (a) of this section [amending this section] shall take effect January 1, 1983.''

Section 104(b) of Pub. L. 97–257 provided that: ''The amendment made by subsection (a) of this section [amending this section] shall be effective on and after January 1, 1982.''

EFFECTIVE DATE OF 1981 AMENDMENT

Section 122 of Pub. L. 97–51 provided that the amendment made by that section is effective Jan. 1, 1982.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 101 of Pub. L. 96–304 provided that the amendment made by that section is effective Oct. 1, 1979.

Section 103 of Pub. L. 96–304 provided that the amendment made by that section is effective Feb. 1, 1980.

Section 104 of Pub. L. 96–304 provided that the amendment made by that section is effective Jan. 1, 1980.

EFFECTIVE DATE OF 1978 AMENDMENTS

Section 108(b) of Pub. L. 95–391 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1978.''

Section 208 of Pub. L. 95–240 provided that the amendment made by that section is effective Aug. 5, 1977.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 112(f) of Pub. L. 95–94 provided that: ''The amendments made by subsections (a), (c), (d), and (e) [amending this section and sections 59 and 68b of this title] shall take effect on the date of the enactment of this Act [Aug. 5, 1977]. The amendment made by subsection (b) [amending this section] shall take effect as of January 1, 1977.''

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–371 effective on and after July 1, 1974, see section 59(g) of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 101 of Pub. L. 93–145 provided that the amendment made by that section is effective Jan. 1, 1973.

INCREASE IN CERTAIN AUTHORIZED EXPENSE LIMITS EFFECTIVE OCTOBER 1, 1994

For provisions increasing each of the figures contained in subsec. (b)(3)(A)(iii) of this section by $50,000 effective Oct. 1, 1994, see section 5 of Pub. L. 103–283, set out as a Mass Mailings by Senators note under section 3210 of Title 39, Postal Service.

DECREASE IN CERTAIN AUTHORIZED EXPENSE LIMITS EFFECTIVE OCTOBER 1, 1993

Pub. L. 103–69, title I, §2, Aug. 11, 1993, 107 Stat. 695, provided that: ''Effective on and after October 1, 1993, the aggregate of each of the sums determined under

clauses (iii) and (iv) of section 506(b)(3)(A) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)(A)(iii) and (iv)), shall be deemed decreased by 2.5 percent.''

PAYMENT TO UNITED STATES POSTAL SERVICE FOR POSTAGE, FEES, AND CHARGES

Section 5(b) of Pub. L. 101–163 provided that: ''Receipts paid to the Sergeant at Arms from sales of postage on, and fees and charges in connection with mail matter sent through the mail by Senators, Senate committees, or other Senate offices (including joint committees and commissions funded from the contingent fund of the Senate), other than under the franking privilege, as cash or check payments directly from such Senators, committees, or offices, or as reimbursement from the Financial Clerk of the Senate pursuant to certification by the Sergeant at Arms of charges to be made to such funds available to such Senators, committees, or offices for such postage, fees and charges shall be used by the Sergeant at Arms for payment to the United States Postal Service for such postage, fees, and charges.''

§ 58a. Telecommunications services for Senators; payment of costs out of contingent fund

The Sergeant at Arms and Doorkeeper of the Senate shall furnish each Senator local and long-distance telecommunications services in Washington, District of Columbia, and in such Senator's State in accordance with regulations prescribed by the Senate Committee on Rules and Administration; and the costs of such service shall be paid out of the contingent fund of the Senate from moneys made available to him for that purpose.

(Pub. L. 98–181, title I, § 1205(a), Nov. 30, 1983, 97 Stat. 1290; Pub. L. 99–65, § 1(b), July 12, 1985, 99 Stat. 163; Pub. L. 99–439, Oct. 2, 1986, 100 Stat. 1085.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1984.

PRIOR PROVISIONS

A prior section 58a, Pub. L. 95–94, title I, § 112(g), Aug. 5, 1977, 91 Stat. 665, directed Sergeant at Arms and Doorkeeper of Senate to furnish not more than two WATS lines to any Senator requesting them, with the cost of such service to be paid out of contingent fund of Senate, prior to repeal by section 1205(b) of Pub. L. 98–181, effective first day of first calendar month which begins more than thirty days after Nov. 30, 1983.

AMENDMENTS

1986—Pub. L. 99–439 struck out ''(except services for which the charge is based on the amount of time the service is used)'' after ''Senator's State''.

1985—Pub. L. 99–65 inserted ''and in such Senator's State (except services for which the charge is based on the amount of time the service is used)''.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–65 effective on first day of first calendar month beginning more than 60 days after July 12, 1985, see section 2 of Pub. L. 99–65, set out as a note under section 58 of this title.

PAYMENT FOR TELECOMMUNICATIONS SERVICE

Pub. L. 104–53, title I, § 5, Nov. 19, 1995, 109 Stat. 517, as amended by Pub. L. 104–197, title I, § 4(a), Sept. 16, 1996, 110 Stat. 2397; Pub. L. 107–68, title I, § 104(a), Nov. 12, 2001, 115 Stat. 568, provided that:

''(a) Any payment for local and long distance telecommunications service provided to any user shall cover the total invoiced amount, including any amount relating to separately identified toll calls, and shall be charged to the appropriation for the fiscal year in which the underlying base service period covered by the invoice begins.

''(b) As used in subsection (a), the term 'user' means a Senator, an Officer of the Senate, and any office, committee, or other entity the funds of which are disbursed by the Secretary of the Senate.''

[Pub. L. 107–68, title I, § 104(b), Nov. 12, 2001, 115 Stat. 568, provided that: ''The amendment made by subsection (a) [amending section 5 of Pub. L. 104–53, set out above] shall take effect on October 1, 2001, and shall apply to base service periods beginning on or after that date.'']

[Pub. L. 104–197, title I, § 4(b), Sept. 16, 1996, 110 Stat. 2397, provided that: ''The amendments made by subsection (a) [amending section 5 of Pub. L. 104–53, set out above] shall take effect on October 1, 1996, and shall apply to all payments made on or after such date for local and long distance telecommunications service.'']

§ 58a–1. Payment for telecommunications equipment and services; definitions

As used in sections 58a–1 to 58a–3 of this title, the term—

(1) ''Sergeant at Arms'' means the Sergeant at Arms and Doorkeeper of the United States Senate; and

(2) ''user'' means any Senator, Officer of the Senate, Committee, office, or entity provided telephone equipment and services by the Sergeant at Arms.

(Pub. L. 100–123, § 1, Oct. 5, 1987, 101 Stat. 794.)

EFFECTIVE DATE

Section 4 of Pub. L. 100–123 provided that: ''This Act [enacting this section and sections 58a–2 and 58a–3 of this title] shall take effect on October 1, 1987.''

§ 58a–2. Certification of telecommunications equipment and services as official

(a) Regulations issued by Committee on Rules and Administration

Subject to such regulations as may hereafter be issued by the Committee on Rules and Administration of the Senate, the Sergeant at Arms shall have the authority, with respect to telephone equipment and services provided to any user on a reimbursable basis (including repair or replacement), solely for the purposes of this section, to make such certification as may be necessary to establish such services and equipment as official, issue invoices in conjunction therewith, and receive payment for such services and equipment by certification, voucher, or otherwise.

(b) Equipment and services provided on reimbursable basis

For purposes of sections 58a–1 to 58a–3 of this title, telephone equipment and services provided to any user for which payment, prior to October 1, 1987, was not authorized from the contingent fund of the Senate shall, on and after October 1, 1987, be considered telephone equipment and services provided on a reimbursable basis for which payment may be obtained from such fund in accordance with subsection (a) of this section.

(c) Establishment of reasonable charges

Subject to the approval of the Committee on Rules and Administration, the Sergeant at Arms

may establish reasonable charges for telephone equipment and services provided to any user which may be in addition to that regularly authorized by the Committee.

(d) Disposition of moneys received

All moneys, derived from payments for telephone equipment and services provided from funds from the Appropriation Account within the contingent fund of the Senate for ''Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate'' under the line item for Telecommunications (including receipts from carriers and others for loss or damage to such services or equipment for which repair or replacement has been provided by the Sergeant at Arms), and all other moneys received by the Sergeant at Arms as charges or commissions for telephone services, shall be deposited in and made a part of such Appropriation Account and under such line item, and shall be available for expenditure or obligation, or both, in like manner and subject to the same limitations as any other moneys in such account and under such line item.

(e) Committee authority to classify or reclassify equipment and services

Nothing in sections 58a–1 to 58a–3 of this title shall be construed as limiting or otherwise affecting the authority of the Committee on Rules and Administration of the Senate to classify or reclassify telephone equipment and services provided to any user as equipment or services for which reimbursement may or may not be required.

(Pub. L. 100–123, § 2, Oct. 5, 1987, 101 Stat. 794; Pub. L. 101–163, title I, § 3, Nov. 21, 1989, 103 Stat. 1044.)

AMENDMENTS

1989—Subsec. (d). Pub. L. 101–163 inserted ''and all other moneys received by the Sergeant at Arms as charges or commissions for telephone services,'' after ''by the Sergeant at Arms),''.

EFFECTIVE DATE

Section effective Oct. 1, 1987, see section 4 of Pub. L. 100–123, set out as a note under section 58a–1 of this title.

§ 58a–3. Report on telecommunications to Committee on Rules and Administration

The Sergeant at Arms shall report to the Committee on Rules and Administration of the Senate, at such time or times, and in such form and manner, as the Committee may direct, on expenditures made, and revenues received, pursuant to sections 58a–1 to 58a–3 of this title. It shall be the function of the Sergeant at Arms to advise the Committee, as soon as possible, of any dispute regarding payments to and from such Appropriation Account as related to the line item for Telecommunications, including any amounts due and unpaid by any user, if any such dispute has remained unresolved for a period of at least 60 days.

(Pub. L. 100–123, § 3, Oct. 5, 1987, 101 Stat. 795.)

EFFECTIVE DATE

Section effective Oct. 1, 1987, see section 4 of Pub. L. 100–123, set out as a note under section 58a–1 of this title.

§ 58a–4. Metered charges on copiers; "Sergeant at Arms" and "user" defined; certification of services and equipment as official; deposit of payments; availability for expenditure

(a) As used in this section, the term—

(1) ''Sergeant at Arms'' means the Sergeant at Arms and Doorkeeper of the United States Senate; and

(2) ''user'' means any Senator, Officer of the Senate, Committee, office, or entity provided copiers by the Sergeant at Arms.

(b)(1) Subject to such regulations as may on and after November 5, 1990, be issued by the Committee on Rules and Administration of the Senate, the Sergeant at Arms shall have the authority, with respect to metered charges on copying equipment provided by the Sergeant at Arms, solely for the purposes of this section, to make such certification as may be necessary to establish such services and equipment as official, issue invoices in conjunction therewith, and receive payment for such services and equipment by certification, voucher, or otherwise.

(2) All moneys, derived from the payment of metered charges on copying equipment provided from funds from the Appropriation Account within the contingent fund of the Senate for ''Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate'' under the line item for the Service Department, shall be deposited in and made a part of such Appropriation Account and under such line item, and shall be available for expenditure or obligation, or both, in like manner and subject to the same limitations as any other moneys in such account and under such line item.

(Pub. L. 101–520, title I, § 4(a), (b), Nov. 5, 1990, 104 Stat. 2257.)

REFERENCES IN TEXT

This section, referred to in text, means section 4 of Pub. L. 101–520, which enacted this section, amended section 58 of this title, and enacted provisions set out as a note under section 58 of this title.

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1991, which is title I of the Legislative Branch Appropriations Act, 1991.

EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 4(d) of Pub. L. 101–520, set out as an Effective Date of 1990 Amendment note under section 58 of this title.

§ 58b. Repealed. Pub. L. 100–137, § 2, Oct. 21, 1987, 101 Stat. 819

Section, Pub. L. 97–12, title I, § 110, June 5, 1981, 95 Stat. 62; Pub. L. 97–51, § 125, Oct. 1, 1981, 95 Stat. 965; Pub. L. 98–367, title I, § 11(a), July 17, 1984, 98 Stat. 476; Pub. L. 99–349, title I, § 2(a), (b), July 2, 1986, 100 Stat. 741, 742, provided for transfer to a Senator's Official Office Expense Account of that Senator's clerk hire allowance funds remaining at end of fiscal year. See section 58c of this title.

EFFECTIVE DATE OF REPEAL

Section 2 of Pub. L. 100–137 provided that the repeal is effective Jan. 1, 1988.

§ 58c. Senators' Official Personnel and Office Expense Account

(1) Effective January 1, 1988, there shall be, within the contingent fund of the Senate, a separate appropriation account to be known as the ''Senators' Official Personnel and Office Expense Account'' (hereinafter in this section referred to as the ''Senators' Account'').

(2) The Senators' Account shall be used for the funding of all items, activities, and expenses which, immediately prior to January 1, 1988, were funded under either (A) the Senate appropriation account for ''Administrative, Clerical, and Legislative Assistance Allowance to Senators'' (hereinafter in this section referred to as the ''Senators' Clerk Hire Allowance Account'') under the headings ''SENATE'' and ''Salaries, Officers and Employees'', or (B) that part of the account, within the contingent fund of the Senate, for ''Miscellaneous Items'' (hereinafter in this section referred to as the ''Senators' Official Office Expense Account'') which is available for allocation to Senatorial Official Office Expense Accounts. In addition, the Senators' Account shall be used for the funding of agency contributions payable with respect to compensation payable by such account, but moneys appropriated to such account for this purpose shall not be available for any other purpose. The account, which in clause (A) of the first sentence of this paragraph is identified as the ''Senators' Clerk Hire Allowance Account'' and the account, which in clause (B) of such sentence is identified as the ''Senators' Official Office Expense Account'' shall, when referred to in other law, rule, regulation, or order (whether referred to by such name or any other) shall on and after January 1, 1988, be deemed to refer to the ''Senators' Official Personnel and Office Expense Account''.

(3)(A) Effective on January 1, 1988, there shall be transferred to the Senators' Account from the Senators' Clerk Hire Allowance Account all funds therein which were available for expenditure or obligation during the fiscal year ending September 30, 1988, and from the Senators' Official Office Expense Account so much of the funds therein as was available for expenditure or obligation for the period commencing January 1, 1988, and ending September 30, 1988; except that the Senators' Official Office Expense Account shall remain in being solely for the purpose of being available to pay for any authorized item, activity, or expense, for which funds therein had been obligated, but not paid, prior to such transfer.

(B) Any of the funds transferred to the Senators' Account from the Senators' Clerk Hire Allowance Account pursuant to subparagraph (A) which, prior to such transfer, had been obligated, but not expended, for any authorized item, activity, or expense, shall be available to pay for such item, activity, or expense in like manner as if such transfer had not been made.

(4) On January 1, 1988, there shall be transferred to the Senators' Account, from the appropriation account for ''Agency Contributions'', under the headings ''SENATE'' and ''Salaries, Officers and Employees'', so much of the moneys in such account as was appropriated for the purpose of making agency contributions for administrative, clerical, and legislative assistance to Senators with respect to compensation payable for the period commencing January 1, 1988, and ending September 30, 1988; and the moneys so transferred shall be available only for the payment of such agency contributions with respect to such compensation.

(5) Vouchers shall not be required for the disbursement, from the Senators' Account, of salaries of employees in the office of a Senator.

(6) Effective on and after October 1, 1997, the Senators' Account shall be available for the payment of franked mail expenses of Senators.

(Pub. L. 100–137, § 1(a), Oct. 21, 1987, 101 Stat. 814; Pub. L. 105–55, title I, § 3(b), Oct. 7, 1997, 111 Stat. 1180.)

REFERENCES IN TEXT

This section, referred to in pars. (1) and (2), means section 1 of Pub. L. 100–137, Oct. 21, 1987, 101 Stat. 814, which enacted this section, amended sections 58 and 61–1 of this title, and enacted provisions set out as notes under sections 58 and 61–1 of this title.

AMENDMENTS

1997—Par. (6). Pub. L. 105–55 added par. (6).

CONSTRUCTION OF 1997 AMENDMENT

Section 3(d) of Pub. L. 105–55 provided that: ''Nothing in this section [amending this section and section 58 of this title, repealing section 58c–1 of this title, and enacting provisions set out as notes under sections 58 and 58c–1 of this title] affects the authority of the Committee on Rules and Administration of the Senate to prescribe regulations relating to the frank by Senators and officers of the Senate.''

§ 58c–1. Repealed. Pub. L. 105–55, title I, § 3(c)(1), Oct. 7, 1997, 111 Stat. 1180

Section, Pub. L. 101–520, title I, § 12, Nov. 5, 1990, 104 Stat. 2260; Pub. L. 102–392, title III, § 313, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 103–69, title I, § 3, Aug. 11, 1993, 107 Stat. 695, related to transfer of funds by Members of Senate from Senate Official Mail Costs Account to Senators' Official Personnel and Office Expense Account.

EFFECTIVE DATE OF REPEAL

Section 3(c)(2) of Pub. L. 105–55 provided that: ''The amendment made by paragraph (1) [repealing this section] shall be effective on and after October 1, 1997.''

§ 59. Home State office space for Senators; lease of office space

(a) Procurement by Sergeant at Arms of Senate in places designated by Senator; places subject to use; lease of office space

(1) The Sergeant at Arms of the Senate shall secure for each Senator office space suitable for the Senator's official use in places designated by the Senator in the State he represents. That space shall be secured in post offices or other Federal buildings at such places. In the event suitable office space is not available in post offices or other Federal buildings, the Sergeant at Arms shall secure other office space in those places.

(2) The Senator may lease, on behalf of the United States Senate, the office space so secured for a term not extending beyond the term of office which he is serving on the first day of such lease, except that, in the case of a Senator

whose term of office is expiring and who has been elected for another term, such lease may extend until the end of the term for which he has been so elected. Each such lease shall contain a provision permitting its cancellation upon sixty days written notice by the Sergeant at Arms and Doorkeeper of the Senate, in the event of the death or resignation of the Senator. A copy of each such lease shall be furnished to the Sergeant at Arms. Nothing in this paragraph shall be construed to require the Sergeant at Arms to enter into or execute any lease for or on behalf of a Senator.

(b) Maximum amount of aggregate square feet for each Senator

The aggregate square feet of office space secured for Senator shall not at any time exceed—

(1) 5,000 square feet if the population of the State of the Senator is less than 3,000,000;

(2) 5,200 square feet if such population is 3,000,000 but less than 4,000,000;

(3) 5,400 square feet if such population is 4,000,000 but less than 5,000,000;

(4) 5,800 square feet if such population is 5,000,000 but less than 7,000,000;

(5) 6,200 square feet if such population is 7,000,000 but less than 9,000,000;

(6) 6,400 square feet if such population is 9,000,000 but less than 10,000,000;

(7) 6,600 square feet if such population is 10,000,000 but less than 11,000,000;

(8) 6,800 square feet if such population is 11,000,000 but less than 12,000,000;

(9) 7,000 square feet if such population is 12,000,000 but less than 13,000,000;

(10) 7,400 square feet if such population is 13,000,000 but less than 15,000,000;

(11) 7,800 square feet if such population is 15,000,000 but less than 17,000,000; or

(12) 8,200 square feet if such population is 17,000,000 or more.

(c) Maximum annual rental rate; maximum aggregate amount for acquisition of furniture, equipment, and other office furnishings

(1) The maximum annual rate that may be paid for the rental of an office secured for a Senator not in a post office or other Federal building shall not exceed the highest rate per square foot charged Federal agencies on the first day of the lease of such office by the Administrator of General Services, based upon a 100 percent building quality rating, for office space located in the place in which the Senator's office is located, multiplied by the number of square feet contained in that office used by the Senator and his employees to perform their duties.

(2) The aggregate amount that may be paid for the acquisition of furniture, equipment, and other office furnishings heretofore provided by the Administrator of General Services for one or more offices secured for the Senator is $40,000 if the aggregate square feet of office space is not in excess of 5,000 square feet. Such amount is increased by $1,000 for each authorized additional incremental increase in office space of 200 square feet. Effective beginning with the 106th Congress, the aggregate amount in effect under this paragraph for any Congress shall be increased by the inflation adjustment factor for the calendar year in which the Congress begins. For purposes of the preceding sentence, the inflation adjustment factor for any calendar year is a fraction the numerator of which is the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce for the preceding calendar year and the denominator of which is such deflator for the calendar year 1998.

(d) Senators subject to maximum amount of aggregate square feet and maximum annual rental rate

(1) Notwithstanding subsection (b) of this section, the aggregate square feet of office space secured for a Senator who is a Senator on July 1, 1974, shall not at any time exceed, as long as he continuously serves as a Senator, the greater of—

(A) the applicable square footage limitation of such subsection; or

(B) the total square footage of those offices that the Senator has on such date and which are continuously maintained in the same buildings in which such offices were located on such date.

(2) The provisions of subsection (c) of this section do not apply to any office that a Senator has on July 1, 1974, not in a post office or other Federal building, as long as—

(A) that Senator continuously serves as a Senator; and

(B) that office is maintained in the same building in which it was located on such date and contains not more than the same number of square feet it contained in such date.

(e) Omitted

(f) Mobile office

(1) Subject to the provisions of paragraphs (2), (3), (4), and (5), a Senator may lease one mobile office for use only in the State he represents and the contingent fund of the Senate is available for the rental payments (including by way of reimbursement) made under such lease together with the actual nonpersonnel cost of operating such mobile office. The term of any such lease shall not exceed 3 years. A copy of each such lease shall be furnished to the Sergeant at Arms of the Senate.

(2) The maximum aggregate annual rental payments and operating costs (except furniture, equipment, and furnishings) that may be paid to a Senator under paragraph (1) shall not at any time exceed an amount determined by multiplying (A) the highest applicable rate per square foot charged Federal agencies by the Administrator of General Services in the State which that Senator represents, based upon a 100 percent building quality rating, by (B) the maximum aggregate square feet of office space to which that Senator is entitled under subsection (b) of this section reduced by the number of square feet contained in offices secured for that Senator under subsection (a) of this section and used by that Senator and his employees to perform their duties.

(3) No payment shall be made under paragraph (1) for rental payments and operating costs of a mobile office of a Senator unless the following provisions are included in its lease:

(A) Liability insurance in the amount of $1,000,000 shall be provided with respect to the operation and use of such mobile office.

(B) Either of the following inscriptions shall be clearly visible on three sides of such mobile office in letters not less than three inches high:

''UNITED STATES GOVERNMENT VEHICLE

''FOR OFFICIAL USE ONLY'';

OR

''MOBILE OFFICE OF SENATOR _____

''FOR OFFICIAL USE ONLY''.

The Committee on Rules and Administration of the Senate may prescribe regulations to waive or modify the requirement under subparagraph (B) if such waiver or modification is necessary to provide for the public safety of a Senator and the Senator's staff and constituents.

(4) No payment shall be made under paragraph (1) for rental payments and operating costs of a mobile office of a Senator which are attributable to or incurred during the 60-day period ending with the date of any primary or general election (whether regular, special, or runoff) in which that Senator is a candidate for public office, unless his candidacy in such election is uncontested.

(5) Payment under paragraph (1) shall be made on a monthly basis and shall be paid upon vouchers approved by the Sergeant at Arms of the Senate.

(g) Effective date

This section is effective on and after July 1, 1974.

(Pub. L. 93–371, § 3, Aug. 13, 1974, 88 Stat. 428; Pub. L. 94–32, title I, § 4, June 12, 1975, 89 Stat. 183; Pub. L. 94–59, title I, §§ 106(a), 107, July 25, 1975, 89 Stat. 276; Pub. L. 95–26, title I, § 105, May 4, 1977, 91 Stat. 83; Pub. L. 95–94, title I, § 112(d), Aug. 5, 1977, 91 Stat. 664; Pub. L. 96–304, title I, § 109, July 8, 1980, 94 Stat. 890; Pub. L. 99–88, title I, § 194, Aug. 15, 1985, 99 Stat. 349; Pub. L. 102–27, title II, Apr. 10, 1991, 105 Stat. 144; Pub. L. 102–90, title I, § 7(b), Aug. 14, 1991, 105 Stat. 451; Pub. L. 104–197, title I, § 3, Sept. 16, 1996, 110 Stat. 2397; Pub. L. 106–57, title I, § 3, Sept. 29, 1999, 113 Stat. 411; Pub. L. 108–7, div. H, title I, § 4(a), Feb. 20, 2003, 117 Stat. 349.)

CODIFICATION

Section is comprised of section 3 of Pub. L. 93–371. Subsec. (e) of section 3 of Pub. L. 93–371 amended section 58 of this title.

AMENDMENTS

2003—Subsec. (f)(3). Pub. L. 108–7 inserted concluding provisions.

1999—Subsec. (b)(1). Pub. L. 106–57, § 3(1)(A), added par. (1) and struck out former par. (1) which read as follows: ''4,800 square feet if the population of his State is less than 2,000,000;''.

Subsec. (b)(2). Pub. L. 106–57, § 3(1)(A), (C), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: ''5,000 square feet if such population is 2,000,000 but less than 3,000,000;''.

Subsec. (b)(3) to (12). Pub. L. 106–57, § 3(1)(C), redesignated pars. (4) to (13) as (3) to (12), respectively. Former par. (3) redesignated (2).

Subsec. (b)(13). Pub. L. 106–57, § 3(1)(C), redesignated par. (13) as (12).

Pub. L. 106–57, § 3(1)(B), substituted ''8,200'' for ''8,000''.

Subsec. (c)(2). Pub. L. 106–57, § 3(2), substituted ''$40,000'' for ''$30,000'', ''5,000 square feet'' for ''4,800 square feet'', and ''$1,000'' for ''$734'' and inserted at end ''Effective beginning with the 106th Congress, the aggregate amount in effect under this paragraph for any Congress shall be increased by the inflation adjustment factor for the calendar year in which the Congress begins. For purposes of the preceding sentence, the inflation adjustment factor for any calendar year is a fraction the numerator of which is the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce for the preceding calendar year and the denominator of which is such deflator for the calendar year 1998.''

1996—Subsec. (f)(1). Pub. L. 104–197 substituted ''3 years'' for ''one year'' in second sentence.

1991—Subsec. (f)(1). Pub. L. 102–90, § 7(b)(1), substituted ''the contingent fund of the Senate is available for the rental payments (including by way of reimbursement)'' for ''shall be reimbursed from the contingent fund of the Senate for the rental payments''.

Subsec. (f)(2). Pub. L. 102–90, § 7(b)(2), substituted ''paid'' for ''reimbursed''.

Subsec. (f)(3). Pub. L. 102–90, § 7(b)(3), substituted ''payment'' for ''reimbursement''.

Subsec. (f)(3)(B). Pub. L. 102–27 added subpar. (B) and struck out former subpar. (B) which read as follows: ''The following inscription shall be clearly visible on three sides of such mobile office in letters not less than four inches high:

''''Mobile Office of Senator (name of Senator)

''''FOR OFFICIAL OFFICE USE ONLY''.''

Subsec. (f)(4). Pub. L. 102–90, § 7(b)(4), substituted ''payment'' for ''reimbursement''.

Subsec. (f)(5). Pub. L. 102–90, § 7(b)(5), substituted ''Payment'' for ''Reimbursement''.

1985—Subsec. (c)(2). Pub. L. 99–88 substituted ''$30,000'' for ''$22,550'' and ''$734'' for ''$550''.

1980—Subsec. (a)(2). Pub. L. 96–304, § 109(1), substituted provision limiting term of a lease of office space to a term not extending beyond the term of office which Senator is serving on first day of such lease, except in case of a Senator whose term is expiring and who has been elected to another term, to end of term for which he has been so elected, for provision limiting term of a lease of office space to a term of not to exceed one year and inserted provision requiring each lease to contain a provision permitting cancellation upon sixty days written notification by Sergeant at Arms and Doorkeeper of Senate, in event of death or resignation of Senator.

Subsec. (c). Pub. L. 96–304, § 109(2), substituted ''shall not exceed the highest rate per square foot charged Federal agencies on the first day of the lease of such office'' for ''shall not at any time exceed the applicable rate per square foot charged Federal agencies''.

1977—Subsec. (c)(2). Pub. L. 95–94 substituted ''$22,550'' for ''$20,500'' and ''$550'' for ''$500''.

Subsec. (f)(5). Pub. L. 95–26 substituted ''monthly'' for ''quarterly''.

1975—Subsec. (a). Pub. L. 94–59, § 107, designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 94–59, § 106(a), designated existing provisions as par. (1) and added par. (2).

Subsecs. (f), (g). Pub. L. 94–32 added subsec. (f) and redesignated former subsec. (f) as (g).

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 4(b), Feb. 20, 2003, 117 Stat. 350, provided that: ''The amendment made by this section [amending this section] shall take effect on the date of enactment of this Act [Feb. 20, 2003] and apply to fiscal year 2003 and each fiscal year thereafter.''

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–90 effective Oct. 1, 1991, see section 7(c) of Pub. L. 102–90, set out as a note under section 58 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 109 of Pub. L. 96–304 provided that the amendment made by that section is effective Jan. 1, 1980.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–94 effective Aug. 5, 1977, see section 112(f) of Pub. L. 95–94, set out as a note under section 58 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106(b) of Pub. L. 94–59 provided that: ''The amendment made by subsection (a) of this section [amending this section] is effective on and after July 1, 1975.''

§ 59–1. Additional home State office space for Senators; declaration of disaster or emergency

(a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.]. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after June 12, 1997.

(Pub. L. 105–18, title II, § 7002, June 12, 1997, 111 Stat. 192.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

§ 59a. Repealed. Pub. L. 101–163, title I, § 103(b), Nov. 21, 1989, 103 Stat. 1050

Section, Pub. L. 93–462, § 1, Oct. 20, 1974, 88 Stat. 1388, related to purchase of office equipment or furnishings by House Members.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1989, see section 103(c) of Pub. L. 101–163, set out as an Effective Date of 1989 Amendment note under section 117e of this title.

§ 59b. Purchase of office equipment or furnishings by Senators

(a) Authorization; conditions

Notwithstanding any other provision of law, a United States Senator may purchase, upon leaving office or otherwise ceasing to be a Senator (except by expulsion), any item or items of office equipment or office furnishings provided by the General Services Administration and then currently located and in use in an office of such Senator in the State then represented by such Senator.

(b) Request by Senator and arrangement for purchase by Sergeant at Arms of Senate; regulations governing purchase; price

At the request of any United States Senator, the Sergeant at Arms of the Senate shall arrange for and make the purchase of equipment and furnishings under subsection (a) of this section on behalf of such Senator. Each such purchase shall be—

(1) in accordance with regulations which shall be prescribed by the Committee on Rules and Administration of the Senate, after consultation with the General Services Administration; and

(2) at a price equal to the acquisition cost to the Federal Government of the equipment or furnishings so purchased, less allowance for depreciation determined under such regulations, but in no instance less than the fair market value of such items.

(c) Remittance of amounts received to General Services Administration; disposition

Amounts received by the Federal Government from the sale of items of office equipment or office furnishings under this section shall be remitted to the General Services Administration and credited to the appropriate account or accounts.

(Pub. L. 93–462, § 2, Oct. 20, 1974, 88 Stat. 1388.)

§ 59c. Transferred

CODIFICATION

Section, Pub. L. 95–94, title I, § 103, Aug. 5, 1977, 91 Stat. 660; Pub. L. 97–51, § 118, Oct. 1, 1981, 95 Stat. 964, which related to disposal of used or surplus furniture and equipment by Sergeant at Arms and Doorkeeper of Senate, and procedure with respect to deposit of receipts from sale of such furniture and equipment, was transferred to section 117b of this title.

§ 59d. Transportation of official records and papers to House Member's district

(a) Payment of reasonable expenses from applicable accounts of House; rules and regulations

Effective August 16, 1978, notwithstanding any provision of law and until otherwise provided by law, the applicable accounts of the House shall be available to pay the reasonable expenses of sending or transporting the official records and papers of any Member of the House of Representatives from the District of Columbia to any location designated by such Member in the district represented by the Member.

The Chief Administrative Officer of the House of Representatives is authorized and directed to provide for the most economical means of sending or transporting such documents to insure the orderly and timely delivery to the specified location. The Committee on House Oversight shall have the authority to issue rules and regulations to carry out the provisions of this section.

(b) "Member of the House of Representatives" and "official records and papers" defined

As used in this section—

(1) the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

(2) the term ''official records and papers'' means books, records, papers, and official files which could be sent as franked mail.

(Pub. L. 98–51, title I, § 111(1), July 14, 1983, 97 Stat. 269; Pub. L. 104–186, title II, § 203(21), Aug. 20, 1996, 110 Stat. 1728.)

CODIFICATION

In subsec. (a), ''August 16, 1978'' substituted for ''upon the date of adoption of this resolution'' meaning the date of adoption of House Resolution No. 1297, which was agreed to Aug. 16, 1978.

Section is based on House Resolution No. 1297, Ninety-fifth Congress, Aug. 16, 1978, which was enacted into permanent law by Pub. L. 98–51.

Sections 1 and 2 of House Resolution No. 1297 were redesignated subsecs. (a) and (b) of this section, respectively, for purposes of codification.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186, § 203(21)(A)–(C), substituted ''applicable accounts'' for ''contingent fund'' in first par. and ''Chief Administrative Officer of the House of Representatives'' for ''Clerk of the House of Representatives'' and ''House Oversight'' for ''House Administration'' in second par.

Subsec. (b)(1). Pub. L. 104–186, § 203(21)(D), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''the term 'Member' means a Representative, a Resident Commissioner in the House, and a Delegate to the House; and''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 59d–1. Transportation of official records and papers to a Senator's State

(a) Payment of reasonable transportation expenses

Upon request of a Senator, amounts in the appropriation account ''Miscellaneous Items'' within the contingent fund of the Senate shall be available to pay the reasonable expenses of sending or transporting the official records and papers of the Senator from the District of Columbia to any location designated by such Senator in the State represented by the Senator.

(b) Sending and transportation

The Sergeant at Arms and Doorkeeper of the Senate shall provide for the most economical means of sending or transporting the official records and papers under this section while ensuring the orderly and timely delivery of the records and papers to the location specified by the Senator.

(c) Oversight

The Committee on Rules and Administration shall have the authority to issue rules and regulations to carry out the provisions of this section.

(d) Official records defined

In this section, the term ''official records and papers'' means books, records, papers, and official files which could be sent as franked mail.

(e) Effective date

This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108–447, div. G, title I, § 7, Dec. 8, 2004, 118 Stat. 3170.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 59e. Official mail of persons entitled to use congressional frank

(a) Congressional committee regulations for expenditure of appropriations for official mail

Except as otherwise provided in this section, funds appropriated by this Act or any other Act for expenses of official mail of any person entitled to use the congressional frank may be expended only in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives, as applicable. Such regulations shall require—

(1) individual accountability for use of official mail by each person entitled to use the congressional frank;

(2)(A) with respect to the House of Representatives, allocation of funds for official mail to be made to each such person with respect to each session of Congress (with no transfer to any other session or to any other such person); and

(B) with respect to the Senate, allocation of funds for official mail to be made to each such person with respect to each session of Congress (with no transfer to any other session, other than transfers from the first session of a Congress to the second session of that Congress, or to any other such person); and

(3) with respect to the House of Representatives, that in addition to any other report or information made available to the public (through the House Commission on Congressional Mailing Standards or otherwise) regarding the use of the frank, the Chief Administrative Officer of the House of Representatives shall include in the quarterly report of receipts and expenditures submitted to the House of Representatives a statement (based solely on data provided for that purpose by the Committee on House Oversight of the House of Representatives and the House Commission on Congressional Mailing Standards) of costs incurred for official mail by each person entitled to use the congressional frank.

(b) Postmaster General functions

The Postmaster General, in consultation with the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives—

(1) shall monitor use of official mail by each person entitled to use the congressional frank;

(2) at least monthly, shall notify any person with an allocation under subsection (a)(2)(A) of this section as to the amount that has been used and any person with an allocation under subsection (a)(2)(B) of this section as to the

percentage of the allocation that has been used; and

(3) may not carry or deliver official mail the cost of which is in excess of an allocation under subsection (a)(2) of this section.

(c) Source of funds for expenses of official mail

Expenses of official mail of the Senate and the House of Representatives may be paid only from funds specifically appropriated for that purpose and funds so appropriated—

(1) may be supplemented by other appropriated funds only if such supplementation is provided for by law or by regulation under subsection (a) of this section; and

(2) may not be supplemented by funds from any other source, public or private.

(d) Maintenance or use of unofficial office accounts or defrayal of official expenses from certain funds prohibited

No Senator or Member of the House of Representatives may maintain or use, directly or indirectly, an unofficial office account or defray official expenses for franked mail, employee salaries, office space, furniture, or equipment and any associated information technology services (excluding handheld communications devices) from—

(1) funds received from a political committee or derived from a contribution or expenditure (as such terms are defined in section 431 of this title);

(2) funds received as reimbursement for expenses incurred by the Senator or Member in connection with personal services provided by the Senator or Member to the person making the reimbursement; or

(3) any other funds that are not specifically appropriated for official expenses.

(e) Official Mail Allowance in House of Representatives

(1) The use of funds of the House of Representatives which are made available for official mail of Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank shall be governed by regulations promulgated—

(A) by the Committee on House Oversight of the House of Representatives, with respect to allocation and expenditures relating to official mail (except as provided in subparagraph (B)); and

(B) by the House Commission on Congressional Mailing Standards, with respect to matters under section 3210(a)(6)(D) of title 39.

(2) Funds used for official mail—

(A) with respect to a Member of the House of Representatives, shall be available, in a session of Congress, in a total amount, as determined under paragraph (1)(A), of not more than the product of (i) 3 times the single-piece rate applicable to first class mail, and (ii) the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the congressional district, as such addresses are described in section 3210(d)(7)(B) of title 39; and

(B) with respect to any other person entitled to use the congressional frank in the House of Representatives (including any Member of the House of Representatives who receives an allocation under subsection (a)(2) of this section with respect to duties as an elected officer of, or holder of another position in, the House of Representatives), shall be available, in a session of Congress, in a total amount determined under paragraph (1)(A).

(f) Mass mailing; submission of samples or description of proposed mail matter; advisory opinion

A Member of the House of Representatives shall, before making any mass mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.

(g) "Member of the House of Representatives" and "person entitled to use the congressional frank" defined

As used in subsections (a) through (f) of this section—

(1) the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

(2) the term ''person entitled to use the congressional frank'' means a Senator, Member of the House of Representatives, or other person authorized to use the frank under section 3210(b) of title 39.

(h) Omitted

(i) Effective date

This section and the amendments made by this section shall apply with respect to sessions of Congress beginning with the first session of the One Hundred Second Congress, except that, with respect to the Senate, subsection (d) of this section shall apply beginning on May 1, 1992, and the funds referred to in paragraph (3) of such subsection shall not include personal funds of a Senator or Member of the House of Representatives.

(Pub. L. 101–520, title III, § 311, Nov. 5, 1990, 104 Stat. 2278; Pub. L. 102–229, title II, § 211, Dec. 12, 1991, 105 Stat. 1718; Pub. L. 104–186, title II, § 203(22), Aug. 20, 1996, 110 Stat. 1728; Pub. L. 105–275, title I, § 104, Oct. 21, 1998, 112 Stat. 2439; Pub. L. 106–19, § 1(a), Apr. 8, 1999, 113 Stat. 29; Pub. L. 106–57, title I, §§ 102, 103(a)(1)–(3), (4)(B), Sept. 29, 1999, 113 Stat. 415; Pub. L. 107–68, title I, § 110, Nov. 12, 2001, 115 Stat. 569; Pub. L. 108–83, title I, § 105(a), Sept. 30, 2003, 117 Stat. 1018.)

REFERENCES IN TEXT

The amendments made by this section, referred to in subsec. (i), means the amendments made by section 311(h) of Pub. L. 101–520, which amended section 58 of this title and sections 3210 and 3216 of Title 39, Postal Service, and amended provisions set out as notes under sections 3210 and 3216 of Title 39.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1991.

Subsec. (h) of this section made the amendments specified in the References in Text note above.

AMENDMENTS

2003—Subsec. (d). Pub. L. 108–83, in introductory provisions, struck out ''in the House, or official expenses'' after ''defray official expenses'' and ''in the Senate'' after ''(excluding handheld communications devices)''.

2001—Subsec. (d). Pub. L. 107–68, in introductory provisions, inserted ''in the House, or official expenses for franked mail, employee salaries, office space, furniture, or equipment and any associated information technology services (excluding handheld communications devices) in the Senate'' after ''expenses''.

1999—Subsec. (a)(3). Pub. L. 106–57, § 103(a)(4)(B), substituted ''costs incurred for official mail by'' for ''costs charged against the Official Mail Allowance for''.

Subsec. (b)(2). Pub. L. 106–19 substituted ''any person with an allocation under subsection (a)(2)(A) as to the amount that has been used and any person with an allocation under subsection (a)(2)(B)'' for ''any person with an allocation under subsection (a)(2)''.

Subsec. (e)(1). Pub. L. 106–57, § 103(a)(1)(A), in introductory provisions, substituted ''The use of funds of the House of Representatives which are made available for official mail of Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank shall be governed by regulations promulgated—'' for ''There is established in the House of Representatives an Official Mail Allowance for Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank. Regulations for use of the Official Mail Allowance shall be prescribed—''.

Subsec. (e)(1)(A). Pub. L. 106–57, § 103(a)(1)(B), substituted ''official mail (except as provided in subparagraph (B))'' for ''the Allowance''.

Subsec. (e)(2). Pub. L. 106–57, § 103(a)(2)(A), substituted ''Funds used for official mail—'' for ''The Official Mail Allowance—'' in introductory provisions.

Pub. L. 106–57, § 102, made technical correction to directory language of Pub. L. 105–275, § 104(a). See 1998 Amendment note below.

Subsec. (e)(2)(A) to (C). Pub. L. 106–57, § 103(a)(2)(B), (C), redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: ''shall be available for postage for franked mail sent at a first class, third class, or fourth class rate;''.

Subsec. (e)(3). Pub. L. 106–57, § 103(a)(3), struck out par. (3) which read as follows:

''(3)(A) Subject to subparagraph (B), each Member of the House of Representatives may transfer amounts from the Members' Representational Allowance of the Member to the Official Mail Allowance of the Member.

''(B) The total amount a Member may so transfer with respect to a session of Congress may not exceed $25,000.''

1998—Subsec. (e)(2). Pub. L. 105–275, § 104(a), as amended by Pub. L. 106–57, § 102, inserted ''and'' at end of subpar. (B), substituted a period for ''; and'' at end of subpar. (C), and struck out subpar. (D) which read as follows: ''shall not be available for payment of any nonpostage fee or charge, including any fee or charge for express mail, express mail drop shipment, certified mail, registered mail, return receipt, address correction, or postal insurance.''

Subsec. (e)(4). Pub. L. 105–275, § 104(b), struck out par. (4) which read as follows: ''The Members' Representational Allowance shall be available to a Member of the House of Representatives for the payment of nonpostage fees and charges referred to in paragraph (2)(D) and for postage for mail for official business sent outside the United States.''

1996—Subsec. (a). Pub. L. 104–186, § 203(22)(B)(i), substituted ''House Oversight'' for ''House Administration'' in introductory provisions.

Subsec. (a)(3). Pub. L. 104–186, § 203(22)(A), (B)(ii), substituted ''Chief Administrative Officer of the House of Representatives'' for ''Clerk of the House of Representatives'' and ''House Oversight'' for ''House Administration''.

Subsec. (b). Pub. L. 104–186, § 203(22)(B)(iii), substituted ''House Oversight'' for ''House Administration'' in introductory provisions.

Subsec. (e)(1)(A). Pub. L. 104–186, § 203(22)(B)(iv), substituted ''House Oversight'' for ''House Administration''.

Subsec. (e)(2)(A). Pub. L. 104–186, § 203(22)(B)(v), struck out ''only'' after ''available''.

Subsec. (e)(3)(A). Pub. L. 104–186, § 203(22)(B)(vi), substituted ''Members' Representational Allowance'' for ''Official Expenses Allowance and the Clerk Hire Allowance''.

Subsec. (e)(4). Pub. L. 104–186, § 203(22)(B)(vii), substituted ''Members' Representational Allowance'' for ''Official Expenses Allowance''.

1991—Subsec. (i). Pub. L. 102–229 substituted ''beginning on May 1, 1992,'' for ''with respect to sessions of Congress beginning with the second session of the One Hundred Second Congress,''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–83, title I, § 105(b), Sept. 30, 2003, 117 Stat. 1018, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal year 2004 and each succeeding fiscal year.''

EFFECTIVE DATE OF 1999 AMENDMENTS

Amendment by section 103(a)(1)–(3), (4)(B) of Pub. L. 106–57 applicable with respect to the first session of the One Hundred Sixth Congress and each succeeding session of Congress, see section 103(c) of Pub. L. 106–57, set out as a note under section 57 of this title.

Pub. L. 106–19, § 1(b), Apr. 8, 1999, 113 Stat. 29, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to January 1999 and each succeeding month.''

§ 59f. Mass mailings by Senate offices; quarterly statements; publication of summary tabulations

Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms and Doorkeeper of the Senate shall send to each Senate office a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senate office during such quarter. The statement shall separately identify the cost of postage and paper and other costs, and shall distinguish the costs attributable to newsletters and all other mass mailings. The statement shall also include the total cost per capita in the State. A compilation of all such statements shall be sent to the Senate Committee on Rules and Administration. A summary tabulation of such information shall be published quarterly in the Congressional Record and included in the semiannual report of the Secretary of the Senate. Such summary tabulation shall set forth for each Senate office the following information: the Senate office's name, the total number of pieces of mass mail mailed during the quarter, the total cost of such mail, and, in the case of Senators, the cost of such mail divided by the total population of the State from which the Senator was elected, and the total number of pieces of mass mail divided by the total population of the State from which the

Senator was elected, and in the case of each Senator, the allocation made to such Senator from the appropriation for official mail expenses.

(Pub. L. 101–520, title III, § 318, Nov. 5, 1990, 104 Stat. 2283; Pub. L. 103–283, title I, § 3(b), July 22, 1994, 108 Stat. 1427.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1991.

AMENDMENTS

1994—Pub. L. 103–283 inserted before period at end ‘‘, and in the case of each Senator, the allocation made to such Senator from the appropriation for official mail expenses’’.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 3(c) of Pub. L. 103–283 provided that: ‘‘The amendments made by this section [amending this section and section 104a of this title] shall be effective with respect to—

‘‘(1) reports and statements covering periods beginning on and after October 1, 1994; and

‘‘(2) appropriations made and obligations incurred on and after such date.’’

§ 59g. Mass mailing of information by Senators under frank; quarterly registration with Secretary of Senate

In fiscal year 1991 and thereafter, when a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(6)(E) of title 39), the Senator shall register quarterly with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed and the number of pieces mailed.

(Pub. L. 101–520, title III, § 320, Nov. 5, 1990, 104 Stat. 2285.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1991.

§ 59h. Mass mailing sent by House Members

(a) Notice that mailing is at taxpayer expense

Each mass mailing sent by a Member of the House of Representatives shall bear in a prominent place on its face, or on the envelope or outside cover or wrapper in which the mail matter is sent, the following notice: **“THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE.”**, or a notice to the same effect in words which may be prescribed under subsection (c) of this section. The notice shall be printed in a type size not smaller than 7-point.

(b) Publication of each Member’s total expense and amount

(1) There shall be published in the itemized report of disbursements of the House of Representatives as required by law, a summary tabulation setting forth, for the office of each Member of the House of Representatives, the total number of pieces of mass mail mailed during the period involved and the total cost of those mass mailings.

(2) Each such tabulation shall also include—

(A) the total cost (as referred to in paragraph (1)) divided by the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the Congressional district from which the Member was elected (as such addresses are described in section 3210(d)(7)(B) of title 39); and

(B) the total number of pieces of mass mail (as referred to in paragraph (1)) divided by the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the Congressional district from which the Member was elected (as such addresses are described in section 3210(d)(7)(B) of title 39).

(c) Regulations

The Committee on House Oversight shall prescribe such rules and regulations and shall take such other action as the Committee considers necessary and proper for Members to conform to the provisions of this subsection and applicable rules and regulations.

(d) Definitions

For purposes of this section—

(1) the term ‘‘Member of the House of Representatives’’ means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

(2) the term ‘‘mass mailing’’ has the meaning given such term by section 3210(a)(6)(E) of title 39.

(e) Applicability

This section shall apply with respect to sessions of Congress beginning after September 16, 1996.

(Pub. L. 104–197, title III, § 311, Sept. 16, 1996, 110 Stat. 2414.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1997.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

CHAPTER 4—OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES

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60a–1b.	Senate pay adjustments; action by President pro tempore of Senate.
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60a–2a.	Rates of compensation disbursed by Chief Administrative Officer of House; adjustments by Speaker; ‘‘Member of the House of Representatives’’ defined.

Sec.
60b, 60c. Omitted.
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60m, 60n. Repealed.
60*o*. Lump sum payment for accrued annual leave of House employees.
60p. Payment for unaccrued leave.
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61. Limit on rate of compensation of Senate officers and employees.
61–1. Gross rate of compensation of employees paid by Secretary of Senate.
61–1a. Availability of appropriated funds for payment to an individual of pay from more than one position; conditions.
61–1b. Availability of appropriations during first three months of any fiscal year for aggregate of payments of gross compensation made to employees from Senate appropriation account for ''Salaries, Officers and Employees''.
61–1c. Aggregate gross compensation of employee of Senator of State with population under 5,000,000.
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61a–9. Advancement by Secretary of Senate of travel funds to employees under his jurisdiction for Federal Election Campaign Act travel expenses.
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61g–7. Services of consultants to Majority and Minority Conference Committee of Senate.
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61k. Appointment and compensation of employees by President pro tempore of Senate.
61*l*. Appointment and compensation of Administrative Assistant, Legislative Assistant, and Executive Secretary for Deputy President pro tempore of Senate.
62. Limitation on compensation of Sergeant at Arms and Doorkeeper of Senate.
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64a–1. Compensation of Financial Clerk of Senate.
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65a. Insurance of office funds of Secretary of Senate and Sergeant at Arms; payment of premiums.
65b. Advances to Sergeant at Arms of Senate for extraordinary expenses.
65c. Expense allowance for Secretary of Senate, Sergeant at Arms and Doorkeeper of Senate, and Secretaries for Senate Majority and Minority.
65d. Funds advanced by Secretary of Senate to Sergeant at Arms and Doorkeeper of Senate to defray office expenses; accountability; maximum amount; vouchers.
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66. Repealed.
66a. Restriction on payment of dual compensation by Secretary of Senate.
67. Clerks to Senators-elect.
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68. Payments from Senate contingent fund.
68–1. Committee on Rules and Administration; designation of employees to approve vouchers for payments from Senate contingent fund.
68–2. Appropriations for contingent expenses of Senate; restrictions.
68–3. Separate accounts for ''Secretary of the Senate'' and for ''Sergeant at Arms and Doorkeeper of the Senate''; establishment within Senate contingent fund; inclusion of funds in existing accounts.
68–4. Deposit of moneys for credit to account within Senate contingent fund for ''Sergeant at Arms and Doorkeeper of the Senate''.
68–5. Purchase, lease, exchange, maintenance, and operation of vehicles out of account for Sergeant at Arms and Doorkeeper of Senate within Senate contingent fund; authorization of appropriations.
68–6. Transfers from appropriations account for expenses of Office of Secretary of Senate and Office of Sergeant at Arms and Doorkeeper of Senate.
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68c. Computation of compensation for stenographic assistance of committees payable from Senate contingent fund.
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68e. Advance payments by Secretary of Senate.
69. Expenses of committees payable from Senate contingent fund.
69–1. Availability of funds for franked mail expenses.
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72a–1, 72a–1a. Repealed.
72a–1b. Approval of employment and compensation of committee employees by House standing committees.
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72a–1g. Referral of ethics violations by Senate Ethics Committee to Government Accountability Office for investigation.
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74–2. Omitted.
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74a–7. Speaker's Office for Legislative Floor Activities.
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80. Disbursement of compensation of House Members by Chief Administrative Officer.
80a. Deductions by Chief Administrative Officer in disbursement of gratuity appropriations.
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102a. Withdrawal of unexpended balances of appropriations.
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104a. Semiannual statements of expenditures by Secretary of Senate and Chief Administrative Officer of House.
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106. Stationery for Senate; advertisements for.
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108. Contracts for separate parts of Senate stationery.
109. American goods to be preferred in purchases for Senate and House.
110. Purchase of paper, envelopes, etc., for stationery rooms of Senate and House.
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111a. Receipts from sales of items by Sergeant at Arms and Doorkeeper of Senate, to Senators, etc., to be credited to appropriation from which purchased.
111b. Contracts to furnish property, supplies, or services to Congress; terms varying from those offered other entities of Federal Government.
112. Purchases of stationery and materials for folding.
112a to 112d. Repealed.
112e. Office equipment for House Members, officers, and committees.
112f. Incidental use of equipment and supplies.
112g. Net Expenses of Equipment Revolving Fund.
112h. Net expenses of Telecommunications Revolving Fund.
113. Detailed reports of receipts and expenditures by Secretary of Senate and Chief Administrative Officer of House.
114. Fees for copies from Senate journals.
115. Index to House daily calendar.
116. Repealed.
117. Sale of waste paper and condemned furniture.
117a. Omitted.
117b. Disposal of used or surplus furniture and equipment by Sergeant at Arms and Doorkeeper of Senate; procedure; deposit of receipts.

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117b–1. Receipts from sale of used or surplus furniture and furnishings of Senate.
117b–2. Transfer of excess or surplus educationally useful equipment to public schools.
117c. Disposal of used or surplus automobiles and trucks by Sergeant at Arms and Doorkeeper of Senate; procedure; deposit of receipts.
117d. Reimbursements to Sergeant at Arms and Doorkeeper of Senate for equipment provided to Senators, etc., which has been lost, stolen, damaged, or otherwise unaccounted for; deposit of receipts.
117d–1. Compensation for lost or damaged property.
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117f. Commissions and charges for public telephone or telecommunications services; deposit of receipts.
117g. Monies received by Attending Physician from sale of prescription drugs or other sources; deposit of receipts.
117h. Deposit of fees for services by Office of Attending Physician; availability of amounts deposited.
117i. Revolving fund for House gymnasium; deposit of receipts; availability for expenditure.
117j. Fees for internal delivery in House of Representatives of nonpostage mail from outside sources.
117j–1. Regulations for safe handling of mail matter.
117k. Rebates under Government Travel Charge Card Program.
117*l*. Deposit of House Information Resources reimbursements for services.
117m. House Services Revolving Fund.
118. Actions against officers for official acts.
118a. Officers of Senate.
119. Stationery rooms of House and Senate; specification of classes of articles purchasable.
119a, 120. Repealed or Omitted.
121. Senate restaurant deficit fund; deposit of proceeds from surcharge on orders.
121a. Repealed.
121b. Senate Beauty Shop.
121b–1. Senate Hair Care Services.
121c. Office of Senate Health Promotion.
121d. Senate Gift Shop.
121e. Payment of fees for services of Attending Physician and for use of Senate health and fitness facilities.
121f. Senate Staff Health and Fitness Facility Revolving Fund.
121g. Authority of Attending Physician in response to medical contingencies or public health emergencies at Capitol.
122 to 123a. Repealed or Omitted.
123b. House Recording Studio; Senate Recording Studio and Senate Photographic Studio.
123b–1. Senate Recording Studio and Senate Photographic Studio as successors to Senate Recording and Photographic Studios; rules, regulations, and fees for photographs and photographic services.
123c. Data processing equipment, software, and services.
123c–1. Advance payments for computer programing services.
123d. Senate Computer Center.
123e. Senate legislative information system.
124. Arrangements for attendance at funeral of deceased House Members; payment of funeral expenses and expenses of attending funeral rites.
125. Gratuities for survivors of deceased House employees; computation.
125a. Death gratuity payments as gifts.
126, 126–1. Repealed or Omitted.
126–2. Designation of reporters.
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126a. Omitted.
126b. Substitute reporters of debates and expert transcribers; temporary reporters of debates and expert transcribers; payments from Senate contingent fund.
127. Repealed.
127a. Reimbursement of transportation expenses for employees in office of House Member.
127b. Reimbursement of residential telecommunications expenses for House Members, officers, and employees.
128 to 130. Repealed.
130–1. Participation by House in interparliamentary institutions; reception of members of foreign legislative bodies and foreign officials; meetings with Government officials.
130–2. Office of Interparliamentary Affairs.
130a. Nonpay status for Congressional employees studying under Congressional staff fellowships.
130b. Jury and witness service by Senate and House employees.
130c. Waiver by Secretary of Senate of claims of United States arising out of erroneous payments to Vice President, Senator, or Senate employee paid by Secretary of Senate.
130d. Waiver by Speaker of House of claims of United States arising out of erroneous payments to officers or employees paid by Chief Administrative Officer of House.
130e. Special Services Office.
130f. Office of General Counsel of House; administrative provisions.
130g. Support services for Senate during emergency; memorandum of understanding with an executive agency.
130h. Support services for House during emergency; memorandum of understanding with an executive agency.
130i. House of Representatives Office of Emergency Planning, Preparedness, and Operations.
130j. Program to increase employment opportunities in House of Representatives for individuals with disabilities.
130k. Emergency expenditures for meals, refreshments, and other support and maintenance.

§ 60. Repealed. June 20, 1929, ch. 33, § 6, 46 Stat. 39

Section, acts May 24, 1924, ch. 183, § 1, 43 Stat. 146; May 29, 1928, ch. 853, § 1, 45 Stat. 885, related to rates of pay for various officers and employees of Government. See notes set out under section 60a–1 and section 60c–1 et seq. of this title.

§ 60–1. Authority of officers of Congress over Congressional employees

(a) Qualifications determinations; removal and discipline

Each officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to determine, before the appointment of any individual as an employee under the supervision of that officer of the Congress, whether that individual possesses the qualifications necessary for the satisfactory performance of the duties and responsibilities to be assigned to him; and

(2) to remove or otherwise discipline any employee under his supervision.

(b) "Officer of the Congress" defined

As used in this section, the term ''officer of the Congress'' means—

(1) an elected officer of the Senate or House of Representatives who is not a Member of the Senate or House; and

(2) The Architect of the Capitol.

(Pub. L. 91–510, title IV, § 431, Oct. 26, 1970, 84 Stat. 1190.)

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

REDUCTION IN NUMBER OF EMPLOYEE POSITIONS; REPORTS

Pub. L. 103–69, title III, § 307, Aug. 11, 1993, 107 Stat. 710, as amended by Pub. L. 103–283, title III, § 305, July 22, 1994, 108 Stat. 1441; Pub. L. 104–316, title I, § 102(a), Oct. 19, 1996, 110 Stat. 3827, provided for reduction in number of employee positions on full-time equivalent basis, other than those supported by gift and trust funds, for each entity of legislative branch with more than 100 employee positions, on full-time equivalent basis, as of Sept. 30, 1992, by at least 4 percent from level as of such date, provided that such reduction was to be completed not later than Sept. 30, 1995, with at least 62.5 percent of reduction for each entity to be achieved by Sept. 30, 1994, and defined ''entity of legislative branch''.

§ 60–2. Amendment to Senate conflict of interest rule

(a) Except as provided by subsection (b) of this section, any employee of the Senate who is required to file a report pursuant to Senate rules shall refrain from participating personally and substantially as an employee of the Senate in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

(b) Subsection (a) of this section shall not apply if an employee first advises his supervisor of his significant financial interest and obtains from such supervisor a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Select Committee.

(Pub. L. 101–194, title IX, § 903, Nov. 30, 1989, 103 Stat. 1781.)

§ 60a. Omitted

CODIFICATION

Present provisions relating to personnel and compensation of Congressional officers and employees may be found elsewhere in this chapter and in Acts and Resolutions cited in notes hereunder. Section was based on the following acts:

1949—Jan. 19, 1949, ch. 2, § 1(d), (f), 63 Stat. 4.
May 24, 1949, ch. 138, title I, 63 Stat. 76.
Oct. 10, 1949, ch. 662, title I, 63 Stat. 738.
Oct. 14, 1949, ch. 694, title I, 63 Stat. 869.
1948—June 14, 1948, ch. 467, §§ 101, 105, 62 Stat. 423, 437.
June 25, 1948, ch. 658, title I, 62 Stat. 1027.
1947—Jan. 31, 1947, ch. 1, 61 Stat. 1.
Feb. 19, 1947, ch. 3, 61 Stat. 4.
July 17, 1947, ch. 262, §§ 101, 105, 61 Stat. 361, 377.
July 30, 1947, ch. 361, 61 Stat. 610.
July 31, 1947, ch. 414, 61 Stat. 695.
1946—July 1, 1946, ch. 530, §§ 101, 105, 60 Stat. 387, 407.
July 23, 1946, ch. 591, title I, 60 Stat. 600.
Aug. 2, 1946, ch. 753, title II, § 201(a), 60 Stat. 834.
Aug. 8, 1946, ch. 870, title I, 60 Stat. 910.
1945—Apr. 25, 1945, ch. 95, title I, 59 Stat. 77.
June 13, 1945, ch. 189, §§ 101, 105, 59 Stat. 238, 259.
July 5, 1945, ch. 271, title I, 59 Stat. 412.
Dec. 28, 1945, ch. 589, title I, 59 Stat. 632.
1944—June 26, 1944, ch. 277, title I, §§ 101, 104, 58 Stat. 334, 354.
June 28, 1944, ch. 304, title I, 58 Stat. 597.
Dec. 22, 1944, ch. 660, title I, 58 Stat. 853.
1943—June 28, 1943, ch. 173, title I, §§ 101, 104, 57 Stat. 220, 239.
1942—June 8, 1942, ch. 396, §§ 1, 4, 56 Stat. 330, 349.
1941—Mar. 1, 1941, ch. 9, 55 Stat. 14.
July 1, 1941, ch. 268, §§ 1, 4, 55 Stat. 446, 465.
1940—June 18, 1940, ch. 396, §§ 1, 4, 54 Stat. 462, 480.
Oct. 9, 1940, ch. 780, title I, 54 Stat. 1030.
1939—June 16, 1939, ch. 208, §§ 1, 4, 53 Stat. 822, 839.
July 25, 1939, ch. 352, § 2, 53 Stat. 1080.
1938—May 17, 1938, ch. 236, §§ 1, 4, 52 Stat. 381, 398.
June 25, 1938, ch. 681, 52 Stat. 1114.
1937—May 18, 1937, ch. 223, 50 Stat. 169.
1934—May 30, 1934, ch. 372, 48 Stat. 817.
1933—Feb. 28, 1933, ch. 134, 47 Stat. 1350.
1929—June 20, 1929, ch. 33, 46 Stat. 32.

In addition to these acts the following House Resolutions affected the salary of certain employees and were made permanent law by section 105 of act July 17, 1947, ch. 262, 61 Stat. 377: House Resolutions 628, 691, and 693 of the Seventy-ninth Congress and House Resolutions 42, 54, 74, 78, 96, 113, and 183 [which related to Office of Coordinator of Information of the House and which was repealed by Pub. L. 91–510, title III, § 322, Oct. 26, 1970, 84 Stat. 1185] of the Eightieth Congress. House Resolutions 281 and 336 of the Eightieth Congress were made permanent law by act June 14, 1948, ch. 467, § 105, 62 Stat. 437. House Resolutions No. 653 of the Eightieth Congress, and 6, 39, 45, 62, 84, 103, 172, and 188 of the 81st Congress were made permanent law by act June 22, 1949, ch. 235, § 105, 63 Stat. 230.

LEGISLATIVE BRANCH APPROPRIATION ACTS

The following acts have provided for funds for the operation of Congress:

Pub. L. 109–55, title I, Aug. 2, 2005, 119 Stat. 565.
Pub. L. 108–447, div. G, title I, Dec. 8, 2004, 118 Stat. 3166.
Pub. L. 108–83, title I, Sept. 30, 2003, 117 Stat. 1007.
Pub. L. 108–7, div. H, title I, Feb. 20, 2003, 117 Stat. 346.
Pub. L. 107–68, title I, Nov. 12, 2001, 115 Stat. 560.
Pub. L. 106–554, § 1(a)(2) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A–93.
Pub. L. 106–57, title I, Sept. 29, 1999, 113 Stat. 408.
Pub. L. 105–275, title I, Oct. 21, 1998, 112 Stat. 2430.
Pub. L. 105–55, title I, Oct. 7, 1997, 111 Stat. 1177.
Pub. L. 104–197, title I, Sept. 16, 1996, 110 Stat. 2394.
Pub. L. 104–53, title I, Nov. 19, 1995, 109 Stat. 514.
Pub. L. 103–283, title I, July 22, 1994, 108 Stat. 1423.
Pub. L. 103–69, title I, Aug. 11, 1993, 107 Stat. 692.
Pub. L. 102–392, title I, Oct. 6, 1992, 106 Stat. 1703.
Pub. L. 102–90, title I, Aug. 14, 1991, 105 Stat. 447.
Pub. L. 101–520, title I, Nov. 5, 1990, 104 Stat. 2254.
Pub. L. 101–163, title I, Nov. 21, 1989, 103 Stat. 1041.
Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2158.
Pub. L. 100–202, § 101(i) [title I], Dec. 22, 1987, 101 Stat. 1329–290.
Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287.
Pub. L. 99–151, title I, Nov. 13, 1985, 99 Stat. 792.
Pub. L. 98–367, title I, July 17, 1984, 98 Stat. 472.
Pub. L. 98–51, title I, July 14, 1983, 97 Stat. 263.
Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.
Pub. L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959.
Pub. L. 96–536, § 101(c), (d), Dec. 16, 1980, 94 Stat. 3167.
Pub. L. 96–369, § 101(c), (d), Oct. 1, 1980, 94 Stat. 1352, 1353.
Pub. L. 96–86, § 101(c), Oct. 12, 1979, 93 Stat. 657.
Pub. L. 95–391, title I, Sept. 30, 1978, 92 Stat. 763.
Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 653.
Pub. L. 94–440, title I, Oct. 1, 1976, 90 Stat. 1439.

Pub. L. 94–59, title I, July 25, 1975, 89 Stat. 269.
Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 424.
Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 527.
Pub. L. 92–342, July 10, 1972, 86 Stat. 432.
Pub. L. 92–51, July 9, 1971, 85 Stat. 125.
Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 807.
Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 339.
Pub. L. 90–417, July 23, 1968, 82 Stat. 398.
Pub. L. 90–57, July 28, 1967, 81 Stat. 127.
Pub. L. 89–545, Aug. 27, 1966, 80 Stat. 354.
Pub. L. 89–90, July 27, 1965, 79 Stat. 265.
Pub. L. 88–454, Aug. 20, 1964, 78 Stat. 535.
Pub. L. 88–248, Dec. 30, 1963, 77 Stat. 803.
Pub. L. 87–730, Oct. 2, 1962, 76 Stat. 680.
Pub. L. 87–130, Aug. 10, 1961, 75 Stat. 320.
Pub. L. 86–628, July 12, 1960, 74 Stat. 446.
Pub. L. 86–176, Aug. 21, 1959, 73 Stat. 398.
Pub. L. 85–570, July 31, 1958, 72 Stat. 439.
Pub. L. 85–75, July 1, 1957, 71 Stat. 244.
June 27, 1956, ch. 453, 70 Stat. 356.
Aug. 5, 1955, ch. 568, 69 Stat. 499.
July 2, 1954, ch. 455, title I, 68 Stat. 396.
Aug. 1, 1953, ch. 304, title I, 67 Stat. 318.
July 9, 1952, ch. 598, 66 Stat. 464.
Oct. 11, 1951, ch. 485, 65 Stat. 388.
Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 595.
June 22, 1949, ch. 235, 63 Stat. 216.

LIMITATION ON FUNDS AVAILABLE TO SENATE FOR FISCAL YEAR BEGINNING OCTOBER 1, 1980

Pub. L. 96–508, § 10, Dec. 8, 1980, 94 Stat. 2749, provided that in the fiscal year beginning October 1, 1980, the aggregate amount of funds made available to the Senate shall not exceed 90 per centum of the aggregate amount of the funds made available for such purposes for the fiscal year beginning on October 1, 1979.

SENATE AND HOUSE COMMITTEE EMPLOYEES

Senate and House committee employees, formerly provided for by this section, are covered by section 72a of this title.

§ 60a–1. Senate pay adjustments; action by President pro tempore of Senate

(a) Each time the President adjusts the rates of pay of employees under section 5303 of title 5 (or section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area) the President pro tempore of the Senate shall, as he considers appropriate—

(1)(A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to maximum pay rates) and, in the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5303 (and, as the case may be, section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area) for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title and adjust the rates of such personnel by such amounts as necessary to restore the same pay relationships that existed on December 31, 1986, between personnel and Senators and between positions. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the month in which any adjustment becomes effective under such section 5303 or section 3(c) of this Act.

(b) The adjustments made by the President pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level III of the Executive Schedule contained in section 5314 of title 5, except in cases in which it is necessary to restore and maintain the same pay relationships that existed on December 31, 1986, between personnel and Senators and between positions.

(e) Any percentage used in any statute specifically providing for an adjustment in rates of pay in lieu of an adjustment made under section 5303 of title 5 and, as the case may be, section 5304 or 5304a of such title for any calendar year shall be treated as the percentage used in an adjustment made under such section 5303, 5304, or 5304a, as applicable, for purposes of subsection (a) of this section.

(f) For purposes of this section, the term ''personnel'' does not include any Senator.

(Pub. L. 91–656, § 4, Jan. 8, 1971, 84 Stat. 1952; Pub. L. 92–298, § 3(a), May 17, 1972, 86 Stat. 146; Pub. L. 92–392, § 14(a), Aug. 19, 1972, 86 Stat. 575; Pub. L. 94–82, title II, § 204(d), Aug. 9, 1975, 89 Stat. 422; Pub. L. 100–202, § 101(i) [title III, § 311(a), (b)], Dec. 22, 1987, 101 Stat. 1329–290, 1329–310; Pub. L. 101–509, title V, § 529 [title I, § 101(b)(4)(E)], Nov. 5, 1990, 104 Stat. 1427, 1440; Pub. L. 106–554, § 1(a)(2) [title I, § 2], Dec. 21, 2000, 114 Stat. 2763, 2763A–96.)

REFERENCES IN TEXT

Section 3(c) of this Act, referred to in subsec. (a), is section 3(c) of Pub. L. 91–656, which is set out as a note under section 5303 of Title 5, Government Organization and Employees.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106–554, § 1(a)(2) [title I, § 2(1)], in introductory provisions, inserted ''(or section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)'' after ''employees under section 5303 of title 5'' and in concluding provisions, inserted ''(and, as the case may be, section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)'' after ''the President under such section 5303''.

Subsecs. (e), (f). Pub. L. 106–554, § 1(a)(2) [title I, § 2(2), (3)], added subsec. (e) and redesignated former subsec. (e) as (f).

1990—Subsec. (a). Pub. L. 101–509 substituted ''5303'' for ''5305'' wherever appearing.

1987—Subsec. (a). Pub. L. 100–202, § 101(i) [title III, § 311(a)], inserted requirement that rates of personnel be adjusted by such amounts as necessary to restore same pay relationships that existed on Dec. 31, 1986, between personnel and Senators and between positions.

Subsec. (d). Pub. L. 100–202, § 101(i) [title III, § 311(b)], inserted exception for cases in which it is necessary to restore and maintain same pay relationships that existed on Dec. 31, 1986, between personnel and Senators and between positions.

1975—Subsec. (d). Pub. L. 94–82 substituted ''level III'' for ''level V'', and ''section 5314 of title 5'' for ''section 5316 of title 5.''

1972—Subsec. (a). Pub. L. 92–298 and Pub. L. 92–392 made identical amendments by substituting ''first day of the month in which any adjustment becomes effective'' for ''first day of the first pay period which begins on or after the day on which any adjustment becomes effective'' in last sentence.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101–509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 101(i) [title III, § 311(c)] of Pub. L. 100–202 provided that: ''Notwithstanding any other provision of this Act [see Tables for classification] or any other provision of law, subsections (a) and (b) of this section [amending this section] shall be effective in the case of pay orders issued by the President pro tempore of the Senate on or after January 1, 1988.''

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–392 effective on first day of first applicable pay period beginning on or after 90th day after Aug. 19, 1972, see section 15(a) of Pub. L. 92–392, set out as an Effective Date note under section 5341 of Title 5, Government Organization and Employees.

ORDER OF THE PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE

FEBRUARY 16, 2007

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a–1) in order—

(1) to provide (subject to the provisions of section 704 of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note; Public Law 101–194) and the amendments made by such section [amending section 31 of this title, section 104 of Title 3, The President, section 5318 of Title 5, Government Organization and Employees, and section 461 of Title 28, Judiciary and Judicial Procedure]) increases in the annual rates of compensation for officers and employees of the Senate that are comparable to the increases in rates of pay under the General Schedule taking effect on January 1, 2007 pursuant to sections 5303 and 5304 or 5304a of title 5, United States Code, and

(2) to provide (subject to such provisions of law) for the restoration of, and to maintain in effect, the same pay relationships that existed on December 31, 1986, between personnel and Senators and between Senate positions,

it is hereby—

Ordered,

DEFINITION

SECTION 1. For purposes of this Order, the term ''employee'' includes an officer (other than a United States Senator).

RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper, and the Legislative Counsel shall each be $163,700.

(b) The annual rates of compensation of the Secretary for the Majority and the Secretary for the Minority shall each be $163,134.

(c) The annual rates of compensation of the Deputy Legislative Counsel and the Senior Counsels in the Office of the Legislative Counsel and the maximum annual rates of compensation for the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, the Assistant to the Majority Leader for Floor Operations, the Assistant to the Minority Leader for Floor Operations, the Chief of Staff for the Majority Leader, and the Chief of Staff for the Minority Leader shall each be $162,515.

(d) The maximum annual rates of compensation for the positions authorized for the Capitol Guide Service by the Capitol Guide Board shall each be increased by 2.64 percent.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain is equal to the annual rate of pay provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, except that such annual rate of compensation may not at any time exceed the rate equal to the difference between the annual rate of compensation for a position referred to in section 2(a) and $11,713.

OFFICES OF SENATE

SEC. 4. (a) The following individuals are authorized to increase the annual rates of compensation of the employees specified, subject to applicable limitations adjusted by this Order:

(1) The Vice President, for any employee under his jurisdiction.

(2) The President pro tempore, for any employee under his jurisdiction.

(3) The Deputy President pro tempore, for any employee under his jurisdiction.

(4) The President pro tempore emeritus, for any employee under his jurisdiction.

(5) The Majority Leader and the Minority Leader, for any employee under their respective jurisdictions (subject, in the case of the Assistant to the Majority Leader for Floor Operations, the Assistant to the Minority Leader for Floor Operations, the Chief of Staff for the Majority Leader, and the Chief of Staff for the Minority Leader, respectively, to the provisions of section 2(c) of this Order).

(6) The Majority Whip and the Minority Whip, for any employee under their respective jurisdictions.

(7) The Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority, for any employee under their respective jurisdictions.

(8) The Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2(c) of this Order).

(9) The Sergeant at Arms and Doorkeeper, for any employee under his jurisdiction.

(10) The Chaplain, for any employee under his jurisdiction.

(11) The Legislative Counsel, subject to the approval of the President pro tempore, for any employee under his jurisdiction (other than the Deputy Legislative Counsel and the Senior Counsels).

(12) The Senate Legal Counsel, for any employee under his jurisdiction (subject to the provisions of section 701(b) of the Ethics in Government Act of 1978 (2 U.S.C. 288(b))).

(13) The Secretary for the Majority and the Secretary for the Minority, for any employee under their respective jurisdictions.

(14) The Capitol Guide Board, for any employee under the jurisdiction of the Board.

(15) The appointing authority of any Senate entity not referred to under paragraphs (1) through (14) for any employee under its jurisdiction.

(b) Except for those officers and employees referred to in section 2 of this Order, no officer or employee within the Office of the Secretary of the Senate and no officer or employee within the Office of the Sergeant at Arms and Doorkeeper shall, for any period of time, be paid gross compensation at an annual rate which is in excess of the maximum prescribed in section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f)) (as such rate is adjusted in section 7(b) of this order).

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1) (as modified by this Order), and to the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and the conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate, are each authorized to increase the annual rate of compensation of any employee of the committee, or any subcommittee thereof, of which he is chairman, subject to applicable limitations adjusted by this Order.

(b) The maximum annual rates of ''$160,164'', ''$160,659'', and ''$162,515'' referred to in section 105(e) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(e)) (as provided for in section 5(b) of the Order of the President pro tempore of January 4, 2006) shall remain unchanged.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1), as modified by this Order, and to the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office, subject to applicable limitations adjusted by this Order.

(b) Each of the dollar amounts contained in the table under section 105(d)(1)(A) of such Act shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on December 31, 2006, increased by an additional 2.64 percent.

(c) The figures ''$2,381'' and ''$160,659'' referred to in the second sentence of section 105(d)(2) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(d)(2)) (as provided in section 6(c) of the Order of the President pro tempore of January 4, 2006) shall be deemed to be the figures ''$2,444'' and ''$160,659'', respectively.

(d) The amount referred to under section 111(a) of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 61–1 note), as amended by section 1 of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 106 Stat. 1706) shall be $481,977.

GENERAL LIMITATION

SEC. 7. (a) The figure ''$2,381'' referred to in section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f)) (as provided in section 7(a) of the Order of the President pro tempore of January 4, 2006) shall be deemed to be the figure ''$2,444''.

(b) The maximum annual rate of compensation of ''$160,659'' appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f)) (as provided for in section 7(b) of the Order of the President pro tempore of January 4, 2006) shall remain unchanged.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. In order for an employee to receive the increase in his annual rate of compensation pursuant to section 4, 5, or 6, the individual designated to authorize such increases for that employee shall notify the Disbursing Office of the Senate in writing that he authorizes such increase for that employee and the date (prescribed in accordance with section 105(a)(2) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(a)(2))) on which such increase is to be effective. Such increase shall become effective as provided in section 105(a)(2) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(a)(2)), except that if the notice required by the preceding sentence is given within five days (not counting Saturdays, Sundays, or holidays) after the date on which this Order is issued, such increase may become effective on January 1, 2007.

DUAL COMPENSATION

SEC. 9. The figure ''$29,905'' referred to in section 5533(c)(1) of title 5, United States Code (as provided in section 9 of the Order of the President pro tempore of January 4, 2006) shall be deemed to be the figure ''$30,827''.

OFFICE OF THE SENATE LEGAL COUNSEL

SEC. 10. (a) The annual rate of compensation of the Senate Legal Counsel shall be $163,700.

(b) The annual rate of compensation of the Deputy Senate Legal Counsel shall be $162,400.

(c) The maximum annual rate of compensation of each Assistant Senate Legal Counsel may not at any time exceed the rate equal to the difference between the annual rate of compensation for a position referred to in section 2(a) and $4,900.

EFFECTIVE DATE

SEC. 11. Sections 1 through 10 of this Order are effective January 1, 2007.

ROBERT C. BYRD
President pro tempore

Prior Orders of the President pro tempore of the Senate were issued on the following dates:

Jan. 4, 2006, eff. Jan. 1, 2006.
Jan. 3, 2005, eff. Jan. 1, 2005.
Mar. 5, 2004, eff. Jan. 1, 2004.
Dec. 15, 2003, eff. Jan. 1, 2004.
Dec. 19, 2002, as amended Mar. 27, 2003, eff. Jan. 1, 2003.
Dec. 20, 2001, eff. Jan. 1, 2002.
Dec. 20, 2000, eff. Jan. 1, 2001.
Dec. 12, 1999, eff. Jan. 1, 2000.
Dec. 16, 1998, eff. Jan. 1, 1999.
Dec. 19, 1997, eff. Jan. 1, 1998.
Dec. 18, 1996, eff. Jan. 1, 1997.
Dec. 28, 1994, eff. Jan. 1, 1995.
Dec. 17, 1992, eff. Jan. 1, 1993.
Dec. 18, 1991, eff. Jan. 1, 1992.
Dec. 20, 1990, eff. Jan. 1, 1991.
Dec. 21, 1989, eff. Jan. 1, 1990.
Dec. 9, 1988, eff. Jan. 1, 1989.
Jan. 4, 1988, eff. Jan. 1, 1988.
Dec. 19, 1986, eff. Jan. 1, 1987.
Jan. 4, 1985, eff. Jan. 1, 1985.
Dec. 20, 1983, amended May 2, 1987, eff. Jan. 1, 1984.
Oct. 1, 1982, eff. Oct. 1, 1982; Cong. Rec., vol. 128, pt. 20, p. 26968.
Oct. 5, 1981, amended Dec. 15, 1981, eff. Jan. 1, 1981; Cong. Rec., vol. 127, pt. 19, p. 24991.
Oct. 1, 1980, eff. Oct. 1, 1980; Cong. Rec., vol. 126, pt. 25, p. 34376.
Oct. 13, 1979, eff. Oct. 1, 1979; Cong. Rec., vol. 125, pt. 22, p. 28404.
Oct. 9, 1978, eff. Oct. 1, 1978; Cong. Rec., vol. 124, pt. 28, p. 37837.
Sept. 29, 1977, eff. Oct. 1, 1977.
Oct. 8, 1976, eff. Oct. 1, 1976; Cong. Rec., vol. 123, pt. 3, p. 3784.
Oct. 2, 1975, eff. Oct. 1, 1975; Cong. Rec., vol. 121, pt. 27, p. 34398.
Oct. 7, 1974, eff. Oct. 1, 1975; Cong. Rec., vol. 120, pt. 27, p. 36717.
Oct. 4, 1973, eff. Oct. 1, 1973.

Dec. 16, 1972, eff. Jan. 1, 1973; Cong. Rec., vol. 119, pt. 1, p. 674.

Dec. 23, 1971, eff. Jan. 1, 1972; Cong. Rec., vol. 118, pt. 1, p. 235.

Jan. 15, 1971, eff. Feb. 1, 1971; Cong. Rec., vol. 117, pt. 1, p. 770.

Apr. 15, 1970, eff. Jan. 1, and May 1, 1970; Cong. Rec., vol. 116, pt. 9, p. 11860.

June 17, 1969, eff. July 1, 1969; Cong. Rec., vol. 115, pt. 12, p. 16103.

June 12, 1968, eff. July 1, 1968; Cong. Rec., vol. 114, pt. 13, p. 16890.

INCREASE IN COMPENSATION OF OFFICERS OF SENATE; LIMITATIONS ON BASIC AND GROSS COMPENSATION—1966

Pub. L. 89–504, title III, § 302(g), (h), July 18, 1966, 80 Stat. 295, provided that:

''(g) Notwithstanding the provision referred to in subsection (h), the rates of gross compensation of the Secretary for the Majority of the Senate, the Secretary for the Minority of the Senate, the Chief Reporter of Debates of the Senate, the Parliamentarian of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, the Chief Clerk of the Senate, the Chaplain of the Senate, and the Postmaster and Assistant Postmaster of the Senate are hereby increased by 2.9 per centum.

''(h) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading 'SENATE' in the Legislative Appropriation Act, 1956, as amended (74 Stat. 304; Public Law 86–568), is amended by striking out '$23,770' and inserting in lieu thereof '$24,460'.'' [The paragraph in the Legislative Appropriation Act, 1956, referred to above, was repealed by Pub. L. 90–57, § 105(i)(3), July 28, 1967, 81 Stat. 144, eff. Aug. 1, 1967.]

INCREASE IN COMPENSATION OF OFFICERS OF SENATE; LIMITATIONS ON BASIC AND GROSS COMPENSATION—1965

Pub. L. 89–301, § 11(g), (h), Oct. 29, 1965, 79 Stat. 1121, provided that:

''(g) Notwithstanding the provision referred to in subsection (h), the rates of gross compensation of the Secretary for the Majority of the Senate, the Secretary for the Minority of the Senate, the Chief Reporter of Debates of the Senate, the Parliamentarian of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, the Chief Clerk of the Senate, the Chaplain of the Senate, and the Postmaster and Assistant Postmaster of the Senate are hereby increased by 3.6 per centum.

''(h) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading 'SENATE' in the Legislative Appropriation Act, 1956, as amended (74 Stat. 304; Public Law 86–568), is amended by striking out '$22,945' and inserting in lieu thereof '$23,770'.'' [The paragraph in the Legislative Appropriation Act, 1956, referred to above, was repealed by Pub. L. 90–57, § 105(i)(3), July 28, 1967, 81 Stat. 144, eff. Aug. 1, 1967.]

INCREASE IN COMPENSATION OF OFFICERS OF SENATE; LIMITATIONS ON BASIC AND GROSS COMPENSATION—1964

Pub. L. 88–426, title II, § 202(f), (g), Aug. 14, 1964, 78 Stat. 414, provided that:

''(f) Notwithstanding the provision referred to in subsection (g), the rates of gross compensation of the Secretary for the Majority of the Senate, the Secretary for the Minority of the Senate, the Official Reporters of Debates of the Senate, the Parliamentarian of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, and the Chief Clerk of the Senate are hereby increased by an amount which is equal to the amount of the increase which would be provided by subsection (a) of this section [section 60e–11 of this title] in that gross rate determined without regard to the provisions referred to in subsection (g) of this section which is nearest in amount to the total annual compensation of such officer or employee.

''(g) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading 'SENATE' in the Legislative Appropriation Act, 1956, as amended (74 Stat. 304; Public Law 86–568), is amended by striking out '$18,880' and inserting in lieu thereof '$22,945'.'' [The paragraph in the Legislative Appropriation Act, 1956, referred to above, was repealed by Pub. L. 90–57, § 105(i)(3), July 28, 1967, 81 Stat. 144, eff. Aug. 1, 1967.]

INCREASE IN COMPENSATION OF OFFICERS OF SENATE; LIMITATIONS ON BASIC AND GROSS COMPENSATION—1962

Pub. L. 87–793, § 1005(c), (d), Oct. 11, 1962, 76 Stat. 867, provided that:

''(c) Notwithstanding the provision referred to in subsection (d), the rates of gross compensation of the elected officers of the Senate (except the Presiding Officer of the Senate), the Legislative Counsel of the Senate, the Official Reporters of Debates of the Senate, the Parliamentarian of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, and the Chief Clerk of the Senate are hereby increased by 7 per centum.

''(d) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading 'SENATE' in the Legislative Appropriation Act, 1956, as amended (74 Stat. 304; Public Law 86–568), is amended to read as follows:

'' 'No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid basic compensation at a rate in excess of $8,880 per annum, or gross compensation at a rate in excess of $18,880 per annum, unless expressly authorized by law.' '' [The paragraph in the Legislative Appropriation Act, 1956, referred to above, was repealed by Pub. L. 90–57, § 105(i)(3), July 28, 1967, 81 Stat. 144, eff. Aug. 1, 1967.]

INCREASE IN COMPENSATION OF OFFICERS OF SENATE; LIMITATIONS ON BASIC AND GROSS COMPENSATION—1960

Pub. L. 86–568, title I, § 117(c), (d), July 1, 1960, 74 Stat. 303, provided that:

''(c) Notwithstanding the provision referred to in subsection (d), the rates of gross compensation of each of the elected officers of the Senate (except the Presiding Officer of the Senate), the Parliamentarian of the Senate, the Legislative Counsel of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, and the Chief Clerk of the Senate are hereby increased by 7.5 per centum.

''(d) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading 'SENATE' in the Legislative Appropriation Act, 1956 (69 Stat. 510; Public Law 242, Eighty-fourth Congress), is amended to read as follows:

'' 'No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid basic compensation at a rate in excess of $8,880 per annum, or gross compensation at a rate in excess of $17,525 per annum, unless expressly authorized by law.' '' [Prior to this amendment ''$8,880'' and ''$17,525'' were, respectively, ''$8,880'' and ''$16,300'' per annum.] [The paragraph in the Legislative Appropriation Act, 1956, referred to above was repealed by Pub. L. 90–57, § 105(i)(3), July 28, 1967, 81 Stat. 144, eff. Aug. 1, 1967.]

INCREASE IN COMPENSATION OF OFFICERS OF SENATE; LIMITATIONS ON BASIC AND GROSS COMPENSATION—1958

Pub. L. 85–462, § 4(c), (d), June 20, 1958, 72 Stat. 208, provided that:

''(c) Notwithstanding the provision referred to in subsection (d), the rates of gross compensation of each of the elected officers of the Senate (except the presiding officer of the Senate), the Parliamentarian of the Senate, the Legislative Counsel of the Senate, the Senior Counsel in the Office of the Legislative Counsel of the Senate, and the Chief Clerk of the Senate are hereby increased by 10 per centum.

''(d) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading 'SENATE' in the Legislative Appropriation Act, 1956 (69 Stat. 510; Public Law 242, Eighty-fourth Congress), is amended to read as follows:

'''No officer or employee, whose compensation is disbursed by the Secretary of the Senate shall be paid basic compensation at a rate in excess of $8,880 per annum, or gross compensation at a rate in excess of $16,300 per annum, unless expressly authorized by law.''' [Prior to this amendment ''$8,880'' and ''$16,300'' were, respectively, ''$8,820'' and ''$14,800'' per annum.] [The paragraph in the Legislative Appropriation Act, 1956, referred to above, was repealed by Pub. L. 90–57, § 105(i) (3), July 28, 1967, 81 Stat. 144, eff. Aug. 1, 1967.]

INCREASE IN COMPENSATION OF OFFICERS OF SENATE AND HOUSE—1955

Act June 28, 1955, ch. 189, § 4(c), 69 Stat. 176, provided that: ''The rates of basic compensation of each of the elected officers of the Senate and the House of Representatives (not including the presiding officers of the two Houses), the Parliamentarian of the Senate, the Parliamentarian of the House of Representatives, the Legislative Counsel of the Senate, the Legislative Counsel of the House of Representatives, and the Coordinator of Information of the House of Representatives are hereby increased by 7.5 per centum.''

INCREASE IN COMPENSATION OF OFFICERS OF SENATE AND HOUSE—1951

Act Oct. 24, 1951, ch. 554, § 2(e), 65 Stat. 614, provided that: ''The rates of basic compensation of each of the elected officers of the Senate and the House of Representatives (not including the presiding officers of the two Houses), the Parliamentarian of the Senate, the Parliamentarian of the House of Representatives, the legislative counsel of the Senate, the legislative counsel of the House of Representatives, and the Coordinator of Information of the House of Representatives are hereby increased by 10 per centum, except that in no case shall any such rate be increased by less than $300 per annum or by more than $800 per annum.''

INCREASE IN COMPENSATION OF OFFICERS OF SENATE AND HOUSE—1949

Act Oct. 28, 1949, ch. 783, title I, § 101(d), 63 Stat. 974, provided that: ''The rates of basic compensation of each of the elected officers of the Senate and the House of Representatives (not including the presiding officers of the two Houses) are hereby increased by 5 per centum.''

§ 60a–1a. Rates of compensation paid by Secretary of Senate; applicability of Senate pay adjustments by President pro tempore of Senate

No provision of this Act or of any Act enacted after October 1, 1976, which specifies a rate of compensation (including a maximum rate) for any position or employee whose compensation is disbursed by the Secretary of the Senate shall, unless otherwise specifically provided therein, be construed to affect the applicability of section 60a–1 of this title to such rate.

(Pub. L. 94–440, title I, § 107, Oct. 1, 1976, 90 Stat. 1444.)

REFERENCES IN TEXT

This Act, referred to in text, means the Legislative Branch Appropriation Act, 1977, Pub. L. 94–440, Oct. 1, 1976, 90 Stat. 1439, as amended. For complete classification of this Act to the Code, see Tables.

§ 60a–1b. Senate pay adjustments; action by President pro tempore of Senate

(a) Whenever, after November 5, 1990, there is an adjustment in rates of pay for Senators (other than an adjustment which occurs by virtue of an adjustment under section 5303 of title 5 in rates of pay under the General Schedule), the President pro tempore of the Senate may, notwithstanding any other provision of law, rule, or regulation, adjust the rate of pay (and any minimum or maximum rate, limitation, or allowance) applicable to personnel whose pay is disbursed by the Secretary of the Senate to the extent necessary to maintain the same pay relationships that existed on December 31, 1986, between personnel and Senators and between positions.

(b) Adjustments made by the President pro tempore under this section shall be made in such manner as he considers advisable and shall have the force and effect of law.

(Pub. L. 101–520, title III, § 315, Nov. 5, 1990, 104 Stat. 2283; Pub. L. 102–90, title III, § 308, Aug. 14, 1991, 105 Stat. 466.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1991.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102–90 substituted ''5303'' for ''5305''.

§ 60a–2. House of Representatives pay adjustments; action by Chief Administrative Officer of House

(a) Whenever an adjustment under section 5303 of title 5 becomes effective with respect to rates of pay under the General Schedule, the Chief Administrative Officer of the House of Representatives, in such manner as he considers advisable—

(1) effective on the first day of the month in which such pay adjustment by the President is made effective as described above, shall adjust—

(A) each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Chief Administrative Officer (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule of section 5332 of title 5 as a result of such adjustment); and

(B) each monetary limitation on or monetary allowance for pay applicable to any such employee or class of employees;

by an amount rounded to the nearest $100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as the Chief Administrative Officer considers appropriate, to the percentage of the adjustment under such section 5303;

(2) shall determine, with respect to the employees and classes of employees within the

purview of this section whose pay is disbursed by the Chief Administrative Officer, the respective amounts of pay adjustments which are equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to corresponding increases in pay, as determined by the Chief Administrative Officer, made by the pay adjustment by the President; and

(3) shall transmit to the appropriate pay-fixing authority concerned in the House of Representatives a copy of his determinations with respect to the pay of those employees whose pay is fixed and adjusted by that authority.

(b) After consideration of the pay determinations transmitted by the Chief Administrative Officer, the pay-fixing authority concerned may adjust, notwithstanding the provisions contained in sections 1341, 1342, and 1349–1351 and subchapter II of chapter 15 of title 31, the rates of pay concerned in such manner as that authority considers appropriate.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) This section shall not be deemed to authorize any adjustment in the rates of pay of employees whose rates of pay are disbursed by the Chief Administrative Officer and are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices, including employees subject to the House Wage Schedule.

(e) No rate of pay shall be adjusted under this section to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5.

(Pub. L. 91–656, § 5, Jan. 8, 1971, 84 Stat. 1952; Pub. L. 92–298, § 3(b), May 17, 1972, 86 Stat. 146; Pub. L. 92–392, § 14(b), Aug. 19, 1972, 86 Stat. 575; Pub. L. 101–509, title V, § 529 [title I, § 101(b)(4)(F), (10)], Nov. 5, 1990, 104 Stat. 1427, 1440, 1442; Pub. L. 102–378, § 5(b), Oct. 2, 1992, 106 Stat. 1358; Pub. L. 104–186, title II, § 204(1), Aug. 20, 1996, 110 Stat. 1729.)

CODIFICATION

In subsec. (b), ''sections 1341, 1342, and 1349–1351 and subchapter II of chapter 15 of title 31'' substituted for ''section 665 of title 31, United States Code'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186, § 204(1)(A), substituted ''Chief Administrative Officer of the House of Representatives'' for ''Clerk of the House of Representatives'' in introductory provisions.

Subsec. (a)(1). Pub. L. 104–186, § 204(1)(D), substituted ''Chief Administrative Officer'' for ''Clerk'' in concluding provisions.

Subsec. (a)(1)(A). Pub. L. 104–186, § 204(1)(B), substituted ''Chief Administrative Officer'' for ''Clerk of the House''.

Subsec. (a)(1)(B). Pub. L. 104–186, § 204(1)(C), struck out '', including but not limited to—

''(i) the clerk hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

''(ii) the allowances for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip, and the minority whip, of the House of Representatives''

after ''class of employees''.

Subsec. (a)(2). Pub. L. 104–186, § 204(1)(E), substituted ''Chief Administrative Officer'' for ''Clerk'' in two places.

Subsec. (b). Pub. L. 104–186, § 204(1)(F), substituted ''Chief Administrative Officer'' for ''Clerk of the House''.

Subsec. (d). Pub. L. 104–186, § 204(1)(G), substituted ''Chief Administrative Officer'' for ''Clerk of the House of Representatives''.

1992—Subsec. (a). Pub. L. 102–378 inserted ''of title 5'' after ''section 5303''.

1990—Subsec. (a). Pub. L. 101–509, § 529 [title I, § 101(b)(4)(F)(i)], substituted ''(a) Whenever an adjustment under section 5303 becomes effective with respect to rates of pay under the General Schedule,'' for ''(a) Whenever a pay adjustment by the President under section 5305 of title 5 is made effective pursuant to subsection (a)(2), or subsections (c) to (m), inclusive, as the case may be, of such section 5305, or section 3(c) of this Act, then''.

Subsec. (a)(1). Pub. L. 101–509, § 529 [title I, § 101(b)(10)], made technical correction to Pub. L. 92–298 and Pub. L. 92–392, see 1972 Amendment note below.

Pub. L. 101–509, § 529 [title I, § 101(b)(4)(F)(iii)], in closing provisions, substituted ''adjustment under such section 5303;'' for ''pay adjustment made by the President;''.

Subsec. (a)(1)(A). Pub. L. 101–509, § 529 [title I, § 101(b)(4)(F)(ii)], substituted ''adjustment)'' for ''pay adjustment by the President)''.

1972—Subsec. (a)(1). Pub. L. 92–298 and Pub. L. 92–392, as amended by Pub. L. 101–509, § 529 [title I, § 101(b)(10)], made identical substitutions in introductory provisions of ''effective on the first day of the month in which such pay adjustments by the President'' for ''effective at the beginning of the first pay period commencing on or after the day on which such pay adjustment by the President''.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101–509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–392 effective on first day of first applicable pay period beginning on or after 90th day after Aug. 19, 1972, see section 15(a) of Pub. L. 92–392, set out as an Effective Date note under section 5341 of Title 5, Government Organization and Employees.

DIRECTIVE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IMPLEMENTING THE SALARY COMPARABILITY POLICY IN 1969 FOR OFFICERS AND EMPLOYEES OF THE HOUSE OF REPRESENTATIVES REQUIRED BY SECTION 212 OF THE FEDERAL SALARY ACT OF 1967 [5 U.S.C. 5304 NOTE]

Salary Directives of the Speaker of the House of Representatives were issued on the following dates:

June 17, 1969, increases eff. July 1, 1969, Cong. Rec., vol. 115, pt. 12, p. 16196.

June 11, 1968, increases eff. July 1, 1968, Cong. Rec., vol. 114, pt. 13, p. 16717.

INCREASES IN COMPENSATION

The following acts provided increases in compensation for elected officers and certain employees of the House of Representatives:

June 20, 1958, Pub. L. 85–462, § 4(k), (*l*), 72 Stat. 209.

June 28, 1955, ch. 189, § 4(c), 69 Stat. 176.

Oct. 24, 1951, ch. 554, § 2(e), 65 Stat. 614.

Oct. 28, 1949, ch. 783, title I, § 101(d), 63 Stat. 974.

§ 60a–2a. Rates of compensation disbursed by Chief Administrative Officer of House; adjustments by Speaker; "Member of the House of Representatives" defined

(1) Notwithstanding any other provision of this Act, or any other provision of law, rule, or regulation, on and after December 22, 1987, each time the President pro tempore of the Senate exercises any authority pursuant to any of the amendments made by this section with respect to rates of pay or any other matter relating to personnel whose pay is disbursed by the Secretary of the Senate, or whenever any of the events described in paragraph (2) occurs, the Speaker of the House of Representatives may adjust the rates of pay (and any minimum or maximum rate, limitation, or allowance) applicable to personnel whose pay is disbursed by the Chief Administrative Officer of the House of Representatives to the extent necessary to ensure—

(A) appropriate pay levels and relationships between and among positions held by personnel of the House of Representatives; and

(B) appropriate pay relationships between—

(i) positions referred to in subparagraph (A); and

(ii)(I) positions under subparagraphs (A) through (D) of section 356 of this title;

(II) positions held by personnel whose pay is disbursed by the Secretary of the Senate; and

(III) positions to which the General Schedule applies.

(2) The other events permitting an exercise of authority under this section are either—

(A) an adjustment under section 5303 of title 5 in rates of pay under the General Schedule; or

(B) an adjustment in rates of pay for Members of the House of Representatives (other than an adjustment which occurs by virtue of an adjustment described in subparagraph (A)).

(3) For the purpose of this section, the term "Member of the House of Representatives" means a Member of the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(Pub. L. 100–202, § 101(i) [title III, § 311(d)], Dec. 22, 1987, 101 Stat. 1329–290, 1329–310; Pub. L. 101–520, title III, § 308, Nov. 5, 1990, 104 Stat. 2277; Pub. L. 102–90, title III, § 308, Aug. 14, 1991, 105 Stat. 466; Pub. L. 104–186, title II, § 204(2), Aug. 20, 1996, 110 Stat. 1729.)

References in Text

This Act, referred to in par. (1), probably means the Legislative Branch Appropriations Act, 1988, Pub. L. 100–202, § 101(i), Dec. 22, 1987, 101 Stat. 1329–290. For complete classification of this Act to the Code, see Tables.

The amendments made by this section, referred to in par. (1), means the amendments made by section 101(i) [title III, § 311] of Pub. L. 100–202, Dec. 22, 1987, 101 Stat. 1329–290, 1329–310, which enacted this section, amended section 60a–1 of this title, and enacted provisions set out as a note under section 60a–1 of this title.

The General Schedule, referred to in pars. (1)(B)(i)(III) and (2)(A), is set out under section 5332 of Title 5, Government Organization and Employees.

Codification

Section is from the Congressional Operations Appropriations Act, 1988, which is title I of the Legislative Branch Appropriations Act, 1988.

Amendments

1996—Par. (1). Pub. L. 104–186 substituted "Chief Administrative Officer of the House of Representatives" for "Clerk of the House of Representatives".

1991—Par. (2)(A). Pub. L. 102–90 substituted "5303" for "5305".

1990—Pub. L. 101–520 designated existing provisions as par. (1), inserted "or whenever any of the events described in par. (2) occurs," after "Secretary of the Senate,", substituted "may adjust the rates of pay (and any minimum or maximum rate, limitation, or allowance) applicable to personnel whose pay is disbursed by the Clerk of the House of Representatives to the extent necessary to ensure—" and subpars. (A) and (B) for "may, with respect to personnel whose pay is disbursed by the Clerk of the House of Representatives, exercise the same authority to the extent necessary to ensure parity of treatment between personnel of the respective Houses of Congress having comparable duties and responsibilities.", and added pars. (2) and (3).

Order of the Speaker of the House of Representatives

December 18, 2005

Pursuant to the authority vested in the Speaker by section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a–2a), in order to ensure parity of treatment between employees of the House of Representatives and certain other employees of the Government, it is hereby—

Ordered,

Pay for specified positions

Section 1. (a) The annual rate of pay for the Clerk, the Sergeant-at-Arms, the Chief Administrative Officer, the Chaplain, the Parliamentarian, the Legislative Counsel, the Law Revision Counsel, the General Counsel to the House, the Inspector General, the Director of Interparliamentary Affairs and the Director of the Office of Emergency Planning, Preparedness, and Operations is $163,700.

(b) Subject to the approval of the Speaker, the Clerk, the Sergeant-at-Arms, the General Counsel to the House, the Law Revision Counsel and the Director of the Office of Emergency Planning, Preparedness, and Operations may establish the pay for the Deputy Clerk, the Deputy Sergeant-at-Arms, the Deputy General Counsel, the Deputy Director of the Office of Emergency Planning, Preparedness, and Operations and, notwithstanding section 2(b)(2), the Deputy Law Revision Counsel, respectively, at a maximum annual rate of $161,997.

Pay for certain other positions

Sec. 2. (a) Subject to the maximums under subsection (b), the following Members, officers, and employees are authorized to establish annual rates of pay for their respective employees:

(1) The Speaker.

(2) The majority and minority leaders, including with respect to the majority leader, for the Republican employee under subsection (b)(1)(B)(i).

(3) The majority and minority whips.

(4) The chief deputy majority and minority whips.

(5) The Chairman of the Republican Steering Committee and the Chairman of the Republican Conference, other than for the Republican employee referred to in paragraph (2).

(6) The Chairman of the Democratic Steering and Policy Committee and the Chairman of the Democratic Caucus.

(7) The Parliamentarian, subject to the approval of the Speaker.

(8) The Legislative Counsel, subject to the approval of the Speaker.

(9) The Law Revision Counsel, subject to the approval of the Speaker.

(b)(1) The maximum annual rate under subsection (a) is $163,700 for—

(A) any employee whose maximum annual rate of pay, but for the pay authority of the Speaker under section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a–2a), would be subject to a maximum equal to the rate payable for level III or IV of the Executive Schedule; and

(B)(i) one employee of the Republican Conference and one employee of the Democratic Steering and Policy Committee, (ii) any employee in a position under 77 Stat. 817, (iii) 6 minority employees, (iv) the employee in the position in the Office of the Speaker created in 1967, (v) 3 employees in the Speaker's Office for Legislative Floor Activities, and (vi) 3 further minority employees.

(2) The maximum annual rate under subsection (a) is $159,828 for any employee whose maximum annual rate of pay, but for the pay authority of the Speaker referred to in paragraph (1), would be subject to a maximum equal to the rate payable for level V of the Executive Schedule.

PAY FOR EMPLOYEES OF COMMITTEES

SEC. 3. (a) Except as provided in subsection (b), the chairman of a standing, special, or select committee of the House or of a joint committee of Congress, if applicable, may establish the pay for employees of the committee at a maximum annual rate of $159,828.

(b)(1) Each chairman may establish the pay for 3 employees at a maximum annual rate of $163,700, with one such employee to be designated by the ranking minority party member.

(2) Each chairman may establish the pay for 9 employees at a maximum annual rate of $161,997, with 3 such employees to be designated by the ranking minority party member, except that the Chairman of the Committee on Appropriations may so establish pay for 24 employees, with 7 such employees to be designated by the ranking minority party member.

PAY FOR EMPLOYEES OF MEMBERS

SEC. 4. Each Member of the House may establish the pay for employees in the office of the Member at a maximum annual rate of $159,828.

MISCELLANEOUS PAY PROVISIONS

SEC. 5. (a) Subject to the approval of the Speaker, the Clerk may establish the pay for 3 employees at a maximum annual rate of $159,828.

(b) Subject to the approval of the Speaker, the Sergeant-at-Arms may establish the pay—

(1) for 2 employees at a maximum annual rate of $159,828; and

(2) for 2 employees at a maximum annual rate equal to 75 percent of the maximum under paragraph (1).

(c) Subject to the approval of the Speaker, the Chief Administrative Officer may establish the pay—

(1) for 2 employees at a maximum annual rate of $159,828; and

(2) for 3 employees at a maximum annual rate of $161,997.

GENERAL LIMITATION

SEC. 6. The maximum annual rate of pay is $159,828 for any employee whose pay is disbursed by the Chief Administrative Officer and is not otherwise provided for in this Order or otherwise limited by law, rule, or regulation.

SHARED EMPLOYEES

SEC. 7. An employee who, under applicable rules and regulations, is paid from 2 or more House sources may receive pay totaling the highest limitation applicable to any of the positions the employee occupies.

EFFECTIVE DATE

SEC. 8. The provisions of this Order shall take effect on January 1, 2006.

J. DENNIS HASTERT
Speaker

Prior Orders of the Speaker of the House of Representatives were issued on the following dates:

Jan. 7, 2005, eff. Jan. 1, 2005.
Feb. 3, 2004, eff. Jan. 1, 2004.
Jan. 3, 2004, eff. Jan. 1, 2004.
Jan. 9, 2003, eff. Jan. 1, 2003.
Jan. 5, 2002, eff. Jan. 1, 2002.
Jan. 5, 2001, eff. Jan. 1, 2001.
Jan. 5, 2000, eff. Jan. 1, 2000.
Feb. 3, 1999, eff. Feb. 1, 1999.
Jan. 24, 1997, eff. Feb. 1, 1997.
Jan. 17, 1995, eff. Jan. 4, 1995.
May 11, 1993, eff. May 1, 1993, as amended.
Feb. 27, 1992, eff. Jan. 1, 1992.
Jan. 28, 1991, eff. Jan. 1, 1991.
Feb. 8, 1990, eff. Feb. 1, 1990.
Jan. 20, 1988, eff. Jan. 1, 1988.

§§ 60b, 60c. Omitted

CODIFICATION

Section 60b, acts June 20, 1929, ch. 33, § 2, 46 Stat. 38; July 25, 1939, ch. 352, § 3, 53 Stat. 1080, which provided that clerk hire should be at rate of $6,500 per annum and limited individual salaries to $3,900 per annum, was superseded by former section 60g of this title.

Section 60c, R.S. § 55, related to payment of salaries of chaplains.

§ 60c–1. Vice President, Senators, officers, and employees paid by Secretary of Senate; payment of salary; advance payment

The compensation of the Vice President, Senators, and officers and employees, whose compensation is disbursed by the Secretary of the Senate, shall be payable on the fifth day of the month following the month in which such compensation accrued, except that—

(1) Repealed. Pub. L. 97–51, § 111(a)(1), Oct. 1, 1981, 95 Stat. 962;

(2) when such fifth or twentieth day falls on Saturday, Sunday, or on a legal holiday (including any holiday on which the banks of the District of Columbia are closed pursuant to law) such compensation shall be payable on the next preceding workday; and

(3) any part of such compensation accrued for any month may, in the discretion of the Secretary of the Senate, be paid prior to the day specified in the preceding provisions of this section.

For purposes of title 26 and for accounting and reporting purposes, disbursements made in accordance with this section on the fifth day of a month, or on the next preceding workday if such fifth day falls on Saturday, Sunday, or a legal holiday, shall be considered to have been made on the last day of the preceding month.

(Pub. L. 86–426, § 1, Apr. 20, 1960, 74 Stat. 53; Pub. L. 92–136, § 6, Oct. 11, 1971, 85 Stat. 378; Pub. L. 96–38, title I, § 108(a), July 25, 1979, 93 Stat. 113; Pub. L. 97–51, §§ 111(a), 112(a), Oct. 1, 1981, 95 Stat. 962; Pub. L. 97–257, title I, § 105(a), Sept. 10, 1982, 96 Stat. 849; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'',

which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1982—Pub. L. 97–257 inserted reference to the Vice President.

1981—Pub. L. 97–51 substituted ''Senators and officers and employees'' for ''officers (other than Senators) and employees'', struck out cl. (1) which provided that all compensation for the month of December be payable on the twentieth of December, inserted ''purposes of title 26 and for'' after ''For'' in second sentence, and struck out provisions that, in cases in which officers or employees of the Senate died during the month of December and the full compensation of that officer or employee for that month had been disbursed by the Secretary of the Senate before the Secretary received notice of the death, no recovery could be made of any portion of the compensation so disbursed.

1979—Pub. L. 96–38 provided that, in cases in which officers or employees of the Senate die during the month of December and the full compensation of that officer or employee for that month has been disbursed by the Secretary of the Senate before the Secretary receives notice of the death, no recovery shall be made of any portion of the compensation so disbursed.

1971—Cl. (2). Pub. L. 92–136 inserted ''(including any holiday on which the banks of the District of Columbia are closed pursuant to law)'' after ''holiday''.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 105(c) of Pub. L. 97–257 provided that: ''Amendments and repeals made by the preceding provisions of this section [amending this section and section 104 of Title 3, The President] shall be effective in the case of compensation payable for months after December 1981.''

EFFECTIVE DATE OF 1981 AMENDMENT

Section 111(b) of Pub. L. 97–51 provided that: ''The amendments made by subsection (a) [amending this section] shall be effective in the case of compensation payable for months after December 1982.''

Amendment by section 112(a) of Pub. L. 97–51 effective in the case of compensation payable for months after December 1981, see section 112(e) of Pub. L. 97–51, set out as an Effective Date of 1981 Amendment note under section 33 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 108(b) of Pub. L. 96–38 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1978.''

EFFECTIVE DATE OF 1971 AMENDMENT

Section 9(b) of Pub. L. 92–136 provided that: ''Sections 4 and 6 of this Act [enacting section 60c–2 of this title and amending this section] shall become effective as of July 1, 1971.''

EFFECTIVE DATE

Section 3 of Pub. L. 86–426 provided that: ''This joint resolution [enacting this section and amending sections 60d to 60e–1 of this title] shall be effective with respect to compensation accruing on or after the first day of the month following the month in which it is enacted [Apr. 1, 1960].''

§ 60c–2. Repealed. Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068

Section, Pub. L. 92–136, § 4, Oct. 11, 1971, 85 Stat. 377, authorized and directed Secretary of Senate, if requested by an individual paid by Secretary, to pay compensation by sending a check to a financial organization designated by the individual. See section 3332 of Title 31, Money and Finance.

§ 60c–2a. Banking and financial transactions of Secretary of Senate

(a) Reimbursement of banks for costs of clearing items for Senate

The Secretary of the Senate is authorized to reimburse any bank which clears items for the United States Senate for the costs incurred therein. Such reimbursements shall be made from the contingent fund of the Senate.

(b) Check cashing regulations for Disbursing Office of Senate

The Secretary of the Senate is authorized to prescribe such regulations as he deems necessary to govern the cashing of personal checks by the Disbursing Office of the Senate.

(c) Amounts withheld from disbursements for employee indebtedness

Whenever an employee whose compensation is disbursed by the Secretary of the Senate becomes indebted to the Senate and such employee fails to pay such indebtedness, the Secretary of the Senate is authorized to withhold the amount of the indebtedness from any amount which is disbursed by him and which is due to, or on behalf of, such employee. Whenever an amount is withheld under this section, the appropriate account shall be credited in an amount equal to the amount so withheld.

(Pub. L. 94–440, title I, § 104, Oct. 1, 1976, 90 Stat. 1443.)

CODIFICATION

Section is from the Legislative Branch Appropriation Act, 1977.

§ 60c–3. Withholding and remittance of State income tax by Secretary of Senate

(a) Agreement by Secretary with appropriate State official; covered individuals

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Secretary of the Senate is authorized, in accordance with the provisions of this section to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) whose pay is disbursed by the Secretary; and

(B) who request the Secretary to make such withholdings for remittance to that State.

(b) Number of remittances authorized

Any agreement entered into under subsection (a) of this section shall not require the Secretary to remit such sums more often than once each calendar quarter.

(c) Requests by individuals of Secretary for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations

(1) An individual whose pay is disbursed by the Secretary may request the Secretary to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first month commencing after the day on which the request is received in the Disbursing Office of the Senate, except that—

(A) when the Secretary first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Secretary may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first day of the first month commencing after the day on which the request for change or the revocation is received in the Disbursing Office.

(4) The Secretary is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

(d) Time or times of agreements by Secretary

The Secretary may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

(e) Provisions as not imposing duty, burden, requirement or penalty on United States, Senate, or any officer or employee of United States; effect of filing paper, form, or document with Secretary

This section imposes no duty, burden, or requirement upon the United States, the Senate, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, the Senate, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section. Any paper, form, or document filed with the Secretary under this section is a paper of the Senate within the provisions of rule XXX of the Standing Rules of the Senate.

(f) "State" defined

For the purposes of this section, ''State'' means any of the States of the United States and the District of Columbia.

(Pub. L. 93–371, § 2, Aug. 13, 1974, 88 Stat. 427.)

REFERENCES IN TEXT

The Standing Rules of the Senate, referred to in subsec. (e), were revised generally in 1979. Provisions relating to withdrawal of papers from the files of the Senate which were formerly contained in Rule XXX of the Standing Rules of the Senate are contained in Rule XI of the Standing Rules of the Senate.

§ 60c–4. Withholding of charitable contributions from salaries paid by Secretary of Senate and from employees of Architect of Capitol

(a) Definitions

For purposes of this section, the term—

(1) ''Secretary'' means the Secretary of the Senate; and

(2) ''Architect'' means the Architect of the Capitol.

(b) Notice; deduction and transmission

(1) The Secretary and the Architect shall notify individuals whose pay is disbursed by the Secretary or who are employees of the Architect, including employees of the Botanic Garden or the Senate Restaurants of the opportunity to have amounts withheld from their pay pursuant to this section for contribution to national voluntary health and welfare agencies designated by the Director of the Office of Personnel Management pursuant to Executive Order 10927, dated March 18, 1961.

(2) Upon request by such an individual specifying the amount to be withheld and one Combined Federal Campaign Center in the Washington metropolitan area to receive such amount, the Secretary, the Architect, or any other officer who disburses the pay of such individual, as the case may be, shall—

(A) withhold such amount from the pay of such individual; and

(B) transmit (not less than once each calendar quarter) the amount so withheld to the Combined Federal Campaign Center as specified in such request.

(c) Time of withholding and transmission

The Secretary and the Architect shall, to the extent practicable, carry out subsection (b) of this section at or about the time of the Combined Federal Campaign and other fundraising in the executive branch of the Federal Government conducted pursuant to Executive Order 10927, dated March 18, 1961, and at such other times as each such officer deems appropriate.

(d) Amount

(1) No amount shall be withheld under subsection (b) of this section from the pay of any individual for any pay period if the amount of such pay for such period is less than the sum of—

(A) the amount specified to be withheld from such pay under subsection (b) of this section for such period; plus

(B) the amount of all other withholdings from such pay for such period.

(2) No amount may be specified by an individual to be withheld for any pay period under subsection (b) of this section which is less than—

(A) 50 cents, if the pay period of such individual is biweekly or semimonthly; or

(B) $1, if the pay period of such individual is monthly.

(e) Provisions as not imposing duty, burden, requirement or penalty on United States, Senate, or any officer or employee of United States; effect of filing paper

This section imposes no duty, burden, or requirement upon the United States, the Senate, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, the Senate, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section. Any paper, form, document, or any other item filed with the Secretary under this section is a paper of the Senate within the provisions of rule XXX of the Standing Rules of the Senate.

(f) Rules and regulations

The Secretary and the Architect are authorized to issue rules and regulations they consider appropriate in carrying out their duties under this section.

(Pub. L. 95–470, Oct. 17, 1978, 92 Stat. 1323; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

REFERENCES IN TEXT

Executive Order 10927, dated March 18, 1961, referred to in subsecs. (b)(1) and (c), was revoked by, and is covered by, Ex. Ord. No. 12353, Mar. 23, 1982, 47 F.R. 12785.

The Standing Rules of the Senate, referred to in subsec. (e), were revised generally in 1979. Provisions relating to withdrawal of papers from the files of the Senate which were formerly contained in Rule XXX of the Standing Rules of the Senate are contained in Rule XI of the Standing Rules of the Senate.

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted for ''Chairman of the Civil Service Commission'' in subsec. (b)(1) pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in United States Civil Service Commission and Chairman thereof to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 60c–5. Student loan repayment program for Senate employees

(a) Definitions

In this section:

(1) Eligible employee

The term ''eligible employee'' means an individual—

(A) who is an employee of the Senate; and

(B) whose rate of pay as an employee of the Senate, on the date on which such eligibility is determined, does not exceed the rate of basic pay for an employee for a position at ES–1 of the Senior Executive Schedule as provided for in subchapter VIII of chapter 53 of title 5 (including any locality pay adjustment applicable to the Washington, D.C.-Baltimore Maryland consolidated metropolitan statistical area).

(2) Employee of the Senate

The term ''employee of the Senate'' has the meaning given the term in section 1301 of this title.

(3) Employing office

The term ''employing office'' means the employing office, as defined in section 1301 of this title, of an employee of the Senate.

(4) Secretary

The term ''Secretary'' means the Secretary of the Senate.

(5) Student loan

The term ''student loan'' means—

(A) a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., or 1087aa et seq.); and

(B) a health education assistance loan made or insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), or under part E of title VIII of such Act (42 U.S.C. 297a et seq.).

(b) Senate student loan repayment program

(1) Service agreements

(A) In general

The head of an employing office and an eligible employee may enter into a written service agreement under which—

(i) the employing office shall agree to repay, by direct payments on behalf of the eligible employee, any student loan indebtedness of the eligible employee that is outstanding at the time the eligible employee and the employing office enter into the agreement, subject to this section; and

(ii) the eligible employee shall agree to complete the 1-year required period of employment described in subsection (c)(1) of this section with the employing office in exchange for the student loan payments.

(B) Contents of service agreements

(i) Contents

A service agreement under this paragraph shall contain—

(I) the start and end dates of the required period of employment covered by the agreement;

(II) the monthly amount of the student loan payments to be provided by the employing office;

(III) the employee's agreement to reimburse the Senate under the conditions set forth in subsection (d)(1) of this section;

(IV) disclosure of the program limitations provided for in subsection (d)(4) of this section and paragraphs (2), (3), (6), and (7) of subsection (f) of this section;

(V) other terms to which the employing office and employee agree (such as terms relating to job responsibilities or job performance expectations); and

(VI) any other terms prescribed by the Secretary.

(ii) Standard service agreements

The Secretary shall establish standard service agreements for employing offices to use in carrying out this section.

(2) Submission of agreements

On entering into a service agreement under this section, the employing office shall submit a copy of the service agreement to the Secretary.

(c) Program conditions

(1) Period of employment

The term of the required period of employment under a service agreement under this section shall be 1 year. On completion of the required period of employment under such a service agreement, the eligible employee and the employing office may enter into additional service agreements for successive 1-year periods of employment.

(2) Amount of payments

(A) In general

The amount of student loan payments made under service agreements under this section on behalf of an eligible employee may not exceed—

(i) $500 in any month; or

(ii) a total of $40,000.

(B) Payments included in gross compensation limitations

Any student loan payment made under this section in any month may not result in the sum of the payment and the compensation of an employee for that month exceeding 1/12th of the applicable annual maximum gross compensation limitation under section 61–1(d)(2), (e), or (f) of this title.

(3) Timing of payments

Student loan payments made under this section under a service agreement shall begin the first day of the pay period after the date on which the agreement is signed and received by the Secretary, and shall be made on a monthly basis.

(d) Loss of eligibility for student loan payments and obligation to reimburse

(1) In general

An employee shall not be eligible for continued student loan payments under a service agreement under this section and (except in a case in which an employee's duty is terminated under paragraph (2) or an employing office assumes responsibilities under paragraph (3)) shall reimburse the Senate for the amount of all student loan payments made on behalf of the employee under the agreement, if, before the employee completes the required period of employment specified in the agreement—

(A) the employee voluntarily separates from service with the employing office;

(B) the employee engages in misconduct or does not maintain an acceptable level of performance, as determined by the head of the employing office; or

(C) the employee violates any condition of the agreement.

(2) Termination of agreement

The duty of an eligible employee to fulfill the required period of employment under the service agreement shall be terminated if—

(A) funds are not made available to cover the cost of the student loan repayment program carried out under this section; or

(B) the employee and the head of the employing office involved mutually agree to terminate the service agreement under subsection (f)(7) of this section.

(3) Another employing office

An employing office who hires an eligible employee during a required period of employment under such a service agreement may assume the remaining obligations (as of the date of the hiring) of the employee's prior employing office under the agreement.

(4) Failure of employee to reimburse

If an eligible employee fails to reimburse the Senate for the amount owed under paragraph (1), such amount shall be collected—

(A) under section 60c–2a(c) of this title or section 5514 of title 5 if the eligible employee is employed by any other office of the Senate or agency of the Federal Government; or

(B) under other applicable provisions of law if the eligible employee is not employed by any other office of the Senate or agency of the Federal Government.

(5) Crediting of amounts

Any amount repaid by, or recovered from, an eligible employee under this section shall be credited to the subaccount for the employing office from which the amount involved was originally paid. Any amount so credited shall be merged with other sums in such subaccount for the employing office and shall be available for the same purposes, and subject to the same limitations (if any), as the sums with which such amount is merged.

(e) Records and reports

(1) In general

Not later than January 1, 2003, and each January 1 thereafter, the Secretary shall prepare and submit to the Committee on Rules and Administration of the Senate and the Committee on Appropriations of the Senate, a report for the fiscal year preceding the fiscal year in which the report is submitted, that contains information specifying—

(A) the number of eligible employees that received student loan payments under this section; and

(B) the costs of such payments, including—

(i) the amount of such payments made for each eligible employee;

(ii) the amount of any reimbursement amounts for early separation from service or whether any waivers were provided with respect to such reimbursements; and

(iii) any other information determined to be relevant by the Committee on Rules and Administration of the Senate or the Committee on Appropriations of the Senate.

(2) Confidentiality

Such report shall not include any information which is considered confidential or could

disclose the identity of individual employees or employing offices. Information required to be contained in the report of the Secretary under section 104a of this title shall not be considered to be personal information for purposes of this paragraph.

(f) Other administrative matters

(1) Account

(A) In general

The Secretary shall establish and maintain a central account from which student loan payments available under this section shall be paid on behalf of eligible employees.

(B) Office subaccounts

The Secretary shall ensure that, within the account established under subparagraph (A), a separate subaccount is established for each employing office to be used by each such office to make student loan payments under this section. Such student loan payments shall be made from any funds available to the employing office for student loan payments that are contained in the subaccount for the office.

(C) Limitation

Amounts in each subaccount established under this paragraph shall not be made available for any purpose other than to make student loan payments under this section.

(2) Beginning of payments

Student loan payments may begin under this section with respect to an eligible employee upon—

(A) the receipt by the Secretary of a signed service agreement; and

(B) verification by the Secretary with the holder of the loan that the eligible employee has an outstanding student loan balance that qualifies for payment under this section.

(3) Limitation

Student loan payments may be made under this section only with respect to the amount of student loan indebtedness of the eligible employee that is outstanding on the date on which the employee and the employing office enter into a service agreement under this section. Such payments may not be made under this section on a student loan that is in default or arrears.

(4) Payment on multiple loans

Student loan payments may be made under this section with respect to more than 1 student loan of an eligible employee at the same time or separately, if the total payments on behalf of such employee do not exceed the limits under subsection (c)(2)(A) of this section.

(5) Treatment of payments

Student loan payments made on behalf of an eligible employee under this section shall be in addition to any basic pay and other forms of compensation otherwise payable to the eligible employee, and shall be subject to withholding for income and employment tax obligations as provided for by law.

(6) No relief from liability

An agreement to make student loan payments under this section shall not exempt an eligible employee from the responsibility or liability of the employee with respect to the loan involved and the eligible employee shall continue to be responsible for making student loan payments on the portion of any loan that is not covered under the terms of the service agreement.

(7) Reduction in payments

Notwithstanding the terms of a service agreement under this section, the head of an employing office may reduce the amount of student loan payments made under the agreement if adequate funds are not available to such office. If the head of the employing office decides to reduce the amount of student loan payments for an eligible employee, the head of the office and the employee may mutually agree to terminate the service agreement.

(8) No right to continued employment

A service agreement under this section shall not be construed to create a right to, promise of, or entitlement to the continued employment of the eligible employee.

(9) No entitlement

A student loan payment under this section shall not be construed to be an entitlement for any eligible employee.

(10) Treatment of payments

A student loan payment under this section—

(A) shall not be basic pay of an employee for purposes of chapters 83 and 84 of title 5 (relating to retirement) and chapter 87 of such title (relating to life insurance coverage); and

(B) shall not be included in Federal wages for purposes of chapter 85 of such title (relating to unemployment compensation).

(g) Allocation of funds

(1) Maximum amount

In this subsection, the term ''maximum amount'', used with respect to a fiscal year, means—

(A) in the case of an employing office described in subsection (h)(1)(A) of this section, the amount described in that subsection for that fiscal year; and

(B) in the case of an employing office described in subsection (h)(1)(B) of this section, the amount described in that subsection for that fiscal year.

(2) Allocation

From the total amount made available to carry out this section for a fiscal year, there shall be allocated to each employing office for that fiscal year—

(A) the maximum amount for that employing office for that fiscal year; or

(B) if the total amount is not sufficient to provide the maximum amount to each employing office, an amount that bears the same relationship to the total amount as the maximum amount for that employing office for that fiscal year bears to the total of the

maximum amounts for all employing offices for that fiscal year.

(3) Apportionment

In the case of an employing office that is a Committee of the Senate, the funds allocated under this subsection shall be apportioned between the majority and minority staff of the committee in the same manner as amounts are apportioned between the staffs for salaries.

(h) Authorization of appropriations

(1) In general

There are authorized to be appropriated (or otherwise made available from appropriations) to carry out this section the following amounts for each fiscal year:

(A) For each employing office that is the personal office of a Senator, an amount equal to 2 percent of the total sums appropriated for the fiscal year involved for administrative and clerical salaries for such office.

(B) For each other employing office, an amount equal to 2 percent of the total sums appropriated for the fiscal year involved for salaries for such office.

(2) Limitation

Amounts provided under this section shall be subject to annual appropriations.

(i) Effective date

This section shall apply to fiscal year 2002 and each fiscal year thereafter.

(Pub. L. 107–68, title I, § 102, Nov. 12, 2001, 115 Stat. 563; Pub. L. 107–117, div. B, § 916, Jan. 10, 2002, 115 Stat. 2324.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(5)(A), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended. Parts B, D, and E of title IV of the Act are classified to parts B (§ 1071 et seq.), C (§ 1087a et seq.), and D (§ 1087aa et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Public Health Service Act, referred to in subsec. (a)(5)(B), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended. Part A of title VII of the Act is classified generally to part A (§ 292 et seq.) of subchapter V of chapter 6A of Title 42, The Public Health and Welfare. Part E of title VIII of the Act is classified generally to part E (§ 297a et seq.) of subchapter VI of chapter 6A of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

Section 60c–2a(c) of this title, referred to in subsec. (d)(4)(A), was in the original ''section 104(c) of the Legislative Appropriation Act, 1977'', and was translated as reading ''section 104(c) of the Legislative Branch Appropriation Act, 1977'', to reflect the probable intent of Congress.

Section 104a of this title, referred to in subsec. (e)(2), was in the original ''section 105(a) of the Legislative Branch Act, 1965'', and was translated as reading ''section 105(a) of the Legislative Branch Appropriation Act, 1965'', to reflect the probable intent of Congress.

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–117, § 916(1), redesignated pars. (2) to (6) as (1) to (5), respectively, and struck out heading and text of former par. (1). Text read as follows: ''The term 'Committee' means the Committee on Rules and Administration of the Senate.''

Subsec. (g)(1). Pub. L. 107–117, § 916(2), substituted ''subsection (h)(1)(A)'' for ''subsection (i)(1)(A)'' in subpar. (A) and ''subsection (h)(1)(B)'' for ''subsection (i)(1)(B)'' in subpar. (B).

§ 60c–6. Student loan repayment program for House employees

(a) Establishment

The Chief Administrative Officer shall establish a program under which an employing office of the House of Representatives may agree to repay (by direct payment on behalf of the employee) any student loan previously taken out by an employee of the office. For purposes of this section, a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) shall not be considered to be an employee of the House of Representatives.

(b) Regulations

The Committee on House Administration shall promulgate such regulations as may be necessary to carry out the program under this section.

(c) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the program under this section during fiscal year 2003 and each succeeding fiscal year.

(Pub. L. 108–7, div. H, title I, § 105, Feb. 20, 2003, 117 Stat. 354.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of the Consolidated Appropriations Resolution, 2003.

§ 60d. Repealed. Pub. L. 107–68, title I, § 116(b)(1), Nov. 12, 2001, 115 Stat. 573

Section, acts May 21, 1937, ch. 236, § 1, 50 Stat. 199; Pub. L. 86–426, § 2(a), Apr. 20, 1960, 74 Stat. 53; Pub. L. 104–186, title II, § 204(3), Aug. 20, 1996, 110 Stat. 1729, provided for payment of salaries of officers and employees of the House of Representatives for the month of December on the 20th day of that month.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to pay periods beginning after the expiration of the 1-year period which begins Nov. 12, 2001, see section 116(c) of Pub. L. 107–68, set out as an Effective Date note under section 60d–1 of this title.

§ 60d–1. Day for paying salaries of the House of Representatives

The usual day for paying salaries in or under the House of Representatives shall be the last day of each month, except that if the last day of a month falls on a Saturday, Sunday, or a legal public holiday, the Chief Administrative Officer of the House of Representatives shall pay such salaries on the first weekday which precedes the last day.

(Pub. L. 107–68, title I, § 116(a), Nov. 12, 2001, 115 Stat. 573.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002.

EFFECTIVE DATE

Pub. L. 107–68, title I, § 116(c), Nov. 12, 2001, 115 Stat. 573, provided that: ''This section [enacting this section and repealing sections 60d, 60e, and 60e–1 of this title] and the amendments made by this section shall apply with respect to pay periods beginning after the expiration of the 1-year period which begins on the date of the enactment of this Act [Nov. 12, 2001].''

§§ 60e, 60e–1. Repealed. Pub. L. 107–68, title I, § 116(b)(1), (2), Nov. 12, 2001, 115 Stat. 573

Section 60e, act May 21, 1937, ch. 236, § 2, as added June 2, 1939, ch. 171, 53 Stat. 802; amended Pub. L. 86–426, § 2(b), Apr. 20, 1960, 74 Stat. 54; Pub. L. 104–186, title II, § 204(3), Aug. 20, 1996, 110 Stat. 1729, related to time of payment of salaries of officers and employees of the House of Representatives for months other than the month of December.

Section 60e–1, acts Dec. 28, 1945, ch. 589, title I, 59 Stat. 633; Pub. L. 86–426, § 2(c), Apr. 20, 1960, 74 Stat. 54, related to time of payment of salaries in or under the House of Representatives when the usual payday fell on Saturday.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to pay periods beginning after the expiration of the 1-year period which begins Nov. 12, 2001, see section 116(c) of Pub. L. 107–68, set out as an Effective Date note under section 60d–1 of this title.

§ 60e–1a. Withholding of State income tax by Chief Administrative Officer of House

(a) Agreement with proper State official; covered individuals

Until otherwise provided by law, the Chief Administrative Officer of the House of Representatives shall, in accordance with subsections (b), (c), and (d) of this section enter into an agreement with any State, at the request for agreement from the proper State official. The agreement shall provide that the Chief Administrative Officer shall withhold State income tax in the case of each Member and employee who is subject to such income tax and who voluntarily requests such withholding.

(b) Number of remittances authorized

Any agreement entered into under subsection (a) of this section shall not require the Chief Administrative Officer to remit sums withheld pursuant to any such agreement more often than once each calendar quarter.

(c) Acceptance or disapproval of proposed agreement by Committee on House Administration

(1) The Chief Administrative Officer shall, before entering into any agreement under subsection (a) of this section, transmit a statement with respect to the proposed agreement to the Committee on House Administration of the House of Representatives (hereinafter in this section and section 60e–1b of this title referred to as the ''committee''). Such statement shall set forth a detailed description of the proposed agreement, together with any other information which the committee may require.

(2) If the committee does not disapprove, through appropriate action, any proposed agreement transmitted to the committee under paragraph (1) no later than ten legislative days after receiving such proposed agreement, then the Chief Administrative Officer may enter into such proposed agreement. The Chief Administrative Officer may not enter into any proposed agreement if such proposed agreement is disapproved by the committee under this paragraph.

(d) Number and effective date of requests for withholding; change of designated State; revocation of request

(1) A Member or employee may have in effect at any time only one request for withholding under subsection (a) of this section, and such Member or employee may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholding is effective on the first day of the month in which the request is processed by the Chief Administrative Officer, but in no event later than on the first day of the first month beginning after the day on which such request is received by the Chief Administrative Officer, except that—

(A) when the Chief Administrative Officer first enters into an agreement with a State under subsection (a) of this section, a request for withholding shall be effective on such date as the Chief Administrative Officer may determine;

(B) when an individual first receives an appointment as an employee, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment; and

(C) when an individual first becomes a Member, the request shall be effective on the day such individual takes the oath of office as a Member, if the individual makes the request at such time.

(2) A Member or employee may change the State designated by such Member or employee for purposes of having withholdings made, and may request that the withholdings be remitted in accordance with such change. A Member or employee also may revoke any request of such Member or employee for withholding. Any change in the State designated or revocation is effective on the first day of the month in which the request or the revocation is processed by the Chief Administrative Officer, but in no event later than on the first day of the first month beginning after the day on which such request or revocation is received by the Chief Administrative Officer.

(e) Provisions as not imposing duty, burden, requirement or penalty on United States, House, or any officer or employee of United States; effect of filing paper, form, or document with Chief Administrative Officer

This section and section 60e–1b of this title impose no duty, burden, or requirement upon the United States, the House of Representatives, or any officer or employee of the United States, except as specifically provided in this section and section 60e–1b of this title. Nothing in this section and section 60e–1b of this title shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, the House of Representatives, or any officer or employee of the United States to any penalty or liability by reason of the pro-

visions of this section and section 60e–1b of this title. Any paper, form, document, or any other item filed with, or submitted to, the Chief Administrative Officer under this section and section 60e–1b of this title is considered to be a paper of the House of Representatives within the provisions of the Rules of the House of Representatives.

(Pub. L. 94–440, title II, § 101, Oct. 1, 1976, 90 Stat. 1448; Pub. L. 104–186, title II, § 204(4), Aug. 20, 1996, 110 Stat. 1730.)

CODIFICATION

Section is based on section 1 of House Resolution No. 732, Ninety-fourth Congress, Nov. 4, 1975, which was enacted into permanent law by Pub. L. 94–440.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186, § 204(4)(B), substituted ''provide that the Chief Administrative Officer shall withhold'' for ''provide that—

''(1) the Clerk, in the case of employees whose compensation is disbursed by the Clerk; and

''(2) the Sergeant at Arms, in the case of Members of the House of Representatives;

shall withhold''.

Pub. L. 104–186, § 204(4)(A), substituted ''Chief Administrative Officer of the House of Representatives shall, in accordance with'' for ''Clerk of the House of Representatives (hereinafter in this section and section 60e–1b of this title referred to as the 'Clerk') and the Sergeant at Arms of the House of Representatives (hereinafter in this section and section 60e–1b of this title referred to as the 'Sergeant at Arms') shall, in accordance with the provisions of''.

Subsec. (b). Pub. L. 104–186, § 204(4)(C), substituted ''Chief Administrative Officer'' for ''Clerk or the Sergeant at Arms''.

Subsec. (c)(1). Pub. L. 104–186, § 204(4)(D), substituted ''Chief Administrative Officer'' for ''Clerk and the Sergeant at Arms''.

Subsec. (c)(2). Pub. L. 104–186, § 204(4)(E), substituted ''Chief Administrative Officer'' for ''Clerk or the Sergeant at Arms, as the case may be,'' in two places.

Subsecs. (d), (e). Pub. L. 104–186, § 204(4)(F), substituted ''Chief Administrative Officer'' for ''Clerk or the Sergeant at Arms'' wherever appearing.

§ 60e–1b. State income tax withholding; definitions

For purposes of section 60e–1a of this title and this section—

(1) the term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States;

(2) the term ''Member'' means a Member of the House of Representatives, the Delegates from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner from Puerto Rico; and

(3) the term ''legislative days'' does not include any calendar day on which the House of Representatives is not in session.

(Pub. L. 94–440, title II, § 101, Oct. 1, 1976, 90 Stat. 1448.)

CODIFICATION

Section is based on section 2 of House Resolution No. 732, Ninety-fourth Congress, Nov. 4, 1975, which was enacted into permanent law by Pub. L. 94–440.

§ 60e–1c. Withholding of charitable contributions by Chief Administrative Officer of House

(a) Authority

Until otherwise provided by law and except as provided in subsection (c) of this section, the Chief Administrative Officer of the House of Representatives shall—

(1) notify employees of the opportunity to have amounts withheld from their compensation for contribution to charitable organizations; and

(2) if an employee files with such officer a voluntary request specifying the amount to be withheld and one Combined Federal Campaign Center in the Washington metropolitan area to receive such amount—

(A) withhold such amount from the compensation of such employee, and

(B) transmit (not less than once each calendar quarter) the amount so withheld to the Combined Federal Campaign Center as specified in such request.

(b) Time of fundraising activities

The Chief Administrative Officer of the House of Representatives shall, to the extent practicable, carry out subsection (a) of this section at or about the time of the Combined Federal Campaign and other fundraising in the executive branch of the Federal Government conducted pursuant to Executive Order 10927, dated March 18, 1961, and at such other times as such officer deems appropriate.

(c) Minimum amounts withheld

(1) No amount shall be withheld under subsection (a) of this section from the compensation of any employee for any pay period if the amount of such compensation for such period is less than the sum of—

(A) the amount specified to be withheld from such compensation under subsection (a) of this section for such period, plus

(B) the amount of all other withholdings from such compensation for such period.

(2) No amount may be specified by an employee to be withheld for any pay period under subsection (a) of this section which is less than—

(A) 50 cents, if the pay period of such individual is biweekly or semimonthly; or

(B) $1, if the pay period of such individual is monthly.

(d) Duty, burden, or requirement not imposed

This section imposes no duty, burden, or requirement upon the United States, the House of Representatives, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, the House of Representatives, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section. Any paper, form, document, or any other item filed with, or submitted to, the Chief Administrative Officer of the House of Representatives under this section is considered to be a paper of the House of Representatives within the provisions of the Rules of the House of Representatives.

(Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777; Pub. L. 104–186, title II, § 204(5)(A), Aug. 20, 1996, 110 Stat. 1730.)

REFERENCES IN TEXT

Executive Order 10927, dated March 18, 1961, referred to in subsec. (b), was revoked, and is covered, by Ex. Ord. No. 12353, Mar. 23, 1982, 47 F.R. 12785.

CODIFICATION

Section is based on section 1 of House Resolution No. 12, Ninety-fifth Congress, August 5, 1977, which was enacted into permanent law by Pub. L. 95–391.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186, § 204(5)(A)(i), substituted ''Chief Administrative Officer'' for ''Clerk'' in introductory provisions.

Subsecs. (b), (d). Pub. L. 104–186, § 204(5)(A)(ii), substituted ''Chief Administrative Officer of the House of Representatives'' for ''Clerk''.

§ 60e–1d. Withholding of charitable contributions; definitions

For purposes of section 60e–1c of this title—

(1) the term ''charitable organizations'' means national voluntary health and welfare agencies designated by the Director of the Office of Personnel Management pursuant to Executive Order 10927, dated March 19, 1961; and

(2) the term ''employee'' means any employee of the House of Representatives whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives.

(Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 104–186, title II, § 204(5)(B), Aug. 20, 1996, 110 Stat. 1730.)

REFERENCES IN TEXT

Executive Order 10927, dated March 18, 1961, referred to in par. (1), was revoked, and is covered, by Ex. Ord. No. 12353, Mar. 23, 1982, 47 F.R. 12785.

CODIFICATION

Section is based on section 2 of House Resolution No. 12, Ninety-fifth Congress, August 5, 1977, which was enacted into permanent law by Pub. L. 95–391.

AMENDMENTS

1996—Par. (1). Pub. L. 104–186, § 204(5)(B)(i), inserted ''and'' at end.

Par. (2). Pub. L. 104–186, § 204(5)(B)(ii), (iv), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: ''the term 'Clerk' means the Clerk of the House of Representatives;''.

Par. (3). Pub. L. 104–186, § 204(5)(B)(iii), (iv), substituted ''Chief Administrative Officer of the House of Representatives'' for ''Clerk'' and redesignated par. (3) as (2).

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted for ''Chairman of the Civil Service Commission'' in par. (1) pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in United States Civil Service Commission and Chairman thereof to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 60e–2. Omitted

Section, acts June 30, 1945, ch. 212, title I, §§ 101(c), 102(a), 59 Stat. 295, 296; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Sept. 6, 1966, Pub. L. 89–554, § 8(a), 80 Stat. 653, which related to coverage of officers and employees of legislative branch under act June 30, 1945, known as Federal Employees Pay Act of 1945, was omitted in view of repeal or omission from the Code of provisions of act June 30, 1945, with exception of section 60e–2b of this title which was expressly exempted from the provisions involved.

§ 60e–2a. Exemption of officers and employees of Architect of Capitol from certain Federal pay provisions

The classes of employees whose compensation is authorized by section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), to be fixed by the Architect of the Capitol without regard to the Classification Act of 1923, as amended, are authorized to be compensated without regard to chapter 51 and subchapter III of chapter 53 of title 5.

(Oct. 28, 1949, ch. 782, title II, § 204(a), 63 Stat. 957.)

REFERENCES IN TEXT

Section 3 of the Legislative Pay Act of 1929, as amended (40 Stat. 38; 55 Stat. 615), referred to in text, which was an amendment of the Classification Act of 1923 and which was classified to section 662 of former Title 5, Executive Departments and Government Officers and Employees, was repealed by section 1202 of the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 972.

The Classification Act of 1923, as amended, referred to in text, is act Mar. 4, 1923, ch. 265, 42 Stat. 1488, as amended, which was classified to section 661 et seq. of such former Title 5, and was repealed by section 1202 of the Classification Act of 1949.

CODIFICATION

Section is comprised of section 204(a) of act Oct. 28, 1949. Subsections (b) and (c) of such section were repealed by Pub. L. 89–554, § 8, Sept. 6, 1966, 80 Stat. 655, and reenacted as sections 5102(d) and 5103 of Title 5, Government Organization and Employees.

Section was classified to section 1084(a) of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

''Chapter 51 and subchapter III of chapter 53 of title 5'' substituted in text for ''this Act'', referring to the Classification Act of 1949, on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5.

§ 60e–2b. Overtime compensation for certain employees of Architect of Capitol

For overtime pay purposes, per diem and per hour employees under the Office of the Architect of the Capitol not subject to chapter 51 and subchapter III of chapter 53 of title 5, shall be regarded as subject to the provisions of sections 5544(a) and 6102 of title 5, and sections 60e–3 and 60e–4 of this title shall not be applicable to such employees.

(June 30, 1945, ch. 212, title V, § 503, 59 Stat. 301; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

REFERENCES IN TEXT

Section 6102 of title 5, referred to in text, was repealed by Pub. L. 92–392, § 7(a), Aug. 19, 1972, 86 Stat. 573,

and reenacted as section 6101(a)(1) of Title 5, Government Organization and Employees.

Sections 60e–3 and 60e–4 of this title, referred to in text, were omitted from the Code.

CODIFICATION

Section was classified to section 933 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

''Chapter 51 and subchapter III of chapter 53 of title 5'' substituted in text for ''the Classification Act of 1949, as amended'', and ''sections 5544(a) and 6102 of title 5'' substituted for ''section 23 of the Act of March 28, 1934 (U.S.C., 1940 edition, title 5, sec. 673c)'', on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

§§ 60e–3 to 60e–14. Omitted

CODIFICATION

Sections were omitted as obsolete and superseded. See section 61–1 of this title and chapter 10A (§ 331 et seq.) of this title.

Section 60e–3, acts June 30, 1945, ch. 212, title V, § 501, 59 Stat. 301; May 24, 1946, ch. 270, § 5(a), (b), 60 Stat. 217; June 23, 1949, ch. 238, § 5, 63 Stat. 265, provided for payment of additional compensation to legislative branch employees.

Section 60e–4, acts June 30, 1945, ch. 212, title V, § 502, 59 Stat. 301; May 24, 1946, ch. 270, § 5(c), 60 Stat. 217, provided for payment of additional compensation to legislative branch employees.

Section 60e–4a, act July 3, 1948, ch. 830, title III, § 301, 62 Stat. 1267, provided for payment of additional compensation to employees of the Federal Government and the District of Columbia government.

Section 60e–5, acts Oct. 28, 1949, ch. 783, title I, § 101(a), (b), 63 Stat. 974; June 28, 1955, ch. 189, § 4(e)(1), 69 Stat. 177, provided for payment of additional compensation to and an annual limit on compensation for legislative branch employees.

Section 60e–6, acts Oct. 24, 1951, ch. 554, § 2(a), (b), (d), 65 Stat. 613; June 28, 1955, ch. 189, § 4(b), (e)(1), 69 Stat. 176, 177, provided for payment of additional compensation to and an annual limit on compensation for legislative branch employees.

Section 60e–7, acts June 28, 1955, ch. 189, § 4(a), (e)(1), (g), (h), 69 Stat. 176–178; June 27, 1956, ch. 453, § 101, 70 Stat. 363, provided for payment of additional compensation to legislative branch employees.

Section 60e–8, Pub. L. 85–462, § 4(a), (e), (f), (r), June 20, 1958, 72 Stat. 207–209, provided for payment of additional compensation to legislative branch employees.

Section 60e–9, Pub. L. 86–568, title I, § 117(a), (e)–(h), July 1, 1960, 74 Stat. 303, provided for payment of additional compensation to legislative branch employees.

Section 60e–10, Pub. L. 87–793, § 1005(a), (e)–(g), (i), Oct. 11, 1962, 76 Stat. 866, provided for payment of additional compensation to and an annual limit on compensation for legislative branch employees.

Section 60e–11, Pub. L. 88–426, title II, § 202(a)–(c), (h), Aug. 14, 1964, 78 Stat. 413, 414, provided for payment of additional compensation to legislative branch employees.

Section 60e–12, Pub. L. 89–301, § 11(a), (b), (i), Oct. 29, 1965, 79 Stat. 1120, 1121, provided for payment of additional compensation to legislative branch employees.

Section 60e–13, Pub. L. 89–504, title III, § 302(a), (b), (e), (i), July 18, 1966, 80 Stat. 294, provided for payment of additional compensation to legislative branch employees.

Section 60e–14, Pub. L. 90–206, title II, § 214(a), (b), (f), (m), Dec. 16, 1967, 81 Stat. 635–637, provided for payment of additional compensation to legislative branch employees.

§ 60f. Repealed. Pub. L. 90–57, § 105(i)(2), July 28, 1967, 81 Stat. 144

Section, acts July 1, 1941, ch. 268, 55 Stat. 448; June 8, 1942, ch. 396, 56 Stat. 333; June 28, 1943, ch. 173, title I, 57 Stat. 222; June 26, 1944, ch. 277, title I, 58 Stat. 337; Dec. 20, 1944, ch. 617, § 2(a), 58 Stat. 832; June 13, 1945, ch. 189, 59 Stat. 241; July 1, 1946, ch. 530, 60 Stat. 390; Oct. 28, 1949, ch. 783, title I, § 101(c)(3), 63 Stat. 974; Oct. 24, 1951, ch. 554, § 2(c)(2), 65 Stat. 614; June 28, 1955, ch. 189, § 4(e)(3), 69 Stat. 177; May 19, 1956, ch. 313, Ch. XII, 70 Stat. 175; Sept. 1, 1959, Pub. L. 86–213, § 1(a), (b), 73 Stat. 443; Aug. 10, 1961, Pub. L. 87–130, 75 Stat. 323, authorized Senators and committee chairmen to change employees' salaries, required certifications, and provided for designation of titles for positions. See section 61–1(a), (d), (e) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 1, 1967, see section 105(k) of Pub. L. 90–57, set out as an Effective Date note under section 61–1 of this title.

§ 60f–1. Repealed. Pub. L. 86–213, § 1(c), Sept. 1, 1959, 73 Stat. 444

Section, act June 27, 1956, ch. 453, 70 Stat. 359, authorized Senators to fix basic compensation of one employee at a rate not to exceed $8,040 per annum.

§§ 60g, 60g–1. Repealed. Pub. L. 91–510, title IV, § 477(a)(1), (2), Oct. 26, 1970, 84 Stat. 1195

Section 60g, acts Dec. 20, 1944, ch. 617, § 1, 58 Stat. 831; June 23, 1949, ch. 238, § 4, 63 Stat. 265, related to clerk hire for Members and Resident Commissioner, rearrangements or changes in salaries and number of employees, maximum and minimum salaries, prohibition against increase in aggregate amount of salaries, required compensation rate to be in multiples of five, and certification of rearrangements or changes of salary schedules.

Section 60g–1, acts July 2, 1954, ch. 455, title I, 68 Stat. 401; Aug. 5, 1955, ch. 568, § 11(a), 69 Stat. 509; Aug. 3, 1956, ch. 938, § 1(a), 70 Stat. 990; Aug. 10, 1961, Pub. L. 87–130, § 103, 75 Stat. 334; July 27, 1965, Pub. L. 89–90, § 103, 79 Stat. 81; Aug. 27, 1966, Pub. L. 89– 545, § 103, 80 Stat. 369, related to increase in basic rates for clerk hire for House Members and Resident Commissioner, including the case of a constituency having a population of five hundred thousand or more, limited basic rate to $7,500 per annum and to one person at any one time.

EFFECTIVE DATE OF REPEAL

Repeal effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 60g–2. Lyndon Baines Johnson congressional interns

(a) Hiring authority of House Members, Delegates, and Resident Commissioners; allowance for payment of compensation

Until otherwise provided by law and notwithstanding any other provision of law, each Member of, Delegate to, and Resident Commissioner in, the House of Representatives is authorized to hire for two months in any year one additional employee to be known as a Lyndon Baines John-

son congressional intern in honor of the former President. Each such intern shall be a student or a teacher and certified as such under subsection (b) of this section. Each such Member, Delegate, or Resident Commissioner shall have available for payment of compensation to such intern a total allowance of $1,000, to be payable to such intern at a rate not to exceed $500 per month, out of the applicable accounts of the House of Representatives. Such intern and such allowance shall be in addition to all personnel and allowances made available to such Member, Delegate, or Resident Commissioner under other provisions of law or other authority.

(b) Certification of intern status; filing

No person shall be paid compensation as a Lyndon Baines Johnson congressional intern who does not have on file with the Chief Administrative Officer of the House of Representatives, at all times during the period of his employment as such intern, an appropriate certificate which is applicable to his intern status, as described below:

(1) if the intern is a student, a certificate that such intern was during the academic year immediately preceding his employment, a bona fide student at a college, university, or similar institution of higher learning; or

(2) if the intern is a teacher, a certificate that such intern was, in the year immediately preceding his employment, a bona fide teacher in government or social studies at a secondary school or a postsecondary school.

(c) Regulations by Committee on House Oversight

The Committee on House Oversight shall prescribe such regulations as may be necessary to carry out this section.

(Pub. L. 93–245, ch. VI, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 104–186, title II, § 204(6), (7), Aug. 20, 1996, 110 Stat. 1730.)

CODIFICATION

Section is based on section 1 of House Resolution No. 420, Ninety-third Congress, Sept. 18, 1973, which was enacted into permanent law by Pub. L. 93–245.

PRIOR PROVISIONS

A prior section 60g–2, based on House Resolution No. 416, Eighty-ninth Congress, June 16, 1965, as enacted into permanent law by Pub. L. 89–545, § 103, Aug. 27, 1966, 80 Stat. 369, which related to employment of student congressional interns by Members of the House of Representatives and the Resident Commissioner from Puerto Rico, was repealed by section 2 of House Resolution No. 420, Ninety-third Congress, Sept. 18, 1973, as enacted into permanent law by Pub. L. 93–245, ch. VI, § 600, Jan. 3, 1974, 87 Stat. 1079, which provided that: ''H. Res. 416, Eighty-ninth Congress, adopted June 16, 1965, and enacted as permanent law by section 103 of the Legislative Branch Appropriation Act, 1967 (80 Stat. 369; Public Law 89–545; 2 U.S.C. 60g–2), shall not be effective in the Ninety-third Congress on and after the effective date specified in section 3 of this resolution; and, effective on the date of enactment of the provisions of this resolution as permanent law, such H. Res. 416, Eighty-ninth Congress, is repealed.''

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186, § 204(7)(A), substituted ''applicable accounts of the House of Representatives'' for ''contingent fund of the House''.

Subsec. (b). Pub. L. 104–186, § 204(6), substituted ''Chief Administrative Officer'' for ''Clerk''.

Subsec. (c). Pub. L. 104–186, § 204(7)(B), substituted ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section 3 of House Resolution No. 420, Ninety-third Congress, as enacted into permanent law by Pub. L. 93–245, provided that: ''The provisions of this resolution [enacting this section and repealing House Resolution No. 416, Eighty-ninth Congress, formerly classified to this section] shall become effective on January 1, 1974.''

§ 60h. Omitted

CODIFICATION

Section, act Apr. 25, 1945, ch. 95, title I, 59 Stat. 78, limited salary increases under section 60g of this title of standing committee clerks.

§ 60i. Repealed. Pub. L. 87–730, § 106(c), Oct. 2, 1962, 76 Stat. 695

Section, act Feb. 13, 1945, ch. 2, § 1, 59 Stat. 4, prescribed basic rates of compensation of telephone operators on the United States Capitol telephone exchange and authorized certain longevity increases. See section 60j of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1962, see section 106(e) of Pub. L. 87–730, set out as an Effective Date note under section 60j of this title.

PROHIBITION AGAINST PAYMENT OF LONGEVITY INCREASE AFTER SEPTEMBER 1, 1962

Section 106(c) of Pub. L. 87–730 provided in part that no longevity increase payable under authority of this section prior to Sept. 1, 1962, shall be payable on or after Sept. 1, 1962.

§ 60j. Longevity compensation

(a) Eligible employees

This section shall apply to—

(1) each employee of the Senate whose compensation is paid from the appropriation for Salaries, Officers and Employees under the following headings:

(A) Office of the Secretary, including individuals employed under authority of section 74b of this title;

(B) Office of the Sergeant at Arms and Doorkeeper, except employees designated as ''special employees''; and

(C) Offices of the Secretaries for the Majority and the Minority;

(2) each employee of the Senate authorized by Senate resolution to be appointed by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, except employees designated as ''special employees''; and

(3) each employee of the Capitol Guide Service established under section 2166 of this title.

(b) Rate of compensation; limitation on increases; computation of service; effective date of payment

(1) Except as provided in paragraph (2), an employee to whom this section applies shall be

paid, during any period of continuous creditable service, additional annual compensation (hereinafter referred to as ''longevity compensation'') at the rate of $482 for (A) each year of creditable service performed for the first five years and (B) each two years of creditable service performed during the twenty-year period following the first five years.

(2) The amount of longevity compensation which may be paid to an employee, when added to his regular annual compensation, shall not exceed the maximum annual compensation which may be paid to Senate employees generally as prescribed by law or orders of the President pro tempore issued under authority of section 60a–1 of this title.

(3) For purposes of this section—

(A) creditable service includes (i) service performed as an employee described in subsection (a) of this section, (ii) service performed as a member of the Capitol Police or as an employee of the United States Capitol Telephone Exchange while compensation therefor is disbursed by the Clerk of the House of Representatives, and (iii) service which is creditable for purposes of this section as in effect on September 30, 1978;

(B) in computing length of continuous creditable service, only creditable service performed subsequent to August 31, 1957, shall be taken into account, except that, in the case of service as an employee employed under authority of section 74b of this title, only creditable service performed subsequent to January 2, 1971, shall be taken into account; and

(C) continuity of creditable service shall not be deemed to be broken by separations from service of not more than thirty days, by the performance of service as an employee (other than an employee subject to the provisions of this section) whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, or by the performance of active military service in the armed forces of the United States, but periods of such separations and service shall not be creditable service.

(4) Longevity compensation shall be payable on and after the first day of the first month following completion of each period of creditable service upon which such compensation is based.

(Pub. L. 87–730, § 106(a), (b), (d), Oct. 2, 1962, 76 Stat. 694, 695; Pub. L. 88–454, § 104(b), Aug. 20, 1964, 78 Stat. 550; Pub. L. 90–57, § 105(g), July 28, 1967, 81 Stat. 143; Pub. L. 90–206, title II, § 214(n), Dec. 16, 1967, 81 Stat. 637; Pub. L. 91–656, § 4, Jan. 8, 1971, 84 Stat. 1952; Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 436; Pub. L. 95–240, title II, § 205, Mar. 7, 1978, 92 Stat. 117; Pub. L. 95–391, title I, § 110(a), Sept. 30, 1978, 92 Stat. 774; Pub. L. 96–304, title I, § 107(b), July 8, 1980, 94 Stat. 890.)

INAPPLICABILITY OF SECTION TO CERTAIN EMPLOYEES ON AND AFTER OCTOBER 1, 1983

This section not to apply, on or after Oct. 1, 1983, to any individual whose pay is disbursed by the Secretary of the Senate except for individuals entitled to longevity compensation prior to Oct. 1, 1983, on the basis of service performed prior to such date, see section 60j–4 of this title.

CODIFICATION

Subsecs. (a) and (b) of this section are from subsecs. (a) and (b) of section 106 of the Legislative Branch Appropriation Act, 1963 (Pub. L. 87–730). Subsec. (c) of this section was the second sentence of subsec. (d) of section 106, and was repealed by section 104(b) of Pub. L. 88–454. Subsec. (c) of section 106 repealed section 60i of this title, and the first sentence of subsec. (d) of section 106 repealed section 105 of the Legislative Branch Appropriation Act, 1959.

AMENDMENTS

1982—Subsec. (b)(1). Figure ''463'' deemed to refer to the figure ''482'', effective Oct. 1, 1982, pursuant to Pub. L. 91–656, § 4, see section 10 of Salary Directive of President pro tempore of the Senate, Oct. 1, 1982, set out as a note under section 60a–1 of this title.

1981—Subsec. (b)(1). Figure ''$441'' deemed to refer to the figure ''$463'', effective Oct. 1, 1981, pursuant to Pub. L. 91–656, § 4, see section 9 of Salary Directive of President pro tempore of the Senate, Oct. 5, 1981, set out as a note under section 60a–1 of this title.

1980—Subsec. (b)(1). Figure ''404'' deemed to refer to the figure ''441'', effective Oct. 1, 1980, pursuant to Pub. L. 91–656, § 4, see section 10 of Salary Directive of President pro tempore of the Senate, Oct. 1, 1980, set out as a note under section 60a–1 of this title.

Pub. L. 96–304 substituted ''$404'' for ''two times the multiple contained in section 1(a) of the applicable Order of the President Pro Tempore of the Senate issued under authority of section 60a–1 of this title''.

1978—Subsec. (a). Pub. L. 95–391 in par. (1) substituted cls. (A) to (C) for provisions respecting heading ''Office of the Secretary'', except the Assistant to the Majority and the Assistant to the Minority, in par. (2) substituted provisions relating to employees appointed by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, under a Senate resolution, for provisions relating to employees under the heading ''Office of Sergeant at Arms and Doorkeeper'', in par. (3) substituted provisions relating to employees of the Capitol Guide Service for provisions relating to employees under the heading ''Official Reporters of Debates'', and struck out pars. (4) to (8) relating to, respectively, employees under heading ''Offices of the Secretaries for the Majority and the Minority'', employees appointed by the Secretary or Sergeant at Arms, telephone operators on the United States Capitol exchange, members of the Capitol Police, and the Chief Guide, etc., of the Capitol Guide Service.

Pub. L. 95–240 inserted reference to Deputy Chief Guide in par. (8).

Subsec. (b). Pub. L. 95–391 substituted provisions setting forth requirements respecting the computation, except as provided in par. (2), of additional annual compensation for any employee to whom this section applies during any period of continuous creditable service, for provisions setting forth requirements respecting the computation of additional gross compensation for any employee to whom this section applies during any period of continuous service.

1977—Subsec. (b). Figure ''1,002'' deemed to refer to the figure ''1,074'', effective Oct. 1, 1977, pursuant to Pub. L. 91–656, § 4, see section 4(c) of Salary Directive of President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a–1 of this title.

1976—Subsec. (b). Figure ''954'' deemed to refer to the figure ''1,002'', effective Oct. 1, 1976, pursuant to Pub. L. 91–656, § 4, see section 4(d) of Salary Directive of President pro tempore of the Senate, Oct. 8, 1976, set out as a note under section 60a–1 of this title.

1975—Subsec. (b). Figure ''906'' deemed to refer to the figure ''954'', effective Oct. 1, 1975, pursuant to Pub. L. 91–656, § 4, see section 4(d) of Salary Directive of President pro tempore of the Senate, Oct. 2, 1975, set out as a note under section 60a–1 of this title.

1974—Subsec. (a)(8). Pub. L. 93–371 added par. (8).

Subsec. (b). Figure ''855'' deemed to refer to the figure ''906'', effective Oct. 1, 1974, pursuant to Pub. L. 91–656,

§ 4, see section 4(d) of Salary Directive of President pro tempore of the Senate, Oct. 7, 1974, set out as a note under section 60a–1 of this title.

1973—Subsec. (b). Figure ''816'' deemed to refer to the figure ''855'', effective Oct. 1, 1973, pursuant to Pub. L. 91–656, § 4, see section 4(d) of Salary Directive of President pro tempore of the Senate, Oct. 4, 1973, set out as a note under section 60a–1 of this title.

1972—Subsec. (b). Figure ''777'' deemed to refer to the figure ''816'' pursuant to Pub. L. 91–656, § 4, see section 4(d) of Salary Directive of President pro tempore of the Senate, Dec. 16, 1972, set out as a note under section 60a–1 of this title.

1971—Subsec. (b). Figure ''738'' deemed to refer to the figure ''777'', effective Jan. 1, 1972, pursuant to Pub. L. 91–656, § 4, see section 4(d) of Salary Directive of President pro tempore of the Senate, Dec. 23, 1971, set out as a note under section 60a–1 of this title.

Figure ''696'' deemed to refer to the figure ''738'', effective Feb. 1, 1971, pursuant to Pub. L. 91–656, see section 4(d) of Salary Directive of President pro tempore of the Senate, Jan. 15, 1971, set out as a note under section 60a–1 of this title.

1969—Subsec. (b). Figure ''597'', as increased by Order of June 12, 1968, deemed, on and after July 1, 1969, to refer to the figure ''657'', pursuant to Pub. L. 90–206, § 225(h), see section 4(c) of Salary Directive of President pro tempore of the Senate, June 17, 1969, set out as a note under section 60a–1 of this title.

1968—Subsec. (b). Figure ''564'', deemed, on and after July 1, 1968, to refer to the figure ''597'', pursuant to Pub. L. 90–206, § 225(h), see section 1(h) of Salary Directive of President pro tempore of the Senate, June 12, 1968, set out as a note under section 60a–1 of this title.

1967—Subsec. (b). Pub. L. 90–206, § 214(n), substituted ''$564'' for ''540''.

Pub. L. 90–57 substituted in first sentence ''gross compensation'' and ''$540 per annum'' for ''basic compensation'' and ''$120 per annum'' and struck out ''if at the time of such payment the annual rate of basic compensation (exclusive of longevity compensation) of the position in which employed is less than $1,800, or $180 per annum if at such time such rate is $1,800 or more,'' before ''for each five years of service''.

1964—Subsec. (c). Pub. L. 88–454 repealed subsec. (c) which related to increases for members of Capitol Police. See section 60j–1 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 107(d) of Pub. L. 96–304 provided that: ''The amendments made by this section [amending this section and sections 60j–3 and 61–1 of this title] shall take effect on October 1, 1980.''

EFFECTIVE DATE OF 1978 AMENDMENTS

Section 110(b) of Pub. L. 95–391 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the first day of the first month which begins after the date of the enactment of this Act [Sept. 30, 1978]. The gross compensation of employees entitled to longevity compensation on such first day under section 106 of the Legislative Branch Appropriation Act, 1963 [this section], shall be adjusted in accordance with the provisions of such section as amended by subsection (a). No increase in compensation by reason of such amendment shall take effect for any pay period beginning before such first day, and no monetary benefit by reason of such amendment shall accrue for any period before such first day.''

Section 205 of Pub. L. 95–240 provided that the amendment made by that section is effective Oct. 1, 1977.

EFFECTIVE DATE OF 1967 AMENDMENTS

Amendment by Pub. L. 90–206 effective at beginning of first pay period which begins on or after Dec. 16, 1967, see section 220(a)(3) of Pub. L. 90–206, set out as a note under section 603 of Title 28, Judiciary and Judicial Procedure.

Amendment by Pub. L. 90–57 effective Aug. 1, 1967, see section 105(k) of Pub. L. 90–57, set out as an Effective Date note under section 61–1 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–454 effective Sept. 1, 1964, see section 104(d) of Pub. L. 88–454, set out as an Effective Date note under section 60j–1 of this title.

EFFECTIVE DATE

Section 106(e) of Pub. L. 87–730 provided that: ''This section [enacting this section and amending section 60i of this title] shall become effective on September 1, 1962.''

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 60j–1. Capitol Police longevity compensation

Any member of the Capitol Police who by reason of the provision repealed by subsection (b) was receiving immediately prior to September 1, 1964, longevity compensation provided by section 105[1] of the Legislative Branch Appropriation Act, 1959, shall, on and after September 1, 1964, receive in lieu thereof a longevity increase under section 60j(b) of this title, in addition to any other such increases (not to exceed three) to which he may otherwise be entitled under such section. In computing the length of service of such member for the purpose of such other increases, only service performed subsequent to the date on which he began receiving longevity compensation in accordance with such section 105[1] shall be counted.

(Pub. L. 88–454, § 104(c), Aug. 20, 1964, 78 Stat. 550.)

INAPPLICABILITY OF SECTION TO CERTAIN EMPLOYEES ON AND AFTER OCTOBER 1, 1983

Section 60j of this title, referred to in text, not to apply, on or after Oct. 1, 1983, to any individual whose pay is disbursed by the Secretary of the Senate except for individuals entitled to longevity compensation prior to Oct. 1, 1983, on the basis of service performed prior to such date, see section 60j–4 of this title.

REFERENCES IN TEXT

The provision repealed by subsection (b), referred to in text, means subsec. (c) of section 60j of this title.

Section 105 of the Legislative Branch Appropriation Act, 1959, referred to in text, is section 105 of Pub. L. 85–570, July 31, 1958, 72 Stat. 453, which was repealed by Pub. L. 87–730, § 106(d), Oct. 2, 1962, 76 Stat. 695.

EFFECTIVE DATE

Section 104(d) of Pub. L. 88–454 provided that: ''This section [enacting this section and amending section 60j of this title] shall become effective on the first day of the month following the date of enactment of this Act [Aug. 20, 1964].''

§ 60j–2. Longevity compensation for telephone operators on United States telephone exchange and members of Capitol Police paid by Chief Administrative Officer of House

The provisions of subsections (a) and (b) of section 60j of this title (as amended by section

[1] See References in Text note below.

110 of Pub. L. 95–391), shall apply to telephone operators (including the chief operator and assistant chief operators) on the United States Capitol telephone exchange and members of the Capitol Police whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives in the same manner and to the same extent as such provisions apply to individuals whose compensation is disbursed by the Secretary of the Senate. For purposes of so applying such subsections, creditable service shall include service performed as an employee of the United States Capitol telephone exchange or a member of the Capitol Police whether compensation therefor is disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate.

(Pub. L. 95–391, title III, § 310, Sept. 30, 1978, 92 Stat. 790; Pub. L. 104–186, title II, § 204(8), Aug. 20, 1996, 110 Stat. 1731.)

INAPPLICABILITY OF SECTION TO CERTAIN EMPLOYEES ON AND AFTER OCTOBER 1, 1983

Section 60j of this title, referred to in text, not to apply, on or after Oct. 1, 1983, to any individual whose pay is disbursed by the Secretary of the Senate except for individuals entitled to longevity compensation prior to Oct. 1, 1983, on the basis of service performed prior to such date, see section 60j–4 of this title.

AMENDMENTS

1996—Pub. L. 104–186 struck out ''(a)'' before ''The provisions'' and substituted ''Chief Administrative Officer'' for ''Clerk'' in two places.

TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of this title.

§ 60j–3. Repealed. Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189

Section, Pub. L. 95–391, title I, § 109, Sept. 30, 1978, 92 Stat. 773; Pub. L. 96–304, title I, § 107(c), July 8, 1980, 94 Stat. 890, provided for merit compensation for employees rated as outstanding and exceptional by Secretary of Senate and Sergeant at Arms and Doorkeeper, respectively.

EFFECTIVE DATE OF REPEAL

Section 101 of S. 2939, 97th Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97–276, to be effective as if enacted into law, provided that the repeal is effective Oct. 1, 1982.

REPORTS COVERING FISCAL YEAR ENDING SEPTEMBER 30, 1982

Section 101 of S. 2939, 97th Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97–276, to be effective as if enacted into law, provided in part that the reports required by subsec. (e) of this section with respect to the fiscal year ending Sept. 30, 1982, be filed notwithstanding the repeal. Subsec. (e) of this section had required that within thirty days following the end of each fiscal year, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper file reports with the Senate Committee on Appropriations detailing the use and implementation of the authority contained in this section and that such reports include the names of all employees receiving merit compensation under authority of this section at the end of the fiscal year, the positions occupied by them and the date when each such employee first began to receive merit compensation.

§ 60j–4. Longevity compensation not applicable to individuals paid by Secretary of Senate; savings provision

Section 60j of this title on or after October 1, 1983 shall not apply to any individual whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such section on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date.

(Pub. L. 98–51, title I, § 107, July 14, 1983, 97 Stat. 267.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984.

§ 60k. Application of rights and protections of Fair Labor Standards Act of 1938 to Congressional and Architect of Capitol employees

(a) House employees

(1) In general

Not later than 180 days after the date the minimum wage rate prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is increased pursuant to the amendment made by section 2, the rights and protections under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall apply with respect to any employee in an employment position in the House of Representatives and to any employing authority of the House of Representatives.

(2) Administration

In the administration of this subsection, the remedies and procedures under the Fair Employment Practices Resolution shall be applied. As used in this paragraph, the term ''Fair Employment Practices Resolution'' means House Resolution 558, One Hundredth Congress, agreed to October 4, 1988, as continued in effect by House Resolution 15, One Hundred First Congress, agreed to January 3, 1989.

(b) Architect of Capitol employees

Not later than 180 days after the date the minimum wage rate prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is increased pursuant to the amendment made by section 2, the rights and protections under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall apply with respect to individuals employed under the Office of the Architect of the Capitol.

(Pub. L. 101–157, § 8, Nov. 17, 1989, 103 Stat. 944.)

REFERENCES IN TEXT

Section 2, referred to in text, is section 2 of Pub. L. 101–157, Nov. 17, 1989, 103 Stat. 938, which amended section 206(a)(1) of Title 29, Labor, to increase the minimum wage.

The Fair Labor Standards Act of 1938, referred to in text, is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

House Resolution 558, referred to in subsec. (a)(2), was made applicable during the One Hundred Second Congress by Rule LI of the Rules of the House of Representatives of the One Hundred Second Congress. For the One Hundred Third Congress and One Hundred Fourth Congress, Rule LI was amended generally and, as so amended, contained provisions relating to fair employment practices. Rule LI was repealed by H. Res. No. 5, § 23(a), One Hundred Fifth Congress, Jan. 7, 1997. See section 1301 et seq. of this title.

§ 60*l*. Coverage of House and agencies of legislative branch

(a) Coverage of House

(1) In general

Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to paragraph (2), apply in their entirety to the House of Representatives.

(2) Employment in House

(A) Application

The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(B) Administration

(i) In general

In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) Resolution

The resolution referred to in clause (i) is the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988), as incorporated into the Rules of the House of Representatives of the One Hundred Second Congress as Rule LI,[1] or any other provision that continues in effect the provisions of such resolution.

(C) Exercise of rulemaking power

The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

[1] See References in Text note below.

(b) Instrumentalities of Congress

(1) In general

The rights and protections under this title[1] and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

(2) Establishment of remedies and procedures by instrumentalities

The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively, except for the employees who are defined as Senate employees, in section 2000e–16a(c)(1)[1] of title 42.

(3) Report to Congress

The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

(4) Definition of instrumentalities

For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the Government Accountability Office, the Government Printing Office, the Office of Technology Assessment, and the United States Botanic Garden.

(5) Construction

Nothing in this section shall alter the enforcement procedures for individuals protected under section 717 of title VII for the Civil Rights Act of 1964 (42 U.S.C. 2000e–16).

(Pub. L. 102–166, title I, § 117, Nov. 21, 1991, 105 Stat. 1080; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsecs. (a)(1), (2)(A) and (b)(1), is Pub. L. 88–352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§ 2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Rule LI of the Rules of the House of Representatives, referred to in subsec. (a)(2)(B)(ii), was amended generally for the One Hundred Third Congress and, as so amended, contained provisions relating to fair employment practices. Rule LI was continued without change for the One Hundred Fourth Congress. Rule LI was repealed by H. Res. No. 5, § 23(a), One Hundred Fifth Congress, Jan. 7, 1997. See section 1301 et seq. of this title.

This title, referred to in subsec. (b)(1), is title I of Pub. L. 102–166, Nov. 21, 1991, 105 Stat. 1071, which enacted this section and section 1981a of Title 42, The Public Health and Welfare, amended section 626 of Title 29, Labor, and sections 1981, 1988, 2000e, 2000e–1, 2000e–2, 2000e–4, 2000e–5, 2000e–16, 12111, and 12112 of Title 42, and enacted provisions set out as notes under sections 1981, 2000e, and 2000e–4 of Title 42. For complete classification of title I to the Code, see Tables.

Section 2000e–16a of title 42, referred to in subsec. (b)(2), was amended generally by Pub. L. 104–1, title V, § 504(a)(1), Jan. 23, 1995, 109 Stat. 40, and as so amended, subsec. (c) of section 2000e–16a of title 42 no longer con-

tains paragraphs and no longer defines the term ''Senate employee''. See section 1301(8) of this title.

AMENDMENTS

2004—Subsec. (b)(4). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

EFFECTIVE DATE

Section effective Nov. 21, 1991, except as otherwise provided, see section 402(a) of Pub. L. 102–166, set out as an Effective Date of 1991 Amendment note under section 1981 of Title 42, The Public Health and Welfare.

§§ 60m, 60n. Repealed. Pub. L. 104–1, title V, § 504(b), Jan. 23, 1995, 109 Stat. 41

Section 60m, Pub. L. 103–3, title V, § 501, Feb. 5, 1993, 107 Stat. 27; Pub. L. 103–283, title III, § 312(f)(4), July 22, 1994, 108 Stat. 1447, related to family and medical leave for certain Senate employees. See section 1301 et seq. of this title.

Section 60n, Pub. L. 103–3, title V, § 502, Feb. 5, 1993, 107 Stat. 28, related to family and medical leave for certain employees of House of Representatives. See section 1301 et seq. of this title.

SAVINGS PROVISION

Section 504(b) of Pub. L. 104–1 provided in part that sections 60m and 60n of this title are repealed, except as provided in section 1435 of this title.

§ 60*o*. Lump sum payment for accrued annual leave of House employees

(a) Approval; amount; source of payments

Upon the approval of the appropriate employing authority, an employee of the House of Representatives may be paid a lump sum for the accrued annual leave of the employee or for any other purpose. The lump sum—

(1) shall be paid in an amount not more than the lesser of—

(A) the amount of the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives; or

(B) in the case of a lump sum payment for the accrued annual leave of the employee, the amount equal to the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives, divided by 30, and multiplied by the number of days of the accrued annual leave of the employee;

(2) shall be paid—

(A) for clerk hire employees, from the clerk hire allowance of the Member;

(B) for committee employees, from amounts appropriated for committees; and

(C) for other employees, from amounts appropriated to the employing authority; and

(3) shall be based on the rate of pay in effect with respect to the employee on the last day of employment of the employee.

(b) Regulations

The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(c) "Employee of the House of Representatives" defined

As used in this section, the term ''employee of the House of Representatives'' means an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include a uniformed or civilian support employee under the Capitol Police Board.

(d) Separations after June 30, 1995

Payments under this section may be made with respect to separations from employment taking place after June 30, 1995.

(Pub. L. 104–53, title I, § 109, Nov. 19, 1995, 109 Stat. 522; Pub. L. 105–55, title I, § 103(a), Oct. 7, 1997, 111 Stat. 1183.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1996, which is title I of the Legislative Branch Appropriations Act, 1996.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–55, § 103(a)(1), (2), in introductory provisions, struck out ''who is separated from employment,'' after ''House of Representatives'' and substituted ''of the employee or for any other purpose'' for ''of the employee''.

Subsec. (a)(1)(B). Pub. L. 105–55, § 103(a)(3), substituted ''in the case of a lump sum payment for the accrued annual leave of the employee, the amount'' for ''the amount''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 103(b) of Pub. L. 105–55 provided that: ''The amendments made by subsection (a) [amending this section] shall apply to fiscal years beginning on or after October 1, 1997.''

LUMP SUM PAYMENT FOR ACCRUED ANNUAL LEAVE OF SENATE EMPLOYEES

Pub. L. 106–554, § 1(a)(2) [title I, § 6], Dec. 21, 2000, 114 Stat. 2763, 2763A–97, provided that:

''(a) The head of the employing office of an employee of the Senate may, upon termination of employment of the employee, authorize payment of a lump sum for the accrued annual leave of that employee if—

''(1) the head of the employing office—

''(A) has approved a written leave policy authorizing employees to accrue leave and establishing the conditions upon which accrued leave may be paid; and

''(B) submits written certification to the Financial Clerk of the Senate of the number of days of annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and

''(2) there are sufficient funds to cover the lump sum payment.

''(b)(1) A lump sum payment under this section shall not exceed the lesser of—

''(A) twice the monthly rate of pay of the employee; or

''(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

''(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1)(A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

''(c) Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.

''(d) If an individual who received a lump sum payment under this section is reemployed as an employee of the Senate before the end of the period covered by the lump sum payment, the individual shall refund an amount equal to the applicable pay covering the period between the date of reemployment and the expiration of the lump sum period. Such amount shall be deposited to the appropriation account or fund used to pay the lump sum payment.

''(e) The Committee on Rules and Administration of the Senate may prescribe regulations to carry out this section.

''(f) In this section, the term—

''(1) 'employee of the Senate' means any employee whose pay is disbursed by the Secretary of the Senate, except that the term does not include a member of the Capitol Police or a civilian employee of the Capitol Police; and

''(2) 'head of the employing office' means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.''

§ 60p. Payment for unaccrued leave

(a) In general

The Financial Clerk of the Senate is authorized to accept from an individual whose pay is disbursed by the Secretary of[1] Senate a payment representing pay for any period of unaccrued annual leave used by that individual, as certified by the head of the employing office of the individual making the payment.

(b) Withholding

The Financial Clerk of the Senate is authorized to withhold the amount referred to in subsection (a) of this section from any amount which is disbursed by the Secretary of the Senate and which is due to or on behalf of the individual described in subsection (a) of this section.

(c) Deposit

Any payment accepted under this section shall be deposited in the general fund of the Treasury as miscellaneous receipts.

(d) "Head of the employing office" defined

As used in this section, the term ''head of the employing office'' means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

(e) Applicability

This section shall apply to fiscal year 1996 and each fiscal year thereafter.

(Pub. L. 104–197, title I, § 9, Sept. 16, 1996, 110 Stat. 2398.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1997, which is title I of the Legislative Branch Appropriations Act, 1997.

§ 60q. Voluntary separation incentive payments

(a) Authority to offer payments

Notwithstanding any other provision of law, the head of any office in the legislative branch may establish a program under which voluntary separation incentive payments may be offered to eligible employees of the office to encourage such employees to separate from service voluntarily (whether by retirement or resignation), in accordance with this section.

(b) Amount and administration of payments

A voluntary separation incentive payment made under this section—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(B) an amount determined by the head of the office involved, not to exceed $25,000;

(3) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this section;

(4) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(5) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5 based on any other separation; and

(6) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(c) Plan

(1) Plan required for making payments

No voluntary separation incentive payment may be paid under this section with respect to an office unless the head of the office submits a plan described in paragraph (2) to each applicable committee described in paragraph (3), and each applicable committee approves the plan.

(2) Contents of plan

A plan described in this paragraph with respect to an office is a plan containing the following information:

(A) The specific positions and functions to be reduced or eliminated.

(B) A description of which categories of employees will be offered incentives.

(C) The time period during which incentives may be paid.

(D) The number and amounts of voluntary separation incentive payments to be offered.

(E) A description of how the office will operate without the eliminated positions and functions.

(3) Applicable committee

For purposes of this subsection, the ''applicable committee'' with respect to an office means any committee of the House of Representatives or Senate with jurisdiction over the activities of the office under the applicable rules of the House of Representatives and the Senate (as determined by the head of the office), but does not include the Committees on Appropriations of the House of Representatives and the Senate.

[1] So in original. Probably should be followed by ''the''.

(d) Exclusion of certain offices

This section shall not apply to any office which is an Executive agency under section 105 of title 5 or any employee of such an office.

(e) Eligible employee defined

(1) In general

In this section, an ''eligible employee'' is an employee (as defined in section 2105,[1] United States Code) or a Congressional employee (as defined in section 2107,[2] United States Code) who—

(A) is serving under an appointment without time limitation; and

(B) has been currently employed for a continuous period of at least 3 years.

(2) Exclusions

An ''eligible employee'' does not include any of the following:

(A) A reemployed annuitant under subchapter III of chapter 83 or 84 of title 5 or another retirement system for employees of the Government.

(B) An employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 of title 5 or another retirement system for employees of the Government.

(C) An employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

(D) An employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority.

(E) An employee covered by statutory reemployment rights who is on transfer employment with another organization.

(F) Any employee who—

(i) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5 or any other authority;

(ii) during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753 of such title or any other authority; or

(iii) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754 of such title or any other authority.

(f) Repayment for individuals returning to Government employment

(1) In general

Subject to paragraph (2), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the office that paid the incentive payment.

(2) Waiver for individuals possessing unique abilities

(A) If the employment is with an Executive agency (as defined by section 105 of title 5), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(B) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) Treatment of personal services contracts

For purposes of paragraph (1) (but not paragraph (2)), the term ''employment'' includes employment under a personal services contract with the United States.

(g) Effective date

This section shall take effect on December 8, 2004, and shall apply with respect to the portion of fiscal year 2005 occurring on and after December 8, 2004, and to each succeeding fiscal year.

(Pub. L. 108–447, div. G, title II, § 210, Dec. 8, 2004, 118 Stat. 3194.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 61. Limit on rate of compensation of Senate officers and employees

No officer or employee of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed.

(Aug. 5, 1882, ch. 390, § 1, 22 Stat. 270.)

§ 61–1. Gross rate of compensation of employees paid by Secretary of Senate

(a) Annual rate; certification

(1) Whenever the rate of compensation of any employee whose compensation is disbursed by the Secretary of the Senate is fixed or adjusted on or after October 1, 1980, such rate as so fixed or adjusted shall be at a single whole dollar per annum gross rate and may not include a fractional part of a dollar.

(2) New or changed rates of compensation (other than changes in rates which are made by

[1] So in original. Probably should be ''2105 of title 5,''.

[2] So in original. Probably should be ''2107 of title 5,''.

law) of any such employee (other than an employee who is an elected officer of the Senate) shall be certified in writing to the Disbursing Office of the Senate (and, for purposes of this paragraph, a new rate of compensation refers to compensation in the case of an appointment, transfer from one Senate appointing authority to another, or promotion by an appointing authority to a position the compensation for which is fixed by law). In the case of an appointment or other new rate of compensation, the certification must be received by such office on or before the day the rate of new compensation is to become effective. In any other case, the changed rate of compensation shall take effect on the first day of the month in which such certification is received (if such certification is received within the first ten days of such month), on the first day of the month after the month in which such certification is received (if the day on which such certification is received is after the twenty-fifth day of the month in which it is received), and on the sixteenth day of the month in which such certification is received (if such certification is received after the tenth day and before the twenty-sixth day of such month). Notwithstanding the preceding sentence, if the certification for a changed rate of compensation for an employee specifies an effective date of such change, such change shall become effective on the date so specified, but only if the date so specified is the first or sixteenth day of a month and is after the effective date prescribed in the preceding sentence; and, notwithstanding such sentence and the preceding provisions of this sentence, any changed rate of compensation for a new employee or an employee transferred from one appointing authority to another shall take effect on the date of such employee's appointment or transfer (as the case may be) if such date is later than the effective date for such changed rate of compensation as prescribed by such sentence.

(b) Conversion; increase in compensation

The rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate which was fixed before August 1, 1967, at a basic rate with respect to which additional compensation is payable by law shall be converted as of such date to the lowest per annum gross rate which is a multiple of $180 and which is not less than the aggregate rate of compensation (basic compensation plus additional compensation provided by law) which such employee was receiving immediately prior to such date. Any increments of longevity compensation to which an employee became entitled prior to August 1, 1967, under section 60j(b) of this title shall be excluded in converting such employee's rate of compensation under this subsection, but such employee's rate of gross compensation shall be increased by $540 (which shall be considered to be an increase under section 60j(b) of this title) for each such increment.

(c) Reference in other provisions to basic rates and additional compensation as reference to per annum gross rate

In any case in which the rate of compensation of any employee or position, or class of employees or positions, the compensation for which is disbursed by the Secretary of the Senate, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or Senate resolution, and the rate so referred to or provided is a basic rate with respect to which additional compensation is provided by law, such statutory provision or resolution shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to August 1, 1967, would receive (without regard to such statutory provision or resolution) under subsection (b) of this section on and after such date.

(d) Compensation of employees in office of Senator; limitation; titles of positions

(1)(A) Except as is otherwise provided in subparagraphs (B) and (C), the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each fiscal year the following:

$1,518,333 if the population of the State is less than 5,000,000;

$1,573,297 if such population is 5,000,000 but less than 6,000,000;

$1,628,265 if such population is 6,000,000 but less than 7,000,000;

$1,683,230 if such population is 7,000,000 but less than 8,000,000;

$1,738,197 if such population is 8,000,000 but less than 9,000,000;

$1,793,161 if such population is 9,000,000 but less than 10,000,000;

$1,848,130 if such population is 10,000,000 but less than 11,000,000;

$1,903,096 if such population is 11,000,000 but less than 12,000,000;

$1,958,061 if such population is 12,000,000 but less than 13,000,000;

$2,013,027 if such population is 13,000,000 but less than 14,000,000;

$2,067,994 if such population is 14,000,000 but less than 15,000,000;

$2,122,960 if such population is 15,000,000 but less than 16,000,000;

$2,177,928 if such population is 16,000,000 but less than 17,000,000;

$2,232,894 if such population is 17,000,000 but less than 18,000,000;

$2,268,057 if such population is 18,000,000 but less than 19,000,000;

$2,303,224 if such population is 19,000,000 but less than 20,000,000;

$2,338,391 if such population is 20,000,000 but less than 21,000,000;

$2,373,558 if such population is 21,000,000 but less than 22,000,000;

$2,408,725 if such population is 22,000,000 but less than 23,000,000;

$2,443,891 if such population is 23,000,000 but less than 24,000,000;

$2,479,054 if such population is 24,000,000 but less than 25,000,000;

$2,514,218 if such population is 25,000,000 but less than 26,000,000;

$2,549,387 if such population is 26,000,000 but less than 27,000,000;

$2,584,552 if such population is 27,000,000 but less than 28,000,000; and

$2,619,720 if such population is 28,000,000 or more.

For any fiscal year, the population of a State shall be deemed to be whichever of the following is the higher:

(I) the population of such State (as determined for purposes of this paragraph) for the preceding fiscal year; or

(II) the population of such State as of the first day of such fiscal year, as determined by the latest census (provisional or otherwise) conducted prior to such first day by the Bureau of the Census within the Department of Commerce.

If the population of any State, as determined under the preceding sentence, is not evenly divisible by 1,000,000, the population of such State shall be deemed to be increased to the next higher multiple of 1,000,000.

If, for any period after a fiscal year has begun, the census figures of the most recent census conducted prior to the first day of such year have not been officially released, then, for such period, in the administration of this paragraph, it shall be assumed that the population of each State is the same as such State's population (as determined for purposes of this paragraph) for the preceding fiscal year.

In the event that the term of office of a Senator begins after the first month of a fiscal year or ends (except by reason of death, resignation, or expulsion) before the last month of a fiscal year, the aggregate amount available for gross compensation of employees in the office of such Senator for such year shall be the applicable amount contained in the preceding table, divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month.

(B) In the case of gross compensation paid to employees in the office of a Senator for the period commencing January 1, 1988, and ending September 30, 1988, the total of—

(i) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such period, plus

(ii) the expenses paid to or on behalf of such Senator under authority of section 58 of this title (as determined after application of subsection (b) of such section, but without regard to paragraph (2)(A)(iv) thereof),

shall not exceed the aggregate of—

(iii) subject to the next sentence, the amount by which (I) the aggregate of the gross compensation which may be paid to employees in the office of such Senator for the fiscal year ending September 30, 1988, as determined under this subsection (but without regard to this subparagraph), exceeds (II) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for that part of such fiscal year which precedes January 1, 1988, plus

(iv) the amount described in section 58(b)(2)(A)(iii) of this title.

In the event that the term of office of a Senator begins after the first month of the period which commences January 1, 1988, and ends September 30, 1988, or ends (except by reason of death, resignation, or expulsion) before the last month of such period, the amount computed pursuant to clause (iii) of this subparagraph (but before application of this sentence) shall be recalculated as follows: such amount, as so computed, shall be divided by 9, and multiplied by the number of months in such period which are included in the Senator's term of office, counting any fraction of a month as a full month.

(C) In the case of gross compensation paid to employees in the office of a Senator for the fiscal year beginning October 1, 1988, or any fiscal year thereafter, the total of—

(i) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such year, plus

(ii) the expenses paid to or on behalf of such Senator under authority of section 58 of this title (as determined after application of subsection (b) of such section, but without regard to paragraph (3)(A)(ii) and (iv) thereof),

shall not exceed the aggregate of—

(iii) the amount determined under subparagraph (A) for such year, plus

(iv) the amount described in section 58(b)(3) of this title (as determined without regard to subparagraph (A)(ii) and (iv) thereof).

(2) Within the limits prescribed by paragraph (1) of this subsection, Senators may fix the number and the rates of compensation of employees in their respective offices. The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $2,444 or in excess of $160,659 per annum. A Senator may establish such titles for positions in his office as he may desire to designate, by written notification to the disbursing office of the Senate.

(e) Gross rate of compensation of employee of committee of Senate employed by joint committee, select committee, or standing committee

(1), (2) Repealed. Pub. L. 96–304, title I, §112(b)(1), July 8, 1980, 94 Stat. 892.

(3) No employee of a committee of the Senate shall be paid at a gross rate in excess of $160,164, in case of an employee of a joint committee the expenses of which are paid from the contingent fund of the Senate, $160,659, in case of an employee of a select committee (including the conference majority and conference minority of the Senate), or $162,515, in case of an employee of any standing committee (including the majority and minority policy committees) of the Senate. For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

(f) General limitation

No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid gross compensation at a rate less than $2,444 or in excess of $160,659 unless expressly authorized by law. The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.

(Pub. L. 90–57, §105(a)–(f), (j), July 28, 1967, 81 Stat. 141–144; Pub. L. 90–206, title II, §214 (j)–(*l*), Dec. 16, 1967, 81 Stat. 637; Pub. L. 91–145, Dec. 12,

1969, 83 Stat. 340; Pub. L. 91–510, title III, § 305, Oct. 26, 1970, 84 Stat. 1181; Pub. L. 91–656, § 4, Jan. 8, 1971, 84 Stat. 1952; Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 633; Pub. L. 92–607, ch. V, § 505, Oct. 31, 1972, 86 Stat. 1505; Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93–245, ch. VI, Jan. 3, 1974, 87 Stat. 1078; Pub. L. 93–255, § 1, Mar. 27, 1974, 88 Stat. 52; Pub. L. 93–371, § 6, Aug. 13, 1974, 88 Stat. 430; Pub. L. 94–59, title I, § 102, July 25, 1975, 89 Stat. 274; Pub. L. 94–440, title I, § 101(a), Oct. 1, 1976, 90 Stat. 1443; Pub. L. 95–94, title I, § 111(d), Aug. 5, 1977, 91 Stat. 663; Pub. L. 95–391, title I, § 104(b), Sept. 30, 1978, 92 Stat. 772; Pub. L. 95–482, § 112, Oct. 18, 1978, 92 Stat. 1605; Pub. L. 96–304, title I, §§ 107(a), 112(b)(1), July 8, 1980, 94 Stat. 890, 892; Pub. L. 98–181, title I, § 1203(a), Nov. 30, 1983, 97 Stat. 1289; Pub. L. 98–367, title I, §§ 3(a), 12(a), (b), July 17, 1984, 98 Stat. 475, 476; Pub. L. 100–71, title I, § 3(a), July 11, 1987, 101 Stat. 423; Pub. L. 100–137, § 1(c)(1), Oct. 21, 1987, 101 Stat. 818; Pub. L. 100–202, § 101(i) [title I, § 1(a)], Dec. 22, 1987, 101 Stat. 1329–290, 1329–293; Pub. L. 104–186, title II, § 204(9), Aug. 20, 1996, 110 Stat. 1731; Pub. L. 105–18, title II, § 7001, June 12, 1997, 111 Stat. 192; Pub. L. 105–55, title I, § 5, Oct. 7, 1997, 111 Stat. 1181; Pub. L. 105–275, title I, § 8, Oct. 21, 1998, 112 Stat. 2434; Pub. L. 106–57, title I, § 2, Sept. 29, 1999, 113 Stat. 411; Pub. L. 107–68, title I, § 106, Nov. 12, 2001, 115 Stat. 568; Pub. L. 108–7, div. H, title I, § 3, Feb. 20, 2003, 117 Stat. 349; Pub. L. 108–83, title I, § 1, Sept. 30, 2003, 117 Stat. 1010; Pub. L. 108–447, div. G, title I, § 1, Dec. 8, 2004, 118 Stat. 3168; Pub. L. 109–55, title I, § 1, Aug. 2, 2005, 119 Stat. 568.)

INCREASE IN AGGREGATE COMPENSATION OF EMPLOYEES IN OFFICES OF SENATORS

For increase in amounts in table in subsection (d)(1)(A) of this section, that is not reflected in text, see 2002 to 2007 Amendment notes below.

CODIFICATION

Section is comprised of subsecs. (a) to (f) and (j) of section 105 of Pub. L. 90–57, the Legislative Branch Appropriation Act, 1968. Subsec. (j), which was redesignated subsec. (g) of this section for purposes of codification, was repealed by Pub. L. 104–186. Other subsections of such section 105 provided as follows: subsecs. (g) and (h) amended section 60j(b) of this title and section 5533(c) of title 5, respectively; subsec. (i) repealed sections 60f, 72a–1, 72a–1a, and 72a–4 of this title and amended provisions set out as a note under section 60a–1 of this title; subsec. (k) is set out as an Effective Date note below.

AMENDMENTS

2007—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 2007, by section 6(b) of Salary Directive of President pro tempore of the Senate, Feb. 16, 2007, set out as a note under section 60a–1 of this title, which deemed dollar amounts in table in effect on Dec. 31, 2006, to be increased by an additional 2.64 percent.

Subsec. (d)(2). Figures ''$2,381'' and ''$160,659'' to be deemed to refer, effective Jan. 1, 2007, to the figures ''$2,444'' and ''$160,659'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Feb. 16, 2007, set out as a note under section 60a–1 of this title.

Subsec. (f). Figure ''$2,381'' to be deemed to refer, effective Jan. 1, 2007, to the figure ''$2,444'', see section 7(a) of Salary Directive of President pro tempore of the Senate, Feb. 16, 2007, set out as a note under section 60a–1 of this title.

2006—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 2006, by section 6(b) of Salary Directive of President pro tempore of the Senate, Jan. 4, 2006, formerly set out as a note under section 60a–1 of this title, which deemed dollar amounts in table in effect on Dec. 31, 2005, to be increased by an additional 3.44 percent.

Subsec. (d)(2). Figures ''$2,301'' and ''$157,559'' to be deemed to refer, effective Jan. 1, 2006, to the figures ''$2,381'' and ''$160,659'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Jan. 4, 2006, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$157,064'', ''$157,559'', and ''$159,415'' to be deemed to refer, effective Jan. 1, 2006, to the figures ''$160,164'', ''$160,659'', and ''$162,515'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Jan. 4, 2006, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$2,301'' and ''$157,559'' to be deemed to refer, effective Jan. 1, 2006, to the figures ''$2,381'' and ''$160,659'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Jan. 4, 2006, formerly set out as a note under section 60a–1 of this title.

2005—Subsec. (d)(1)(A). Pub. L. 109–55 revised table upward, deeming dollar amounts in table to be increased by an additional $50,000 each.

The table was revised upward, effective Jan. 1, 2005, by section 6(b) of Salary Directive of President pro tempore of the Senate, Jan. 3, 2005, formerly set out as a note under section 60a–1 of this title, which deemed dollar amounts in table in effect on Dec. 31, 2004, to be increased by an additional 3.71 percent.

Subsec. (d)(2). Figures ''$2,218'' and ''$153,559'' to be deemed to refer, effective Jan. 1, 2005, to the figures ''$2,301'' and ''$157,559'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Jan. 3, 2005, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$153,064'', ''$153,559'', and ''$155,415'' to be deemed to refer, effective Jan. 1, 2005, to the figures ''$157,064'', ''$157,559'', and ''$159,415'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Jan. 3, 2005, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$2,218'' and ''$153,559'' to be deemed to refer, effective Jan. 1, 2005, to the figures ''$2,301'' and ''$157,559'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Jan. 3, 2005, formerly set out as a note under section 60a–1 of this title.

2004—Subsec. (d)(1)(A). Pub. L. 108–447 revised table upward, deeming dollar amounts in table to be increased by an additional $50,000 each.

The table was revised upward, effective Jan. 1, 2004, by section 6(b) of Salary Directive of President pro tempore of the Senate, Mar. 5, 2004, formerly set out as a note under section 60a–1 of this title, which deemed dollar amounts in table in effect on Dec. 31, 2003, to be increased by an additional 4.42 percent.

Subsec. (d)(2). Figures ''$2,170'' and ''$152,459'' to be deemed to refer, effective Jan. 1, 2004, to the figures ''$2,218'' and ''$153,559'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Mar. 5, 2004, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$151,964'', ''$152,459'', and ''$154,315'' to be deemed to refer, effective Jan. 1, 2004, to the figures ''$153,064'', ''$153,559'', and ''$155,415'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Mar. 5, 2004, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$2,170'' and ''$152,459'' to be deemed to refer, effective Jan. 1, 2004, to the figures ''$2,218'' and ''$153,559'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Mar. 5, 2004, formerly set out as a note under section 60a–1 of this title.

2003—Subsec. (d)(1)(A). Section 6(b) of Salary Directive of President pro tempore of the Senate dated Dec. 15, 2003, which deemed dollar amounts in table in effect on Dec. 31, 2003, to be increased by an additional 2.2 per-

cent effective Jan. 1, 2004, was superseded by Salary Directive of President pro tempore of the Senate dated Mar. 5, 2004. See note above.

Pub. L. 108–83 revised table upward, deeming dollar amounts in table to be increased by an additional $50,000 each.

Pub. L. 108–7 revised table upward, deeming dollar amounts in table to be increased by an additional $50,000 each.

Subsec. (d)(2). Figures ''$2,124'' and ''$150,159'' to be deemed to refer, effective Jan. 1, 2004, to the figures ''$2,170'' and ''$152,459'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 15, 2003.

Subsec. (e)(3). Figures ''$149,664'', ''$150,159'', and ''$152,015'' to be deemed to refer, effective Jan. 1, 2004, to the figures ''$151,964'', ''$152,459'', and ''$154,315'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 15, 2003.

Subsec. (f). Figures ''$2,124'' and ''$150,159'' to be deemed to refer, effective Jan. 1, 2004, to the figures ''$2,170'' and ''$152,459'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Dec. 15, 2003.

2002—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 2003, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 19, 2002, as amended, formerly set out as a note under section 60a–1 of this title, which deemed dollar amounts in table in effect on Dec. 31, 2002, to be increased by an additional 4.27 percent.

Subsec. (d)(2). Figures ''$2,060'' and ''$145,459'' to be deemed to refer, effective Jan. 1, 2003, to the figures ''$2,124'' and ''$150,159'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 19, 2002, as amended, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$144,964'', ''$145,459'', and ''$147,315'' to be deemed to refer, effective Jan. 1, 2003, to the figures ''$149,664'', ''$150,159'', and ''$152,015'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 19, 2002, as amended, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$2,060'' and ''$145,459'' to be deemed to refer, effective Jan. 1, 2003, to the figures ''$2,124'' and ''$150,159'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Dec. 19, 2002, as amended, formerly set out as a note under section 60a–1 of this title.

2001—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 2002, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 20, 2001, formerly set out as a note under section 60a–1 of this title.

Pub. L. 107–68 revised table upward, deeming dollar amounts in table to be increased by an additional $50,000 each.

Subsec. (d)(2). Figures ''$1,966'' and ''$140,559'' to be deemed to refer, effective Jan. 1, 2002, to the figures ''$2,060'' and ''$145,459'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 20, 2001, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$140,064'', ''$140,559'', and ''$142,415'' to be deemed to refer, effective Jan. 1, 2002, to the figures ''$144,964'', ''$145,459'', and ''$147,315'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 20, 2001, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,966'' and ''$140,559'' to be deemed to refer, effective Jan. 1, 2002, to the figures ''$2,060'' and ''$145,459'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Dec. 20, 2001, formerly set out as a note under section 60a–1 of this title.

2000—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 2001, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 20, 2000, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,893'' and ''$136,759'' to be deemed to refer, effective Jan. 1, 2001, to the figures ''$1,966'' and ''$140,559'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 20, 2000, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$136,264'', ''$136,759'', and ''$138,615'' to be deemed to refer, effective Jan. 1, 2001, to the figures ''$140,064'', ''$140,559'', and ''$142,415'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 20, 2000, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,893'' and ''$136,759'' to be deemed to refer, effective Jan. 1, 2001, to the figures ''$1,966'' and ''$140,559'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Dec. 20, 2000, formerly set out as a note under section 60a–1 of this title.

1999—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 2000, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 12, 1999, formerly set out as a note under section 60a–1 of this title.

Pub. L. 106–57 revised table upward, deeming dollar amounts in table to be increased by an additional $50,000 each.

Subsec. (d)(2). Figures ''$1,823'' and ''$132,159'' to be deemed to refer, effective Jan. 1, 2000, to the figures ''$1,893'' and ''$136,759'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 12, 1999, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$131,664'', ''$132,159'', and ''$134,015'' to be deemed to refer, effective Jan. 1, 2000, to the figures ''$136,264'', ''$136,759'', and ''$138,615'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 12, 1999, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,823'' and ''$132,159'' to be deemed to refer, effective Jan. 1, 2000, to the figures ''$1,893'' and ''$136,759'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Dec. 12, 1999, formerly set out as a note under section 60a–1 of this title.

1998—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1999, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 16, 1998, formerly set out as a note under section 60a–1 of this title.

Pub. L. 105–275 revised table upward, deeming dollar amounts in table to be increased by an additional $50,000 each.

Subsec. (d)(2). Figure ''$1,768'' to be deemed to refer, effective Jan. 1, 1999, to the figure ''$1,823'', see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 16, 1998, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figure ''$1,768'' to be deemed to refer, effective Jan. 1, 1999, to the figure ''$1,823'', see section 7(a) of Salary Directive of President pro tempore of the Senate, Dec. 16, 1998, formerly set out as a note under section 60a–1 of this title.

1997—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1998, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1997, formerly set out as a note under section 60a–1 of this title.

Pub. L. 105–55 revised table upward, effective Oct. 1, 1997, by deeming dollar amounts in table to be dollar amounts in that table as of Dec. 31, 1995, increased by 2 percent on Jan. 1, 1996, and by 2.3 percent on Jan. 1, 1997.

Subsec. (d)(2). Figures ''$1,728'' and ''$129,059'' to be deemed to refer, effective Jan. 1, 1998, to the figures ''$1,768'' and ''$132,159'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1997, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$128,564'', ''$129,059'', and ''$130,915'' to be deemed to refer, effective Jan. 1, 1998,

to the figures ''$131,664'', ''$132,159'', and ''$134,015'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1997, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,728'' and ''$129,059'' to be deemed to refer, effective Jan. 1, 1998, to the figures ''$1,768'' and ''$132,159'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Dec. 19, 1997, formerly set out as a note under section 60a–1 of this title.

Pub. L. 105–18 inserted at end ''The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.''

1996—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1997, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 18, 1996, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figure ''$1,689'' to be deemed to refer, effective Jan. 1, 1997, to the figure ''$1,728'', see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 18, 1996, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figure ''$1,689'' to be deemed to refer, effective Jan. 1, 1997, to the figure ''$1,728'', see section 7(a) of Salary Directive of President pro tempore of the Senate, Dec. 18, 1996, formerly set out as a note under section 60a–1 of this title.

Subsec. (g). Pub. L. 104–186 struck out subsec. (g) which read as follows: ''The rate of compensation of each telephone operator on the United States Capitol telephone exchange and each member of the Capitol Police, whose compensation is disbursed by the Clerk of the House of Representatives shall be converted to a gross rate in accordance with the provisions of this section.''

1994—Subsec. (d)(1)(A). The table was revised downward, effective Jan. 1, 1995, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 28, 1994, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figure ''$1,655'' increased, effective Jan. 1, 1995, to ''$1,689'', see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 28, 1994, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figure ''$1,655'' to be deemed to refer, effective Jan. 1, 1995, to the figure ''$1,689'', see section 7(a) of Salary Directive of President pro tempore of the Senate, Dec. 28, 1994, formerly set out as a note under section 60a–1 of this title.

1992—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1993, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 17, 1992, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,595'' and ''$124,959'' increased, effective Jan. 1, 1993, to ''$1,655'' and ''$129,059'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 17, 1992, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$124,464'', ''$124,959'', and ''$126,815'' to be deemed to refer, effective Jan. 1, 1993, to the figures ''$128,564'', ''$129,059'', and ''$130,915'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 17, 1992, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,595'' and ''$124,959'' to be deemed to refer, effective Jan. 1, 1993, to the figures ''$1,655'' and ''$129,059'', respectively, see section 7(a), (b) of Salary Directive of President pro tempore of the Senate, Dec. 17, 1992, formerly set out as a note under section 60a–1 of this title.

1991—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1992, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 18, 1991, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,530'' and ''$97,359'' increased, effective Jan. 1, 1992, to ''$1,595'' and ''$124,959'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 18, 1991, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$96,864'', ''$97,359'', and ''$99,215'' to be deemed to refer, effective Jan. 1, 1992, to the figures ''$124,464'', ''$124,959'', and ''$126,815'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 18, 1991, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,530'' and ''$97,359'' to be deemed to refer, effective Jan. 1, 1992, to the figures ''$1,595'' and ''$124,959'', respectively, see section 7(a), (b) of Salary Directive of President pro tempore of the Senate, Dec. 18, 1991, formerly set out as a note under section 60a–1 of this title.

1990—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1991, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1990, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,469'' and ''$84,959'' increased, effective Jan. 1, 1991, to ''$1,530'' and ''$97,359'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1990, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$84,464'', ''$84,959'', and ''$86,815'' (as increased to ''$93,364'', ''$93,859'', and ''$95,715'', respectively) to be deemed to refer, effective Jan. 1, 1991, to the figures ''$96,864'', ''$97,359'', and ''$99,215'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1990, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,469'' and ''$84,959'' (as increased to $93,859) to be deemed to refer, effective Jan. 1, 1991, to the figures ''$1,530'' and ''$97,359'', respectively, see section 7(a), (b) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1990, formerly set out as a note under section 60a–1 of this title.

1989—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1990, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 21, 1989, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figure ''$1,417'' increased, effective Jan. 1, 1990, to ''$1,469'', see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 21, 1989, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figure ''$1,417'' to be deemed to refer, effective Jan. 1, 1990, to figure ''$1,469'', see section 7(a) of Salary Directive of President pro tempore of the Senate, Dec. 21, 1989, formerly set out as a note under section 60a–1 of this title.

1988—Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1989, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 9, 1988, formerly set out as a note under section 60a–1 of this title.

The table was revised upward, effective Jan. 1, 1988, by section 6(b) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1988, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figure ''$1,361'' increased, effective Jan. 1, 1989, to ''$1,417'', see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 9, 1988, formerly set out as a note under section 60a–1 of this title.

Figures ''$1,334'' and ''$72,676'' increased, effective Jan. 1, 1988, to ''$1,361'' and ''$84,959'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1988, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$72,166'', ''$72,676'', and ''$74,588'' (as increased to ''$78,545'', ''$79,100'', and ''$81,181'', respectively) to be deemed to refer, effective Jan. 1, 1988, to the figures ''$84,464'', ''$84,959'', and ''$86,815'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Jan. 4,

1988, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figure ''$1,361'' to be deemed to refer, effective Jan. 1, 1989, to figure ''$1,417'', see section 7(a) of Salary Directive of President pro tempore of the Senate, Dec. 9, 1988, formerly set out as a note under section 60a–1 of this title.

Figures ''$1,334'' and ''$72,676'' to be deemed to refer, effective Jan. 1, 1988, to the figures ''$1,361'' and ''$84,959'', respectively, see section 7(a), (b) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1988, formerly set out as a note under section 60a–1 of this title.

1987—Subsec. (d)(1). Pub. L. 100–202 amended table and sentence immediately following table generally.

Pub. L. 100–137 designated existing provisions of par. (1) as subpar. (A), substituted ''Except as otherwise provided in subparagraphs (B) and (C), the'' for ''The'' in provision preceding table, and added subpars. (B) and (C).

Pub. L. 100–71 substituted ''less than 6,000,000'' for ''less than 7,000,000'' and inserted ''$931,810 if such population is 6,000,000 but less than 7,000,000;''.

1986—Subsec. (d)(1). The table was revised upward, effective Jan. 1, 1987, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1986, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,295'' and ''$70,559'' increased, effective Jan. 1, 1987, to ''$1,334'' and ''$72,676'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1986, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$70,064'', ''$70,559'', and ''$72,415'' to be deemed to refer, effective Jan. 1, 1987, to the figures ''$72,166'', ''$72,676'', and ''$74,588'', respectively, see section 5(b)(1) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1986, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,295'' and ''$70,559'' to be deemed to refer, effective Jan. 1, 1987, to the figures ''$1,334'' and ''$72,676'', respectively, see section 7(a), (b)(1) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1986, formerly set out as a note under section 60a–1 of this title.

1985—Subsec. (d)(1). The table was revised upward, effective Jan. 1, 1985, by section 6(b) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1985, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,251'' and ''$68,172'' increased, effective Jan. 1, 1985, to ''$1,295'' and ''$70,559'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1985, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$67,694'', ''$68,172'', and ''$69,966'' to be deemed to refer, effective Jan. 1, 1985, to the figures ''$70,064'', ''$70,559'', and ''$72,415'', respectively, see section 5(b)(1) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1985, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,251'' and ''$68,172'' to be deemed to refer, effective Jan. 1, 1985, to the figures ''$1,295'' and ''$70,559'', respectively, see section 7(a), (b)(1) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1985, formerly set out as a note under section 60a–1 of this title.

1984—Subsec. (d)(1). Pub. L. 98–367, §3(a), struck out subpar. (A) designation, substituted ''In the event that the term of office of a Senator begins after the first month of a fiscal year or ends (except by reason of death, resignation, or expulsion) before the last month of a fiscal year, the aggregate amount available for gross compensation of employees in the office of such Senator for such year shall be the applicable amount contained in the table included in the preceding sentence, divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month'' for ''In any fiscal year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees in the office of that Senator shall be the applicable amount contained in the table included in this subparagraph, divided by 12, and multiplied by the number of months the Senator holds such office during that fiscal year, counting any fraction of a month as a full month'', and struck out subpar. (B), which provided that the aggregate of payments of gross compensation made to employees in the office of a Senator during each fiscal year would not exceed at any time during such fiscal year one-twelfth of the applicable amount contained in the table included in former subpar. (A) multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that fiscal year in which the Senator held the office of Senator through the end of the current month for which the payment of gross compensation was to be made.

Subsec. (d)(2). Pub. L. 98–367, §12(a), substituted ''The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,251 or in excess of $68,172 per annum'' for ''The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,251 per annum or in excess of $40,721 per annum except that (i) the salaries of three employees may be fixed at rates of not more than $64,106 per annum, (ii) the salaries of five employees may be fixed at rates of not more than $64,704 per annum, and (iii) the salary of one employee may be fixed at a rate of not more than $68,172 per annum''.

Subsec. (e)(3). Pub. L. 98–367, §12(b), substituted ''No employee of a committee of the Senate shall be paid at a gross rate in excess of $67,694, in case of an employee of a joint committee the expenses of which are paid from the contingent fund of the Senate, $68,172, in case of an employee of a select committee (including the conference majority and conference minority of the Senate), or $69,966, in case of an employee of any standing committee (including the majority and minority policy committees) of the Senate'' for ''No employee of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), or of any joint committee the expenses of which are paid from the contingent fund of the Senate, shall be paid at a gross rate in excess of $64,106 per annum, except that (A) two employees of any such committee (other than the Committee on Appropriations), who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $65,661 per annum, and four such employees may be paid at gross rates not in excess of $69,966 per annum; and (B) sixteen employees of the Committee on Appropriations who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $65,661 per annum, and five such employees may be paid at gross rates not in excess of $69,966 per annum''.

1983—Subsec. (a)(2). Pub. L. 98–181 amended par. (2) generally. Prior to amendment par. (2) read: ''New or changed rates of compensation of any such employees shall be certified in writing to the disbursing office of the Senate on or before the day on which they are to become effective, except that in the case of any change, other than an appointment, to become effective on or after the first day and prior to the tenth day of any month, such certification may be made at any time not later than the tenth day of such month.''

Subsec. (d)(1)(A). The table was revised upward, effective Jan. 1, 1984, by section 6(b) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1983, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,202'', ''$39,154'', ''$71,101'', ''$68,938'', and ''$72,061'' increased, effective Jan. 1, 1984, to ''$1,251'', ''$40,721'', ''$64,106'', ''$64,704'', and ''$68,172'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1983, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$71,101'', ''$73,983'', and ''$78,066'' (as reduced to ''$61,640'', ''$63,135'', and

''$67,275'', respectively, by section 304 of Pub. L. 98–51, 5 U.S.C. 5318 note) to be deemed to refer, effective Jan. 1, 1984, to the figures ''$64,106'', ''$65,661'', and ''$69,966'', respectively, see section 5(b)(1) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1983, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figure ''$1,202'' to be deemed to refer, effective Jan. 1, 1984, to the figure ''$1,251'', see section 7(a) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1983, formerly set out as a note under section 60a–1 of this title.

Figure ''$78,066'' (as reduced to ''$65,550'' by section 304 of Pub. L. 98–51, 5 U.S.C. 5318 note) to be deemed to refer, effective Jan. 1, 1984, to the figure ''$68,172'', see section 7(b)(1) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1983, formerly set out as a note under section 60a–1 of this title.

1982—Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1982, by section 6(b) of the Salary Directive of the President pro tempore of the Senate, Oct. 1, 1982, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,155'', ''$37,648'', ''$68,366'', ''$66,286'', and ''$69,289'' increased, effective Oct. 1, 1982, to ''$1,202'', ''$39,154'', ''$71,101'', ''$68,938'', and ''$72,061'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1982, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$68,366'', ''$71,137'', and ''$75,063'' to be deemed to refer, effective Oct. 1, 1982, to the figures ''$71,101'', ''$73,983'', and ''$78,066'', respectively, see section 5(b)(1) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1982, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,155'' and ''$75,063'' to be deemed to refer, effective Oct. 1, 1982, to the figures ''$1,202'' and ''$78,066'', respectively, see section 7(a), (b)(1) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1982, formerly set out as a note under section 60a–1 of this title.

1981—Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1981, by section 6(b) of Salary Directive of President pro tempore of the Senate, Oct. 5, 1981, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,102'', ''$35,923'', ''$63,250'', and ''$66,115'' increased, effective Oct. 1, 1981, to the figures ''$1,155'', ''$37,648'', ''$66,286'', and ''$69,289'', respectively, and ''$68,366 per annum'' substituted for ''the rate referred to in that portion of subsection (e)(3) of this section preceding subparagraph (A)'', see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 5, 1981, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3). Figures ''$65,234'', ''$67,878'', and ''$71,625'' to be deemed to refer, effective Oct. 1, 1981, to the figures ''$68,366'', ''$71,137'', and ''$75,063'', respectively, see section 5(b)(1) of Salary Directive of President pro tempore of the Senate, Oct. 5, 1981, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,102'' and ''$71,625'' to be deemed to refer, effective Oct. 1, 1981, to the figures ''$1,155'' and ''$75,063'', respectively, see section 7(a), (b)(1) of Salary Directive of President pro tempore of the Senate, Oct. 5, 1981, formerly set out as a note under section 60a–1 of this title.

1980—Subsec. (a)(1). Pub. L. 96–304, § 107(a), substituted ''October 1, 1980, such rate as so fixed or adjusted shall be at a single whole dollar per annum gross rate and may not include a fractional part of a dollar'' for ''August 1, 1967, such rate as so fixed or adjusted shall be a single per annum gross rate which is a multiple of $202''.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1980, by section 6(b) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1980, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,010'', ''$32,926'', ''$57,974'', and ''$60,600'' increased, effective Oct. 1, 1980, to the figures ''$1,102'', ''$35,923'', ''$63,250'', and ''$66,115'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1980, formerly set out as a note under section 60a–1 of this title.

Pub. L. 96–304, § 112(b)(1), substituted ''that portion of subsection (e)(3) of this section preceding subparagraph (A)'' for ''subsection (e)(1) of this section''.

Subsec. (e). Figures ''$23,836'', ''$35,956'', ''$59,792'', ''$62,216'', and ''$65,650'' to be deemed to refer, effective Oct. 1, 1980, to the figures ''$26,006'', ''$39,228'', ''$65,234'', ''$67,878'' and ''$71,625'', respectively, see section 5(b)(1), (2) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1980, formerly set out as a note under section 60a–1 of this title.

Pub. L. 96–304, § 112(b)(1), struck out par. (1) which provided that the professional staff members of standing committees of the Senate receive gross annual compensation to be fixed by the chairman at not to exceed $65,234, and par. (2) which provided that the rates of gross compensation of the clerical staff of each standing committee of the Senate, as fixed by the chairman, be for each committee, other than the Committee on Appropriations, one chief clerk and one assistant chief clerk at not to exceed $65,234, and not to exceed four other clerical assistants at not to exceed $26,006, and for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at not to exceed $65,234, such assistant clerks as may be necessary at not to exceed $39,228, and such other clerical assistants as may be necessary at not to exceed $26,006.

Subsec. (f). Figures ''$1,010'' and ''$65,650'' to be deemed to refer, effective Oct. 1, 1980, to the figures ''$1,102'' and ''$71,625'', respectively, see section 7(a), (b)(1) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1980, formerly set out as a note under section 60a–1 of this title.

1979—Subsec. (a)(1). Figure ''202'' was substituted for figure ''189'' to reflect the use of the figure ''202'' as the multiple used for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Oct. 13, 1979, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1979, by section 6(b) of Salary Directive of President pro tempore of the Senate, Oct. 13, 1979, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,134'', ''$30,807'', ''$54,243'', and ''$56,700'' increased, effective Oct. 1, 1979, to the figures ''$1,010'', ''$32,926'', ''$57,974'', and ''$60,600'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 13, 1979, formerly set out as a note under section 60a–1 of this title.

Subsec. (e). Figures ''$22,302'', ''$33,642'', ''$55,944'', ''$58,212'', and ''$61,425'' to be deemed to refer, effective Oct. 1, 1979, to the figures ''$23,836'', ''$35,956'', ''$59,792'', ''$62,216'', and ''$65,650'', respectively, see section 5(b)(1), (2), of Salary Directive of President pro tempore of the Senate, Oct. 13, 1979, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,134'' and ''$61,425'' to be deemed to refer, effective Oct. 1, 1979, to the figures ''$1,010'' and ''$65,650'', respectively, see section 7(a), (b)(1) of Salary Directive of President pro tempore of the Senate, Oct. 13, 1979, formerly set out as a note under section 60a–1 of this title.

1978—Subsec. (a)(1). Figure ''189'' was substituted for figure ''179'' to reflect the use of the figure ''189'' as the multiple used for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Oct. 9, 1978, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1978, by section 6(b) of Salary Directive of President pro tempore of the Senate, Oct. 9, 1978, formerly set out as a note under section 60a–1 of this title.

Pub. L. 95–391 inserted item in the table added by section 6(b) of Salary Directive of President pro tempore of the Senate dated Sept. 29, 1977, providing that the aggregate of gross compensation paid employees in the office of a Senator not exceed $664,627 if the population of that Senator's State is 8,000,000 but less than 9,000,000.

Subsec. (d)(2). Figures ''$1,074'', ''$29,177'', ''$51,373'', and ''$53,700'' increased, effective Oct. 1, 1978, to the figures ''$1,134'', ''$30,807'', ''$54,243'', and ''$56,700'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 9, 1978, formerly set out as a note under section 60a–1 of this title.

Subsec. (e). Figures ''$21,122'', ''$31,862'', ''$52,984'', ''$55,132'', and ''$58,175'' to be deemed to refer, effective Oct. 1, 1978, to the figures ''$22,302'', ''$33,642'', ''$55,944'', ''$58,212'', and ''$61,425'', respectively, see section 5(b)(1), (2) of Salary Directive of President pro tempore of the Senate, Oct. 9, 1978, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(3)(A). Pub. L. 95–482, §112(1), (2), substituted ''two employees'' for ''four employees'' and ''four such employees'' for ''two such employees''.

Subsec. (e)(3)(B). Pub. L. 95–482, §112(3), substituted ''five such employees'' for ''three such employees''.

Subsec. (f). Figures ''$1,074'' and ''$58,175'' to be deemed to refer, effective Oct. 1, 1978, to the figures ''$1,134'' and ''$61,425'', respectively, see section 7(a), (b)(1) of Salary Directive of President pro tempore of the Senate, Oct. 9, 1978, formerly set out as a note under section 60a–1 of this title.

1977—Subsec. (a)(1). Figure ''179'' was substituted for figure ''167'' to reflect the use of the figure ''179'' as the multiple used for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Sept. 29, 1977, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1977, by section 6(b) of Salary Directive of President pro tempore of the Senate, Sept. 29, 1977, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,169'', ''$27,221'', ''$47,929'', and ''$50,100'' increased, effective Oct. 1, 1977, to the figures ''$1,074'', ''$29,177'', ''$51,373'', and ''$53,700'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Sept. 29, 1977, formerly set out as a note under section 60a–1 of this title.

Pub. L. 95–94 added cl. (i). Former cls. (i) and (ii) were redesignated (ii) and (iii), respectively.

Subsec. (e). Figures ''$19,706'', ''$29,726'', ''$49,432'', ''$51,436'', and ''$54,275'' to be deemed to refer, effective Oct. 1, 1977, to the figures ''$21,122'', ''$31,862'', ''$52,984'', ''$55,132'', and ''$58,175'', respectively, see section 5(b)(1), (2) of Salary Directive of President pro tempore of the Senate, Sept. 29, 1977, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,169'' and ''$54,275'' to be deemed to refer, effective Oct. 1, 1977, to the figures ''$1,074'' and ''$58,175'', respectively, see section 7(a), (b)(1) of Salary Directive of President pro tempore of the Senate, Sept. 29, 1977, formerly set out as a note under section 60a–1 of this title.

1976—Subsec. (a)(1). Figure ''167'' was substituted for figure ''159'' to reflect the use of the figure ''167'' as the multiple used for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Oct. 8, 1976, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1). Pub. L. 94–440 substituted ''fiscal year'' for ''calendar year'' wherever appearing.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1976, by section 6(b) of Salary Directive of President pro tempore of the Senate, Oct. 8, 1976, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,113'', ''$25,440'', ''$43,407'', and ''$45,315'' increased, effective Oct. 1, 1976, to the figures ''$1,169'', ''$27,221'', ''$47,929'', and ''$50,100'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 8, 1976, formerly set out as a note under section 60a–1 of this title.

Subsec. (e). Figures ''$18,762'', ''$27,666'', ''$44,679'', ''$46,587'', and ''$48,653'' to be deemed to refer, effective Oct. 1, 1976, to the figures ''$19,706'', ''$29,726'', ''$49,432'', ''$51,436'', and ''$54,275'', respectively, see section 5(b)(1), (2), of Salary Directive of President pro tempore of the Senate, Oct. 8, 1976, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,113'' and ''$48,654'' to be deemed to refer, effective Oct. 1, 1976, to the figures ''$1,169'' and ''$54,275'', respectively, see section 7(a), (b)(1), of Salary Directive of President pro tempore of the Senate, Oct. 8, 1976, formerly set out as a note under section 60a–1 of this title.

1975—Subsec. (a)(1). Figure ''$159'' was substituted for figure ''$151'' to reflect the use of the figure ''$159'' as the multiple used for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Oct. 2, 1975, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1975, by section 6(b) of Salary Directive of President pro tempore of the Senate, Oct. 2, 1975, formerly set out as a note under section 60a–1 of this title.

Pub. L. 94–59 revised upward, effective July 1, 1975, the table covering the aggregate gross compensation paid employees in the office of a Senator.

Subsec. (d)(2). Figures ''$1,057'', ''$24,160'', ''$41,223'', and ''$43,035'' increased, effective Oct. 1, 1975, to the figures ''$1,113'', ''$25,440'', ''$43,407'', and ''$45,315'', respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 2, 1975, formerly set out as a note under section 60a–1 of this title.

Subsec. (e). Figures ''$17,818'', ''$26,274'', ''$42,431'', ''$44,243'', and ''$46,206'' to be deemed to refer, effective Oct. 1, 1975, to the figures ''$18,762'', ''$27,666'', ''$44,679'', ''$46,587'', and ''$48,653'', respectively, see section 5(b)(1), (2), of Salary Directive of President pro tempore of the Senate, Oct. 2, 1975, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,057'' and ''$46,206'' to be deemed to refer, effective Oct. 1, 1975, to the figures ''$1,113'' and ''$48,654'', respectively, see section 7(a), (b)(1), of Salary Directive of President pro tempore of the Senate, Oct. 2, 1975, formerly set out as a note under section 60a–1 of this title.

1974—Subsec. (a)(1). Figure ''$151'' was substituted for figure ''$285'' to reflect the use of the figure ''$151'' as the multiple for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Oct. 7, 1974, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1974, by section 6(b) of Salary Directive of President pro tempore of the Senate, Oct. 7, 1974, formerly set out as a note under section 60a–1 of this title.

Pub. L. 93–371 revised upward, effective July 1, 1974, the table covering the aggregate per annum gross rates of compensation of employees in the office of a Senator.

Subsec. (d)(2). Figures ''$1,140,'' ''$22,800,'' ''$39,045,'' and ''$40,755'' increased, effective Oct. 1, 1974, to the figures ''$1,057,'' ''$24,160,'' ''$41,223,'' and ''$43,035,'' respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 7, 1974, formerly set out as a note under section 60a–1 of this title.

Subsec. (e). Figures ''$16,815,'' ''$24,795,'' ''$40,185,'' ''$41,895,'' and ''$43,890'' to be deemed to refer, effective Oct. 1, 1974, to the figures ''$17,818,'' ''$26,274,'' ''$42,431,'' ''$44,243,'' and ''$46,206,'' respectively, see section 5(b)(1), (2), of Salary Directive of President pro tempore of the Senate, Oct. 7, 1974, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(1). Pub. L. 93–245 and Pub. L. 93–255 substituted ''at not to exceed'' for ''ranging from $18,525 to''.

Subsec. (e)(2)(A). Pub. L. 93–245 substituted ''not to exceed'' for ''$8,265 to''.

Subsec. (e)(2)(B). Pub. L. 93–245 substituted ''not to exceed'' for ''$18,240 to'', ''$14,250 to'', and ''$8,265 to''.

Subsec. (f). Figures ''$1,140'' and ''$43,890'' to be deemed to refer, effective Oct. 1, 1974, to the figures ''$1,057'' and ''$46,206,'' respectively, see section 7(a), (b)(1), of Salary Directive of President pro tempore of the Senate, Oct. 7, 1974, formerly set out as a note under section 60a–1 of this title.

1973—Subsec. (a)(1). Figure ''$285'' was substituted for figure ''$272'' to reflect the use of the figure ''$285'' as

the multiple for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Oct. 4, 1973, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1). Pub. L. 93–145 revised upward, retroactive to July 1, 1973, the table covering the aggregate per annum gross rates of compensation of employees in the office of a Senator and, effective Jan. 1, 1974, designated such revised table as subpar. (A), added subpar. (B), and in subpar. (A) as so designated added following the table provisions covering calendar years in which a Senator does not hold the office of Senator at least part of each month for that year.

The table was revised upward, effective Oct. 1, 1973, pursuant to Pub. L. 91–656, see section 6(b) of Salary Directive of President pro tempore of the Senate, Oct. 4, 1973, formerly set out under section 60a–1 of this title.

Subsec. (d)(2). Pub. L. 93–145 raised from $23,652 to $24,400 in the case of two employees and from $23,312 to $24,400 in the case of one employee the maximum figure at which the salaries of such employees in a Senator's office may be set, raising thereby from two to five the number of employees in a Senator's office whose gross rates salary may be fixed at $24,400 per annum.

Salary dollar limits were modified upward, effective Oct. 1, 1973, so as to substitute ''$1,140'' for ''$1,128'', ''$22,800'' for ''$15,040'', ''$39,045'' for ''$24,400'', and ''$40,755'' for ''$25,568'' pursuant to Pub. L. 91–656, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Oct. 4, 1973, formerly set out under section 60a–1 of this title.

Subsec. (e). Figures ''$18,525'', ''$40,185'', ''$8,265'', ''$14,250'', ''$24,795'', ''$16,815'', ''$18,240'', ''$41,895'', and ''$43,890'' were substituted for figures ''$18,496'', ''$38,352'', ''$8,160'', ''$14,144'', ''$23,664'', ''$16,048'', ''$18,224'', ''$39,984'', and ''$41,616'', respectively, pursuant to Pub. L. 91–656, see section 5(b) of Salary Directive of President pro tempore of the Senate, Oct. 4, 1973, formerly set out under section 60a–1 of this title, which directed that the latter set of figures enumerated herein as appearing in subsec. (e) be deemed to refer to the former set of enumerated figures, effective Oct. 1, 1973.

Subsec. (e)(2)(B). Pub. L. 93–145 substituted ''$18,224'' for ''$20,400''.

Subsec. (f). Figures ''$1,140'' and ''$43,890'' were substituted for ''$1,088'' and ''$41,616'', respectively, pursuant to Pub. L. 91–656, see section 7 of Salary Directive of President pro tempore of the Senate, Oct. 4, 1973, formerly set out as a note under section 60a–1 of this title, under which the latter enumerated figures were to be deemed to refer to the former enumerated figures, effective Oct. 1, 1973.

1972—Subsec. (a)(1). Figure ''$272'' was substituted for figure ''$259'' to reflect the use of the figure ''$272'' as the multiple for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Dec. 16, 1972, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1). The table was revised upward, effective Jan. 1, 1973, by Salary Directive of President pro tempore of the Senate, Dec. 16, 1972, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,295,'' ''$20,720,'' ''$27,972,'' ''$33,929,'' ''$35,483,'' and ''$37,037'' to be deemed to refer, effective Jan. 1, 1973, to the figures ''$1,088,'' ''$21,760,'' ''$29,376,'' ''$35,632,'' ''$37,264,'' and ''$38,896,'' respectively, see section 6(c)(1) of Salary Directive of President pro tempore of the Senate, Dec. 16, 1972, formerly set out as a note under section 60a–1 of this title.

Subsec. (e). Figures ''$8,288,'' ''$15,281,'' ''$14,245,'' ''$18,648,'' ''$22,533,'' ''$20,461,'' ''$36,519,'' ''$38,073,'' and ''$39,627'' to be deemed to refer, effective Jan. 1, 1973, to the figures ''$8,160,'' ''$16,048,'' ''$14,144,'' ''$18,496,'' ''$23,664,'' ''$20,400,'' ''$38,352,'' ''$39,984,'' and ''$41,616,'' respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 16, 1972, formerly set out as a note under section 60a–1 of this title.

Pub. L. 92–607 substituted ''three such employees'' for ''two such employees'' in par. (3)(B).

Subsec. (f). Figures ''$1,088'' and ''$41,616'' were substituted for ''$1,295'' and ''$39,627'', respectively, pursuant to Pub. L. 91–656, see section 7 of Salary Directive of President pro tempore of the Senate, Dec. 16, 1972, formerly set out as a note under section 60a–1 of this title, under which the latter enumerated figures were to be deemed to refer to the former enumerated figures.

1971—Subsec. (a)(1). Figure ''$259'' was substituted for figure ''$246'' to reflect the use of the figure ''$259'' as the multiple for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Dec. 23, 1971, formerly set out as a note under section 60a–1 of this title.

Figure ''$246'' was substituted for figure ''$188'' to reflect the use of the figure ''$246'' as the multiple for determining the general upward revision of salaries by Salary Directive of President pro tempore of the Senate, Jan. 15, 1971, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1). The table was revised upward, effective Jan. 1, 1972, by Salary Directive of President pro tempore of the Senate, Dec. 23, 1971, formerly set out as a note under section 60a–1 of this title.

Pub. L. 92–184 revised upward, effective Jan. 1, 1972, the table covering the aggregate per annum gross rates of compensation of employees in the office of a Senator.

The table was revised upward, effective Feb. 1, 1971, by Salary Directive of President pro tempore of the Senate, Jan. 15, 1971, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2). Figures ''$1,230'', ''$19,680'', ''$26,568'', ''$32,226'', ''$33,702'', ''$35,178'' to be deemed to refer, effective Jan. 1, 1972, to the figures ''$1,295'', ''$20,720'', ''$27,972'', ''$33,929'', ''$35,483'', and ''$37,037'', respectfully, see section 6(c) of Salary Directive of President pro tempore of the Senate, Dec. 23, 1971, formerly set out as a note under section 60a–1 of this title.

Figures ''$1,095'', ''$17,520'', ''$23,652'', ''$28,689'', ''$30,003'', and ''$31,317'' to be deemed to refer, effective Feb. 1, 1971, to the figures ''$1,230'', ''$19,680'', ''$26,568'', ''$32,226'', ''$33,702'', and ''$35,178'', respectively, see section 6(c) of Salary Directive of President pro tempore of the Senate, Jan. 15, 1971, formerly set out as a note under section 60a–1 of this title.

Subsec. (e). Figures ''$8,118'', ''$14,514'', ''$14,022'', ''$18,450'', ''$21,402'', ''$20,418'', ''$32,712'', ''$34,104'', and ''$35,496'' to be deemed to refer, effective Jan. 1, 1972, to the figures ''$8,288'', ''$15,281'', ''$14,245'', ''$18,648'', ''$22,533'', ''$20,461'', ''$36,519'', ''$38,073'', and ''$39,627'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Dec. 23, 1971, formerly set out as a note under section 60a–1 of this title.

Figures ''$7,888'', ''$13,688'', ''$13,920'', ''$18,328'', ''$20,184'', ''$20,416'', ''$32,712'', ''$34,014'', and ''$35,496'' to be deemed to refer, effective Feb. 1, 1971, to the figures ''$8,118'', ''$14,514'', ''$14,022'', ''$18,450'', ''$21,402'', ''$30,418'', ''$32,712'', ''$34,014'', and ''$35,496'', respectively, see section 5(b) of Salary Directive of President pro tempore of the Senate, Jan. 15, 1971, formerly set out as a note under section 60a–1 of this title.

Subsec. (f). Figures ''$1,230'' and ''$35,670'' to be deemed to refer, effective Jan. 1, 1972, to the figures ''$1,295'' and ''$39,627'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Dec. 23, 1971, formerly set out as a note under section 60a–1 of this title.

Figures ''$1,160'' and ''$35,496'' to be deemed to refer, effective Feb. 1, 1971, to the figures ''$1,230'' and ''$35,670'', respectively, see section 7 of Salary Directive of President pro tempore of the Senate, Jan. 15, 1971, formerly set out as a note under section 60a–1 of this title.

1970—Subsec. (a)(1). Figure ''$219'' deemed on and after May 1, 1970, to refer to figure ''$232'', see section 3(a) of Salary Directive of President pro tempore of the Senate, Apr. 15, 1970, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1). The table was revised upward, effective May 1, 1970, see section 2 of Salary Directive of Presi-

dent pro tempore of the Senate, Apr. 15, 1970, formerly set out as a note under section 60a–1 of this title.

Subsecs. (d)(2) to (f). Figures were increased, effective May 1, 1970, see section 3(b) of Salary Directive of President pro tempore of the Senate, Apr. 15, 1970, formerly set out as a note under section 60a–1 of this title.

Subsec. (e)(1). Pub. L. 91–510 increased range of gross annual compensation of professional staff members from ''$14,852 to $23,312'' to ''$18,328 to $32,712''.

Subsec. (e)(2). Pub. L. 91–510 increased range of gross compensation of clerical staff in subpar. (A) for chief clerk and assistant chief clerk from ''$6,392 to $23,312'' to ''$7,888 to $32,712'' and for other clerical assistants from ''$6,392 to $11,092'' to ''$7,888 to $13,688'' and in subpar. (B) for chief clerk, assistant chief clerk, and assistant clerks from ''$16,544 to $23,312'' to ''$20,416 to $32,712'', for necessary assistant clerks from ''$11,280 to $16,356'' to ''$13,920 to $20,184'', and for other necessary clerical assistants from ''$6,392 to $11,092'' to ''$7,888 to $13,688''.

Subsec. (e)(3). Pub. L. 91–510 increased gross rate of compensation from ''$23,312'' to ''$32,712'' per annum for certain employees of any standing or select committee of the Senate or joint committee expenses of which are paid from contingent fund of the Senate, in subpar. (A) for employees of any such committee from ''$24,400'' for two employees to ''$34,104'' for four employees and from ''$25,568'' for one employee to ''$35,496'' for two employees, and in subpar. (B) for employees of Committee on Appropriation from ''$24,400'' for seventeen employees to ''$34,104'' for sixteen employees and from ''$25,568'' for one employee to ''$35,496'' for two employees.

Subsec. (f). Pub. L. 91–510 increased minimum and maximum gross compensation limitation from ''$1,128'' and ''$25,568'' to ''$1,160'' and ''$35,496'', respectively, and deleted sentence providing that in any case in which the fixing of any salary rate in multiples as required by this section would result in a rate in excess of the maximum rate specified in this subsection, the rate so fixed shall be reduced to such maximum rate.

1969—Subsec. (a)(1). Figure ''$199'' deemed on and after July 1, 1969, to refer to figure ''$219'', see section 4(a) of Salary Directive of President pro tempore of the Senate, June 17, 1969, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1). Pub. L. 91–145 increased the amounts in the table providing for Senators' clerk hire allowances by $23,652.

The table was revised upward, effective July 1, 1969, see section 2 of Salary Directive of President pro tempore of the Senate, June 17, 1969, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(2)(i). Pub. L. 91–145 substituted authorization for fixing the salary of two employees at gross rates of not more than $23,652 per annum for prior authorization for fixing the salary of one employee at a gross rate of not more than $18,988 per annum.

Subsecs. (d)(2) to (f). Figures were increased, effective July 1, 1969, see section 4(b) of Salary Directive of President pro tempore of the Senate, June 12, 1969, formerly set out as a note under section 60a–1 of this title.

1968—Subsec. (a)(1). Figure ''$188'' deemed on and after July 1, 1968, to refer to figure ''$199'', see section 1(g) of Salary Directive of President pro tempore of the Senate, June 12, 1968, formerly set out as a note under section 60a–1 of this title.

Subsec. (d)(1). The table was revised upward, effective July 1, 1968, see section 1(d)(1) of Salary Directive of President pro tempore of the Senate, June 12, 1968, formerly set out as a note under section 60a–1 of this title.

Subsecs. (d)(2) to (f). Figures were increased, effective July 1, 1968, see sections 1(g) and 2(b) of Salary Directive of President pro tempore of the Senate, June 12, 1968, formerly set out as a note under section 60a–1 of this title.

1967—Subsec. (a)(1). Pub. L. 90–206, §214(j), substituted ''$188'' for ''$180''.

Subsec. (d)(1). Pub. L. 90–206, §214(k), increased the aggregate amount of the per annum gross rates of compensation of employees in the office of a Senator.

Subsecs. (d)(2) to (f). Pub. L. 90–206, §214(l), substituted ''$1,128'', ''$6,392'', ''$11,092'', ''$11,280'', ''$14,852'', ''$15,040'', ''$16,356'', ''$16,544'', ''$18,988'', ''$23,312'', ''$24,440'', and ''$25,568'' for ''$1,080'', ''$6,120'', ''$10,620'', ''$10,800'', ''$14,220'', ''$14,400'', ''$15,660'', ''$15,840'', ''$18,180'', ''$22,320'', ''$23,400'', and ''$24,480'', respectively, wherever appearing.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–55, title I, §1, Aug. 2, 2005, 119 Stat. 568, provided that the amendment made by section 1 is effective on and after Oct. 1, 2005.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–447, div. G, title I, §1, Dec. 8, 2004, 118 Stat. 3168, provided that the amendment made by section 1 is effective on and after Oct. 1, 2004.

EFFECTIVE DATE OF 2003 AMENDMENTS

Pub. L. 108–83, title I, §1, Sept. 30, 2003, 117 Stat. 1010, provided that the amendment made by section 1 is effective on and after Oct. 1, 2003.

Pub. L. 108–7, div. H, title I, §3, Feb. 20, 2003, 117 Stat. 349, provided that the amendment made by section 3 is effective on and after Oct. 1, 2002.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, §106, Nov. 12, 2001, 115 Stat. 568, provided that the amendment made by section 106 is effective on and after Oct. 1, 2001.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–57, title I, §2, Sept. 29, 1999, 113 Stat. 411, provided that the amendment made by section 2 is effective on and after Oct. 1, 1999.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–275, title I, §8, Oct. 21, 1998, 112 Stat. 2434, provided that the amendment made by section 8 is effective on and after Oct. 1, 1998.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 5 of Pub. L. 105–55 provided that the amendment made by that section is effective on and after Oct. 1, 1997.

EFFECTIVE DATE OF 1987 AMENDMENTS

Section 101(i) [title I, §1(b)] of Pub. L. 100–202 provided that: ''The amendment made by this section [amending this section] shall be effective in the case of fiscal years beginning after September 30, 1987.''

Section 1(c)(1) of Pub. L. 100–137 provided that the amendment made by that section is effective Jan. 1, 1988.

Section 3(a) of Pub. L. 100–71 provided that the amendment made by that section is effective July 1, 1987.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 3(b) of Pub. L. 98–367 provided that: ''The amendments made by subsection (a) of this section [amending this section] shall be effective with respect to fiscal years beginning after September 30, 1984.''

Section 12(c) of Pub. L. 98–367 provided that: ''The amendments made by subsection (a) of this section [amending this section] shall take effect on October 1, 1984.''

EFFECTIVE DATE OF 1983 AMENDMENT

Section 1203(b) of Pub. L. 98–181 provided that: ''The amendment made by subsection (a) [amending this section] shall be applicable in the case of new or changed rates of compensation which are certified to the Disbursing Office of the Senate on or after January 1, 1984.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 107(a) of Pub. L. 96–304 effective Oct. 1, 1980, see section 107(d) of Pub. L. 96–304, set

out as an Effective Date of 1980 Amendment note under section 60j of this title.

Section 112(b) of Pub. L. 96–304 provided that the amendment made by that section is effective as of the close of Feb. 28, 1981.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–94 effective Oct. 1, 1977, see section 111(f) of Pub. L. 95–94, set out as an Effective Date note under section 72a–1e of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 101(a) of Pub. L. 94–440 provided that the amendment made by that section is effective Oct. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 6 of Pub. L. 93–371 provided that the amendment made by that section is effective July 1, 1974.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 101 of Pub. L. 93–145 provided that the upward revision of the table in subsec. (d)(1) and the amendment of subsec. (d)(2) of this section are effective July 1, 1973, but that the remaining amendments of subsec. (d)(1) by Pub. L. 93–145 [designating the revised table as subpar. (A), adding provisions following the table in such redesignated subpar. (A), and adding subpar. (B)] are effective Jan. 1, 1974.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 401 of Pub. L. 92–184 provided that the amendment made by that section is effective Jan. 1, 1972.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–510 effective Jan. 1, 1971, see section 601(6) of Pub. L. 91–510, set out as a note under section 72a of this title.

EFFECTIVE DATE OF 1969 AMENDMENT

Section 101 of Pub. L. 91–145 provided that the amendment made by that section is effective Nov. 1, 1969.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–206 effective at beginning of first pay period which begins on or after Dec. 16, 1967, see section 220(a)(3) of Pub. L. 90–206, set out as a note under section 603 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section 105(k) of Pub. L. 90–57 provided that: ''This section [enacting this section, amending section 60j of this title and section 5533 of Title 5, Government Organization and Employees, repealing sections 60f, 72a–1, 72a–1a, and 72a–4 of this title, and amending provisions set out as notes under section 60a–1 of this title] shall be effective from and after August 1, 1967.''

TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of this title.

HIGH COST OF LIVING ALLOWANCE

Pub. L. 108–83, title I, § 10, Sept. 30, 2003, 117 Stat. 1014, provided that:

''(a) IN GENERAL.—Under the authority of section 105(d)(2) of the Legislative Branch Appropriations [Appropriation] Act, 1968 (2 U.S.C. 61–1(d)(2)), a Senator from a noncontiguous State may pay a high cost of living allowance to any employee employed in an office of the Senator located in that State.

''(b) LIMITATION.—An allowance under this section may not exceed 25 percent of the basic pay of an employee, determined without regard to this section.

''(c) BASIC PAY TREATMENT.—An allowance under this section shall be treated as part of the basic pay of an employee.

''(d) PAYMENT.—

''(1) AGGREGATE GROSS COMPENSATION.—The amount of any allowance under this section shall not be taken into account for determining the amount of aggregate gross compensation in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations [Appropriation] Act, 1968 (2 U.S.C. 61–1(d)(1)(A)).

''(2) APPROPRIATIONS.—Allowances under this section shall be paid from appropriations under the heading 'senators' official personnel and office expense account'.

''(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004 and each fiscal year thereafter.''

1975 ADJUSTMENTS IN COMPENSATION IN MAXIMUM ANNUAL RATES TO EMPLOYEES IN OFFICES OF SENATORS, EMPLOYEES OF SENATORS, EMPLOYEES OF STANDING AND SELECT COMMITTEES AND JOINT COMMITTEES THE EXPENSES OF WHICH ARE PAID FROM SENATE CONTINGENT FUND, AND OFFICERS OR EMPLOYEES PAID BY SECRETARY OF SENATE

Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275, as amended by Pub. L. 94–157, title I, § 111(a), Dec. 18, 1975, 89 Stat. 832, provided in part that, effective July 1, 1975: ''The two committee employees referred to in clause (A), and the three committee employees referred to in clause (B), of section 105(e)(3) of the Legislative Branch Appropriations Act, 1968, as amended and modified [subsec. (e)(3) of this section], whose salaries are appropriated under the heading 'Salaries, Officers and Employees' for 'Committee Employees' for the Senate during any fiscal year, and the two employees referred to in such clause (A) who are employees of any joint committee having legislative authority, may each be paid at a maximum annual rate of compensation not to exceed $38,000, except that the Committee on Commerce is authorized to pay two employees, in addition to the two employees referred to in clause (A) of such section, at such maximum annual rate of compensation during the fiscal year ending June 30, 1976, and the transition period ending September 30, 1976. The two committee employees, other than joint committee employees, referred to in clause (A) of section 105(e)(3) of such Act [subsec. (e)(3) of this section] whose salaries are not appropriated under such heading may each be paid at a maximum annual rate of compensation not to exceed $37,500, except, that the two employees of the majority policy committee and the two employees of the minority policy committee referred to in clause (A) of section 105(e)(3) of such Act [subsec. (e)(3) of this section] may each be paid at a maximum annual rate of compensation not to exceed $38,000. The one employee in a Senator's office referred to in section 105(d)(2)(ii) of such Act [subsec. (d)(2)(ii) of this section] may be paid at a maximum annual rate of compensation not to exceed $38,000. Any officer or employee whose pay is subject to the maximum limitation referred to in section 105(f) of such Act [subsec. (f) of this section] may be paid at a maximum annual rate of compensation not to exceed $38,000. This section does not supersede (1) any provision of an order of the President pro tempore of the Senate authorizing a higher rate of compensation, and (2) any authority of the President pro tempore to adjust rates of compensation or limitations referred to in this paragraph under section 4 of the Federal Pay Comparability Act of 1970 [section 60a–1 of this title].''

Section 111(c) of Pub. L. 94–157 provided in part that amendment by section 111(a) of Pub. L. 94–157 inserting after ''fiscal year'' the words '', and the two employees referred to in such clause (A) who are employees of any

joint committee having legislative authority,'' shall become effective Jan. 1, 1976, and no increase in salary shall be payable for any period prior to such date by reason of the amendment.

1974 ADJUSTMENTS IN COMPENSATION IN MAXIMUM ANNUAL RATES TO EMPLOYEES IN OFFICES OF SENATORS, PROFESSIONAL STAFF AND CLERICAL STAFF MEMBERS OF STANDING COMMITTEES, EMPLOYEES OF STANDING AND SELECT COMMITTEES AND JOINT COMMITTEES THE EXPENSES OF WHICH ARE PAID FROM SENATE CONTINGENT FUND, AND OFFICERS OR EMPLOYEES PAID BY SECRETARY OF SENATE

Pub. L. 93–371, §4, Aug. 13, 1974, 88 Stat. 429, as amended by Pub. L. 94–157, title I, §111(b), Dec. 18, 1975, 89 Stat. 832, provided in part that: ''The two committee employees other than joint committee employees referred to in clause (A), and the three committee employees referred to in clause (B), of section 105(e)(3) of the Legislative Branch Appropriation Act, 1968, as amended and modified [subsec. (e)(3) of this section], may each be paid at a maximum annual rate of compensation not to exceed $37,050. The four committee employees other than joint committee employees, who are not employees of a joint committee having legislative authority, referred to in such clause (A) and the sixteen committee employees referred to in such clause (B) may each be paid at a maximum annual rate of compensation not to exceed $35,625. The one employee in a Senator's office referred to in section 105(d)(2)(ii) of such Act [subsec. (d)(2)(ii) of this section] may be paid at a maximum annual rate of compensation not to exceed $37,050. Any officer or employee whose pay is subject to the maximum limitation referred to in section 105(f) of such Act [subsec. (f) of this section] may be paid at a maximum annual rate of compensation not to exceed $37,050.''

For provisions that section 101(4) of Pub. L. 93–371 [this note] do not supersede (1) any provision of an order of the President pro tempore of the Senate authorizing a higher rate of compensation, and (2) any authority of the President pro tempore to adjust rates and compensation or limitations referred to in this note under section 4 of the Federal Pay Comparability Act of 1970 [section 60a–1 of this title] and that the provisions of this note are effective July 1, 1974, see note under section 61a of this title.

Section 111(c) of Pub. L. 94–157 provided in part that amendment by section 111(b) of Pub. L. 94–157 inserting after ''joint committee employees'' the words '', who are not employees of a joint committee having legislative authority,'' shall become effective Jan. 1, 1976, and no increase in salary shall be payable for any period prior to such date by reason of the amendment.

AGGREGATE OF GROSS COMPENSATION FOR EMPLOYEES IN OFFICE OF SENATOR FOR EACH FISCAL YEAR; INCREASE IN AMOUNT; REDUCTION IN AMOUNTS FOR COMMITTEE CHAIRMEN, RANKING MINORITY MEMBERS, ETC.

Section 111(a), (b) of Pub. L. 95–94, as amended by Pub. L. 95–240, title II, §206, Mar. 7, 1978, 92 Stat. 117, eff. Oct. 1, 1977; Pub. L. 100–137, §3, Oct. 21, 1987, 101 Stat. 819; Pub. L. 102–392, title I, §1, Oct. 6, 1992, 106 Stat. 1706, eff. Oct. 1, 1992, provided that:

''(a) Except as provided in subsection (b), the aggregate of the gross compensation which may be paid to employees in the office of a Senator during each fiscal year under section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61–1(d)), is increased by an amount equal to 3 times the maximum annual gross rate of compensation that may be paid to an employee of the office of a Senator.

''(b) [Repealed. Pub. L. 100–137, §3, Oct. 21, 1987, 101 Stat. 819].''

[The amount of the increase referred to in section 111(a) of Pub. L. 95–94, set out above, was set at $481,977 by §6(d) of the Salary Directive of President pro tempore of the Senate, Feb. 16, 2007, set out as a note under section 60a–1 of this title.]

[Prior increases in the amount of increase authorized by section 111(a) of Pub. L. 95–94, set out above, were contained in the following Salary Directives of President pro tempore of the Senate, formerly set out as notes under section 60a–1 of this title: Oct. 9, 1978, §6(d); Oct. 13, 1979, §6(d); Oct. 1, 1980, §6(d); Oct. 5, 1981, as amended Dec. 15, 1981, §6(d); Oct. 1, 1982, §6(d); Dec. 20, 1983, as amended May 2, 1984, §6(d); Jan. 4, 1985, §6(d); Dec. 19, 1986, §6(d); Jan. 4, 1988, §6(d); Dec. 9, 1988, §6(d); Dec. 21, 1989, §6(d); Dec. 20, 1990, §6(d); Dec. 18, 1991, §6(d); Dec. 17, 1992, §6(d); Dec. 28, 1994, §6(d); Dec. 18, 1996, §6(d); Dec. 19, 1997, §6(d); Dec. 16, 1998, §6(d); Dec. 12, 1999, §6(d); Dec. 20, 2000, §6(d); Dec. 20, 2001, §6(d); Dec. 19, 2002, §6(d); Dec. 15, 2003, §6(d); Mar. 5, 2004, §6(d); Jan. 3, 2005, §6(d); Jan. 4, 2006, §6(d).]

[Section 3 of Pub. L. 100–137 provided that the repeal of section 111(b) of Pub. L. 95–94 is effective as of the first day of the 100th Congress [Jan. 6, 1987]].

[S.Res. 34, Jan. 6, 1987, provided: ''That subsection (b) of section 111 of the Legislative Branch Appropriation Act, 1978 (P.L. 95–94) [set out as a note above] shall not be effective during the 100th Congress.'' Similar provisions covering the 99th Congress were contained in S.Res. 85, §23, Feb. 28, 1985.]

LIMITATION ON 1987 INCREASES IN MAXIMUM ANNUAL RATES TO STAFF MEMBERS OF STANDING, SPECIAL, AND SELECT COMMITTEES OF SENATE AND JOINT COMMITTEES OF CONGRESS WHOSE FUNDS ARE DISBURSED BY SECRETARY OF SENATE

Section 5(b)(2)–(4) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1986, formerly set out as a note under section 60a–1 of this title, provided that, notwithstanding the provisions of section 5(b)(1) of that Order, any individual occupying a position on the staff of a standing committee of the Senate or the majority or minority policy committee of the Senate to which such rate applied should not be paid at any time at an annual rate in excess of $1,000 less than the annual rate of compensation which was then or might thereafter, be in effect for those positions referred to in section 2(a) of that Order, that notwithstanding the provisions of section 5(b)(1) of that Order, any individual occupying a position on the staff of any special or select committee of the Senate or the conference majority or conference minority of the Senate to which any such rate applied should not be paid at any time at an annual rate in excess of $2,500 less than the annual rate of compensation which was then or might thereafter be in effect for those positions referred to in section 2(a) of that Order, and that notwithstanding the provisions of section 5(b)(1) of that Order, any individual occupying a position on the staff of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate to which any such rate applied should not be paid at any time at an annual rate in excess of $2,900 less than the annual rate of compensation which was then or might thereafter be in effect for those positions referred to in section 2(a) of that Order.

Similar provisions covering prior increases were contained in the following prior Salary Directives:

Section 5(b)(2)–(4) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1985.

Section 5(b)(2)–(4) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1983.

Section 5(b)(2)–(4) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1982.

Section 5(b)(2)–(4) of Salary Directive of President pro tempore of the Senate, Oct. 5, 1981.

Section 5(b)(3)–(5) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1980.

Section 5(b)(3)–(5) of Salary Directive of President pro tempore of the Senate, Oct. 13, 1979.

Section 5(b)(3)–(5) of Salary Directive of President pro tempore of the Senate, Oct. 9, 1978.

Section 5(b)(3)–(5) of Salary Directive of President pro tempore of the Senate, Sept. 29, 1977.

Section 5(b)(3)–(6) of Salary Directive of President pro tempore of the Senate, Oct. 8, 1976.

Section 5(b)(3)–(5) of Salary Directive of President pro tempore of the Senate, Oct. 2, 1975.

Section 5(b)(3)–(5) of Salary Directive of President pro tempore of the Senate, Oct. 7, 1974.

Section 5(b)(2) of Salary Directive of President pro tempore of the Senate, Oct. 4, 1973.

LIMITATION ON 1987 INCREASES IN MAXIMUM ANNUAL RATES TO EMPLOYEES IN OFFICES OF SENATORS

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1986, formerly set out as a note under section 60a–1 of this title, provided that, notwithstanding the modification made by section 6(c)(1) of that Order, any individual occupying a position in a Senator's office should not be paid at any time at an annual rate in excess of $2,500 less than the annual rate of compensation which was then or might thereafter be in effect for those positions referred to in section 2(a) of that Order.

Similar provisions covering prior increases were contained in the following prior Salary Directives:

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1985.

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1983.

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1982.

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Oct. 5, 1981.

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1980.

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Oct. 13, 1979.

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Oct. 9, 1978.

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Sept. 29, 1977.

Section 6(c)(2), (3) of Salary Directive of President pro tempore of the Senate, Oct. 8, 1976.

Section 6(c)(2), (3) of Salary Directive of President pro tempore of the Senate, Oct. 2, 1975.

Section 6(c)(2)–(4) of Salary Directive of President pro tempore of the Senate, Oct. 7, 1974.

Section 6(c)(2) of Salary Directive of President pro tempore of the Senate, Oct. 4, 1973.

LIMITATION ON 1987 INCREASE IN MAXIMUM ANNUAL RATE TO OFFICERS OR EMPLOYEES PAID BY SECRETARY OF SENATE

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Dec. 19, 1986, formerly set out as a note under section 60a–1 of this title, provided that, notwithstanding the provisions of section 7(b)(1) of that Order, any individual occupying a position to which such rate applied should not be paid at any time at an annual rate in excess of $2,500 less than the annual rate of compensation which was then or might thereafter be in effect for those positions referred to in section 2(a) of that Order.

Similar provisions covering prior increases were contained in the following prior Salary Directives:

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Jan. 4, 1985.

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Dec. 20, 1983.

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1982.

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Oct. 5, 1981.

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Oct. 1, 1980.

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Oct. 13, 1979.

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Oct. 9, 1978.

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Sept. 27, 1977.

Section 7(b)(2), (3) of Salary Directive of President pro tempore of the Senate, Oct. 8, 1976.

Section 7(b)(2), (3) of Salary Directive of President pro tempore of the Senate, Oct. 2, 1975.

Section 7(b)(2) of Salary Directive of President pro tempore of the Senate, Oct. 7, 1974.

Section 7(b) of Salary Directive of President pro tempore of the Senate, Oct. 4, 1973.

1977 ADDITION OF EMPLOYEES IN OFFICE OF SENATOR NOT TO EFFECT SECTION 6(c) OF ORDER OF PRESIDENT PRO TEMPORE ISSUED ON OCTOBER 8, 1976

Section 111(d) of Pub. L. 95–94 provided in part that: "The amendments made by this subsection [amending subsec. (d)(2) of this section] shall have no effect on section 6(c) of the Order of the President pro tempore issued on October 8, 1976, under section 4 of the Federal Pay Comparability Act of 1970 [set out as a note under section 60a–1 of this title]."

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1987

Pub. L. 100–17, title I, § 3(b), (c), July 11, 1987, 101 Stat. 423, provided that:

"(b) Effective July 1, 1987, the administrative and clerical allowance of each Senator from the State of Georgia and the State of North Carolina is increased to that allowed Senators from States having a population of six million but less than seven million, the population of said State having exceeded six million inhabitants.

"(c) Effective July 1, 1987, the administrative and clerical allowance of each Senator from the State of Indiana, the State of Massachusetts, the State of Missouri, and the State of Virginia, is that allowed Senators from States having a population of five million but less than six million."

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1986

Pub. L. 99–349, title I, § 1, July 2, 1986, 100 Stat. 741, provided that:

"(a) Effective October 1, 1985, the allowance for administrative and clerical assistance of each Senator from the State of Alabama is increased to that allowed Senators from States having a population of four million but less than five million, the population of said State having exceeded four million inhabitants.

"(b) Effective October 1, 1985, the allowance for administrative and clerical assistance of each Senator from the State of Florida is increased to that allowed Senators from States having a population of eleven million but less than twelve million, the population of said State having exceeded eleven million inhabitants."

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1985

Pub. L. 99–88, title I, § 191, Aug. 15, 1985, 99 Stat. 348, provided that: "Effective October 1, 1984, the allowance for administrative and clerical assistance of each Senator from the State of Missouri is increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million inhabitants."

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1983

Section 9 of Pub. L. 98–367 provided that: "Effective October 1, 1983, the allowance for administration and clerical assistance of each Senator from the State of Arizona is increased to that allowed to Senators from States having population of three million but less than four million, the population of such State having exceeded three million inhabitants."

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1982

Pub. L. 98–63, title I, § 901, July 30, 1983, 97 Stat. 335, provided that:

''(a) Effective October 1, 1982, the allowance for administrative and clerical assistance of each Senator from the State of Texas is increased to that allowed to Senators from States having a population of fifteen million but less than seventeen million, the population of said State having exceeded fifteen million inhabitants.

''(b) Effective October 1, 1982, the allowance for administrative and clerical assistance of each Senator from the State of Colorado is increased to that allowed to Senators from States having a population of three million but less than four million, the population of said State having exceeded three million inhabitants.''

INCREASES IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1981

Pub. L. 97–257, title I, Sept. 10, 1982, 96 Stat. 849, provided that: ''Effective October 1, 1981, the allowance for administrative and clerical assistance of each Senator from the State of Florida is increased to that allowed Senators from States having a population of ten million but less than eleven million, the population of said State having exceeded ten million inhabitants.''

Pub. L. 97–12, title I, §106, June 5, 1981, 95 Stat. 62, provided that:

''(a) Effective January 1, 1981, the allowance for administrative and clerical assistance of each Senator from the State of Florida is increased to that allowed Senators from States having a population of nine million but less than ten million, the population of said State having exceeded nine million inhabitants.

''(b) Effective January 1, 1981, the allowance for administrative and clerical assistance of each Senator from the State of Washington is increased to that allowed Senators from States having a population of four million but less than five million, the population of said State having exceeded four million inhabitants.

''(c) Effective January 1, 1981, the allowance for administrative and clerical assistance of each Senator from the States of Oklahoma and South Carolina is increased to that allowed Senators from States having a population of three million but less than four million, the population of said States having exceeded three million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1979

Section 105 of Pub. L. 96–304 provided that: ''Effective October 1, 1979, the allowance for administrative and clerical assistance of each Senator from the State of Louisiana is increased to that allowed Senators from States having a population of four million but less than five million, the population of said State having exceeded four million inhabitants.''

Pub. L. 96–86, §111(a), (b), Oct. 12, 1979, 93 Stat. 660, 661, provided:

''(a) effective October 1, 1979, the allowance for administrative and clerical assistance of each Senator from the State of Minnesota is increased to that allowed Senators from States having a population of four million but less than five million, the population of said State having exceeded four million inhabitants;

''(b) effective October 1, 1979, the allowance for administrative and clerical assistance of each Senator from the State of Texas is increased to that allowed Senators from States having a population of thirteen million but less than fifteen million, the population of said State having exceeded thirteen million inhabitants;''.

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1978

Section 104(a) of Pub. L. 95–391 provided that: ''Effective April 1, 1978, the clerk-hire allowance of each Senator from the State of Georgia is increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS—1977

Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 81, provided in part: ''That, effective April 1, 1977, the clerk hire allowance of each Senator from the State of Virginia shall be increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1976

Pub. L. 94–157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 830, provided: ''That effective January 1, 1976, the clerk hire allowance of each Senator from the State of California shall be increased to that allowed Senators from States having a population of more than twenty-one million, the population of said State having exceeded twenty-one million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1975

Pub. L. 94–32, title I, June 12, 1975, 89 Stat. 182, provided in part: ''That effective January 1, 1975, the clerk hire allowance of each Senator from the State of Texas shall be increased to that allowed Senators from States having a population of more than twelve million, the population of said State having exceeded twelve million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1974

Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 425, provided in part: ''That effective January 1, 1974, the clerk hire allowance of each Senator from the States of Arkansas and Arizona shall be increased to that allowed Senators from States having a population of two million, the population of each said State having exceeded two million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1969

Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 340, provided in part: ''That the clerk hire allowance of each Senator from the State of Connecticut shall be increased to that allowed Senators from States having a population of three million, the population of said State having exceeded three million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1968

Pub. L. 90–239, ch. IV, Jan. 2, 1968, 81 Stat. 774, provided in part that: ''Effective January 1, 1968, the clerk hire allowance of each Senator from the State of Indiana shall be increased to that allowed Senators from States having a population of five million, the population of said State having exceeded five million inhabitants; and that the clerk hire allowance of each Senator from the State of New Jersey shall be increased to that allowed Senators from States having a population of seven million, the population of said State having exceeded seven million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1966

Pub. L. 89–697, ch. VI, Oct. 27, 1966, 80 Stat. 1063, provided: ''That the clerk hire allowance of each Senator from the State of North Carolina shall be increased to that allowed Senators from States having a population of five million, the population of said State having exceeded five million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1963

Pub. L. 88–25, title I, May 17, 1963, 77 Stat. 31, provided in part: ''That the clerk hire allowance of each Senator from the State of California shall be increased to that allowed Senators from States having a popu-

lation of over seventeen million, the population of said State having exceeded seventeen million inhabitants, that the clerk hire allowance of each Senator from the State of Georgia shall be increased to that allowed Senators from States having a population of four million, the population of said State having exceeded four million inhabitants, and that the clerk hire allowance of each Senator from the State of Washington shall be increased to that allowed Senators from States having a population of three million, the population of said State having exceeded three million inhabitants.''

INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1962

Pub. L. 87–545, title I, July 25, 1962, 76 Stat. 215, provided in part that:

''The basic clerk hire allowance of each Senator is hereby increased by $3,000.

''The clerk hire allowances of the Senators from the States of New York and Virginia are hereby increased so that the allowances of the Senators from the State of New York will be equal to that allowed Senators from States having a population of over seventeen million, the population of said State having exceeded seventeen million inhabitants, and so that allowances of Senators from the State of Virginia will be equal to that allowed Senators from States having a population of four million, the population of said State having exceeded four million inhabitants.''

INCREASE IN ALLOWANCE FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1955

Act June 28, 1955, ch. 189, § 4(d), (f), 69 Stat. 176, 177, as amended Aug. 21, 1959, Pub. L. 86–176, 73 Stat. 401; Aug. 20, 1964, Pub. L. 88–454, 78 Stat. 538; Aug. 27, 1966, Pub. L. 89–545, 80 Stat. 357; July 28, 1967, Pub. L. 90–57, § 105(i)(6), 81 Stat. 144, provided that:

''(d)(1) The aggregate amount of the basic compensation authorized to be paid for administrative and clerical assistance and messenger service in the offices of Senators is hereby increased by—

''(A) $10,020 in the case of Senators from States the population of which is less than three million;

''(B) $10,920 in the case of Senators from States the population of which is three million or more but less than five million;

''(C) $11,760 in the case of Senators from States the population of which is five million or more but less than ten million; and

''(D) $11,880 in the case of Senators from States the population of which is ten million or more.

''(2) Notwithstanding the second proviso in the paragraph relating to the authority of Senators to rearrange the basic salaries of employees in their respective offices, which appears in the Legislative Branch Appropriation Act, 1947, as amended (2 U. S. C. 60f) [repealed], but subject to the limitations contained in paragraph (3) of this subsection, during the period beginning on the effective date of this subsection and ending on the last day of the first pay period which begins after the date of enactment of this Act [June 28, 1955] (A) the compensation of the administrative assistant in the office of each Senator may be fixed at a basic rate which together with additional compensation authorized by law will not exceed the maximum rate authorized by section 2 (b) of the Act of October 24, 1951 (Public Law 201, Eighty-second Congress), as amended [section 60e–6(b) of this title], (B) the compensation of one employee other than the administrative assistant in the office of each Senator may be fixed at a basic rate not to exceed $10,260 per annum, and (C) the compensation of any other employee in the office of a Senator may be fixed at a basic rate not to exceed $6,420 per annum.

''(3) Notwithstanding the third proviso in such paragraph [this section], any increase in the compensation of an employee in a Senator's office shall take effect on the effective date of this subsection or on the date such employee became employed, whichever is later, if (A) the certification filed by such Senator under such proviso so provides, (B) such certification is filed in the disbursing office of the Senate not later than fifteen days following the date of enactment of this Act [June 28, 1955], and (C) the amount of such increase does not exceed the amount of the increase which would be payable in the case of such employee if he were subject to the provisions of subsection (a) of this section [section 60e–7 of this title] plus any additional amount which may result from fixing the rate of basic compensation at the lowest multiple of $60 which will result in an increase not less than the amount of such increase which would be payable under subsection (a) [section 60e–7(a) of this title].

''(f) [Repealed. Pub. L. 90–57, § 105(i)(6), July 28, 1967, 81 Stat. 144, eff. Aug. 1, 1967.]''

INCREASE IN ALLOWANCE FOR ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS—1951

Act Oct. 24, 1951, ch. 554, § 2(c)(1), 65 Stat. 614, provided that: ''The aggregate amount of the basic compensation authorized to be paid for administrative and clerical assistance and messenger service in the offices of Senators is hereby increased by—

''(A) $4,140 in the case of Senators from States the population of which is less than three million;

''(B) $4,860 in the case of Senators from States the population of which is three million or more but less than five million;

''(C) $5,220 in the case of Senators from States the population of which is five million or more but less than ten million; and

''(D) $5,760 in the case of Senators from States the population of which is ten million or more.''

1966 ADJUSTMENT OF BASIC COMPENSATION OF EMPLOYEES IN OFFICE OF SENATOR

Pub. L. 89–504, title III, § 302(f), July 18, 1966, 80 Stat. 295, provided that: ''The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on the first day of the month following the date of enactment of this Act [July 18, 1966], to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act [July 18, 1966], the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose basic compensation is adjusted under this subsection shall receive any additional compensation under subsection (a) [section 60e–13(a) of this title] for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act [July 18, 1966]. No additional compensation shall be paid to any person under subsection (a) [section 60e–13(a) of this title] for any period prior to the first day of the month following the date of enactment of this Act [July 18, 1966] during which such person was employed in the office of a Senator (other than a Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act [July 18, 1966] such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given.''

1965 ADJUSTMENT OF BASIC COMPENSATION OF EMPLOYEES IN OFFICE OF SENATOR

Pub. L. 89–301, § 11(f), Oct. 29, 1965, 79 Stat. 1121, provided that: ''The basic compensation of each employee

in the office of a Senator is hereby adjusted, effective on the first day of the month following the date of enactment of this Act [Oct. 29, 1965], to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act [Oct. 29, 1965], the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose basic compensation is adjusted under this subsection shall receive any additional compensation under subsection (a) [section 60e–12(a) of this title] for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act [Oct. 29, 1965]. No additional compensation shall be paid to any person under subsection (a) [section 60e–12(a) of this title] for any period prior to the first day of the month following the date of enactment of this Act [Oct. 29, 1965] during which such person was employed in the office of a Senator (other than a Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act [Oct. 29, 1965] such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased, such notice shall be deemed to have been given.''

1964 ADJUSTMENT OF BASIC COMPENSATION OF EMPLOYEES IN OFFICE OF SENATOR

Pub. L. 88–426, title II, §202(e), Aug. 14, 1964, 78 Stat. 413, provided that: ''The basic compensation of each employee in the office of a Senator is hereby adjusted effective on the first day of the month following the date of enactment of this Act [Aug. 14, 1964], to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act [Aug. 14, 1964], the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose basic compensation is adjusted under this subsection shall receive any additional compensation under subsection (a) [section 60e–11(a) of this title] for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act [Aug. 14, 1964]. No additional compensation shall be paid to any person under subsection (a) [section 60e–11(a) of this title] for any period prior to the first day of the month following the date of enactment of this Act [Aug. 14, 1964] during which such person was employed in the office of a Senator (other than a Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act [Aug. 14, 1964] such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased such notice shall be deemed to have been given.''

1962 ADJUSTMENT OF BASIC COMPENSATION OF EMPLOYEES IN OFFICE OF SENATOR

Pub. L. 87–793, title VI, §1005(b), Oct. 11, 1962, 76 Stat. 867, provided that: ''The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on October 16, 1962, to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act [Oct. 11, 1962] the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased such notice shall be deemed to have been given.''

1960 ADJUSTMENT OF BASIC COMPENSATION OF EMPLOYEES IN OFFICE OF SENATOR

Pub. L. 86–568, title I, §117(b), July 1, 1960, 74 Stat. 303, provided that: ''The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on July 1, 1960, to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act [July 1, 1960] the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased such notice shall be deemed to have been given.''

1958 ADJUSTMENT OF BASIC COMPENSATION OF EMPLOYEES IN OFFICE OF SENATOR

Pub. L. 85–462, §4(b), June 20, 1958, 72 Stat. 207, provided that: ''The basic compensation of each employee in the office of a Senator is hereby adjusted, effective on the first day of the month following the date of enactment of this Act [June 20, 1958], to the lowest multiple of $60 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior thereto, except that the foregoing provisions of this subsection shall not apply in the case of any employee if on or before the fifteenth day following the date of enactment of this Act [June 20, 1958] the Senator by whom such employee is employed notifies the disbursing office of the Senate in writing that he does not wish such provisions to apply to such employee. No employee whose basic compensation is adjusted under this subsection shall receive any additional compensation under subsection (a) [section 60e–8(a) of this title] for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Senator by whom he is employed on the first day of the month following the enactment of this Act [June 20, 1958]. No additional compensation shall be paid to any person under subsection (a) [section 60e–8(a) of this title] for any period prior to the first day of the month following the date of enactment of this Act [June 20, 1958] during which such person was employed in the office of a Senator (other than a Senator by whom he is employed on such day) unless on or before the fifteenth day following the date of enactment of this Act [June 20, 1958] such Senator notifies the disbursing office of the Senate in writing that he wishes such employee to receive such additional compensation for such period. In any case in which, at the expiration of the time within which a Senator may give notice under this subsection, such Senator is deceased such notice shall be deemed to have been given.''

1955 ADJUSTMENT OF BASIC COMPENSATION OF EMPLOYEES IN OFFICE OF SENATOR

Act June 28, 1955, ch. 189, §4(e)(2), 69 Stat. 177, provided that: ''The basic compensation of each employee

in the office of a Senator on the effective date of this subsection is hereby adjusted to the lowest multiple of $60 which will provide basic compensation, plus additional compensation payable under subsection (a) [section 60e–7(a) of this title] and the provisions of law referred to in subsection (a) [section 60e–7(a) of this title], not less than the amount of basic compensation, plus additional compensation under the provisions of sections 501 and 502 of the Federal Employees' Pay Act of 1945, as amended [sections 60e–3 and 60e–4 of this title], and section 301 of the Postal Rate Revision and Federal Employees' Salary Act of 1948 [section 60e–4a of this title], which he is receiving on the effective date of this subsection.''

COMPENSATION OF ADMINISTRATIVE ASSISTANT CHARGED TO SENATOR

Act Oct. 28, 1949, ch. 783, title I, § 101(c)(1), 63 Stat. 974, provided that: ''The basic compensation of the administrative assistant to a Senator shall be charged against the aggregate amount authorized to be paid for clerical assistance and messenger service in the office of such Senator.''

ADDITIONAL INCREASE IN CLERK HIRE

Act Oct. 28, 1949, ch. 783, title I, § 101(c)(2), 63 Stat. 974, provided that: ''The aggregate amount of the basic compensation authorized to be paid for clerical assistance and messenger service in the office of each Senator is increased by $11,520.''

INCREASE OF CLERK HIRE FOR SENATORS

Act Dec. 20, 1944, ch. 617, § 2(b), 58 Stat. 832, effective Jan. 1, 1945, provided: ''The aggregate amount of the basic compensation authorized to be paid to employees in the offices of Senators (including employees of standing committees of which Senators are chairmen) is hereby increased by (1) $4,020 in the case of each Senator from a State which has a population of less than four million inhabitants and (2) by $5,040 in the case of each Senator from a State which has a population of four million or more inhabitants.''

RATE OF PAY FOR SENATE COMMITTEE STAFF MEMBERS FOR 1977 COMMITTEE SYSTEM REORGANIZATION

Pub. L. 95–4, Feb. 16, 1977, 91 Stat. 12, provided: ''That (a) notwithstanding the limitations contained in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and modified [subsec. (e) of this section], each eligible staff member of a new committee to whom section 703(d) of the Committee System Reorganization Amendments of 1977 [S. Res. 4, Feb. 4, 1977] applies may, during the transition period of such new committee, be paid gross annual compensation at the rate which that eligible staff member was receiving on January 4, 1977.

''(b) For purposes of subsection (a), the terms 'eligible staff member', 'new committee', and 'transition period' have the meanings given to them by section 701 of the Committee System Reorganization Amendments of 1977 [S. Res. 4, Feb. 4, 1977].''

1970 INCREASE IN PAY RATES OF CERTAIN EMPLOYEES OF LEGISLATIVE BRANCH

Adjustment by President pro tempore of Senate with respect to the Senate, by Finance Clerk of House with respect to the House of Representatives, and by Architect of the Capitol with respect to the Office of the Architect of the Capitol, effective on the first day of the first pay period which begins on or after Dec. 27, 1969, of the rates of pay of employees of the legislative branch subject to section 214 of Pub. L. 90–206, with certain exceptions, by the amounts of the adjustment for corresponding rates for employees subject to the General Schedule, set out in section 5332 of Title 5, which had been made by section 2 of Pub. L. 91–231 raising such rates by 6 percent, see Pub. L. 91–231, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees.

1968 AND 1969 INCREASES IN COMPENSATION OF EMPLOYEES

This section deemed amended on and after July 1, 1969, see Salary Directives of President pro tempore of the Senate, June 12, 1968, and June 17, 1969, formerly set out as notes under section 60a–1 of this title.

RATES OF PAY FOR EMPLOYEES OF SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

Pub. L. 94–32, title I, § 5, June 12, 1975, 89 Stat. 183, provided in part that: ''Notwithstanding paragraph (3) of section 105(e) of the Legislative Branch Appropriations Act, 1968, as amended [subsec. (e)(3) of this section], two employees of the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities may be paid at the highest gross rate provided in subparagraph (A) of such paragraph, and eleven employees of such committee may be paid at the next highest gross rate provided in such subparagraph.''

SECRETARY OF SENATE TO FIX COMPENSATION OF LEGISLATIVE CLERK AND JOURNAL CLERK

Pub. L. 86–213, Sept. 1, 1959, 73 Stat. 443, authorized Secretary of Senate to fix compensation of legislative clerk and journal clerk, on and after Sept. 1, 1959, at not to exceed $7,620 basic per annum each.

§ 61–1a. Availability of appropriated funds for payment to an individual of pay from more than one position; conditions

Notwithstanding any other provision of law, appropriated funds are available for payment to an individual of pay from more than one position, each of which is either in the office of a Senator and the pay of which is disbursed by the Secretary of the Senate or is in another office and the pay of which is disbursed by the Secretary of the Senate out of an appropriation under the heading ''Salaries, Officers, and Employees'', if the aggregate gross pay from those positions does not exceed the maximum rate specified in section 61–1(d)(2) of this title.

(Pub. L. 95–94, title I, § 114, Aug. 5, 1977, 91 Stat. 665; Pub. L. 95–240, title II, § 207, Mar. 7, 1978, 92 Stat. 117; Pub. L. 100–202, § 101(i) [title I, § 9], Dec. 22, 1987, 101 Stat. 1329–290, 1329–295.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1978, which is title I of the Legislative Branch Appropriation Act, 1978.

AMENDMENTS

1987—Pub. L. 100–202 amended section generally. Prior to amendment, section read as follows: ''Notwithstanding any other provision of law, appropriated funds are available for payment to an individual of pay from more than one position, the pay for each of which is disbursed by the Secretary of the Senate out of an appropriation under the heading 'Salaries, Officers and Employees', if the aggregate gross pay from those positions does not exceed the amount specified in section 61–1(d)(2)(ii) of this title.''

1978—Pub. L. 95–240 substituted provisions relating to pay disbursed by Secretary of Senate from appropriation with the heading for salaries, etc., for provisions requiring positions to be in office of a Senator and the pay for each disbursed by Secretary of Senate.

§ 61–1b. Availability of appropriations during first three months of any fiscal year for aggregate of payments of gross compensation made to employees from Senate appropriation account for "Salaries, Officers and Employees"

At no time during the first three months of any fiscal year (commencing with the fiscal year which begins October 1, 1984) shall the aggregate of payments of gross compensation made to employees out of any line item appropriation within the Senate appropriation account for ''Salaries, Officers and Employees'' (other than the line item appropriations, within such account for ''Administrative, clerical, and legislative assistance to Senators'' and for ''Agency contributions'') exceed twenty-five per centum of the total amount available for such line item appropriations for such fiscal year.

(Pub. L. 98–367, title I, § 4, July 17, 1984, 98 Stat. 475.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1985, which is title I of the Legislative Branch Appropriations Act, 1985.

§ 61–1c. Aggregate gross compensation of employee of Senator of State with population under 5,000,000

(a) Notwithstanding the provisions of section 61–1(d)(1) of this title, and except as otherwise provided in subparagraph (C) of such subsection (d)(1), the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each fiscal year $1,012,083 if the population of his State is less than 5,000,000.

(b) Subsection (a) of this section shall take effect October 1, 1991.

(Pub. L. 102–90, title I, § 5, Aug. 14, 1991, 105 Stat. 450.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1992, which is title I of the Legislative Branch Appropriations Act, 1992.

§ 61–2. Omitted

CODIFICATION

Section, Pub. L. 90–206, title II, § 214(g)–(i), Dec. 16, 1967, 81 Stat. 636, provided for an increase in annual rate of gross compensation for pay periods after Dec. 16, 1967, for certain employees whose compensation is disbursed by Secretary of Senate and Clerk of House of Representatives.

§ 61a. Compensation of Secretary of Senate

The Secretary of the Senate shall be paid at an annual rate of compensation of $40,000.

(Pub. L. 88–426, title II, § 203(g), Aug. 14, 1964, 78 Stat. 415; Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275.)

PRIOR PROVISIONS

A prior section 61a, act Aug. 5, 1955, ch. 568, § 1, 69 Stat. 499, prescribed gross annual compensation of Secretary of Senate.

AMENDMENTS

1975—Pub. L. 94–59 substituted ''an annual rate of compensation of $40,000'' for ''a rate of $38,760 per annum''.

1974—Pub. L. 93–371 increased the annual rate of compensation from $27,500 to $38,760.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 105 of Pub. L. 94–59 provided that the increase in the Secretary's rate of compensation to $40,000 is effective July 1, 1975.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 4 of Pub. L. 93–371 provided in part that: ''This paragraph [enacting sections 61h, 61h–1, 63a, and 64a–1 of this title, amending this section and sections 61a–3, 61b, 61e, 61g, 61j, and 273 of this title, and enacting provisions set out as notes under this section and sections 61–1 and 274 of this title] is effective July 1, 1974.''

EFFECTIVE DATE

Section effective first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Section 4 of Pub. L. 93–371, eff. July 1, 1974, provided in part that: ''This paragraph does not supersede (1) any provision of an order of the President pro tempore of the Senate authorizing a higher rate of compensation, and (2) any authority of the President pro tempore to adjust rates of compensation or limitations referred to in this paragraph under section 4 of the Federal Pay Comparability Act of 1970 [section 60a–1 of this title].''

INCREASES IN COMPENSATION

Increases in compensation of Secretary of Senate under authority of Federal Salary Act of 1967 (Pub. L. 90–206) and Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see section 60a–1 of this title, and Salary Directives of President pro tempore of the Senate, set out as notes under that section.

§§ 61a–1, 61a–2. Omitted

CODIFICATION

Section 61a–1, acts June 27, 1956, ch. 453, § 101, 70 Stat. 356; July 9, 1971, Pub. L. 92–51, § 101, 85 Stat. 125, provided for rate of compensation of Chief Clerk of Senate which office was superseded by Assistant Secretary of Senate.

Section 61a–2, Pub. L. 88–426, title II, § 202(i), Aug. 14, 1964, 78 Stat. 414; Pub. L. 95–94, title I, § 108(a), Aug. 5, 1977, 91 Stat. 661, provided for rate of compensation for Postmaster and Assistant Postmaster of Senate. See section 61f–7 of this title which abolished all statutory positions in Office of Sergeant at Arms and Doorkeeper of Senate, with specified exceptions, effective Oct. 1, 1981, and authorized Sergeant at Arms and Doorkeeper of Senate to appoint and fix compensation of such employees as appropriate.

§ 61a–3. Compensation of Assistant Secretary of Senate

The Assistant Secretary of the Senate may be paid at a maximum annual rate of compensation not to exceed $39,000.

(Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 340; Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275.)

AMENDMENTS

1975—Pub. L. 94–59 substituted ''$39,000'' for ''$37,620'', effective July 1, 1975.

1974—Pub. L. 93–371 substituted provision setting maximum annual rate of compensation of Assistant Secretary at not to exceed $37,620, for provisions authorizing Secretary of Senate to fix the compensation of Assistant Secretary at not to exceed $11,826 per annum, effective July 1, 1974.

CHANGE OF NAME

Assistant Secretary of the Senate deemed successor in references to Chief Clerk of Senate in all laws, rules, resolutions, and orders, effective July 1, 1971, under provisions of Pub. L. 92–51, July 9, 1971, 85 Stat. 125.

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Adjustment in compensation by Pub. L. 93–371 not to supersede order of President pro tempore of the Senate authorizing higher rate of compensation or any authority of the President pro tempore to adjust rates of compensation or limitations under section 4 of the Federal Pay Comparability Act of 1970, see section 4 of Pub. L. 93–371, set out in part as a note under section 61a of this title.

INCREASES IN COMPENSATION

Increases in compensation of Assistant Secretary of the Senate under authority of Federal Salary Act of 1967 (Pub. L. 90–206) and Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see section 60a–1 of this title, and Salary Directives of President pro tempore of the Senate, set out as notes under that section.

§ 61a–4. Repealed. Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 531

Section, Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 340; Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 807, provided for appointment and salary of a Comptroller of the Senate and a secretary to the Comptroller.

EFFECTIVE DATE OF REPEAL

Pub. L. 93–145 provided that the repeal is effective July 1, 1973.

§ 61a–4a. Omitted

CODIFICATION

Section, Pub. L. 92–342, § 101, July 10, 1972, 86 Stat. 433, authorized Comptroller of Senate to appoint and fix compensation of an auditor in lieu of a secretary. Section was omitted in view of repeal of section 61a–4 of this title which authorized appointment of a Comptroller of Senate by President pro tempore of the Senate and the appointment by Comptroller of Senate of a secretary, and repeal of section 61a–5 of this title which set out duties of Comptroller of Senate, one of which was to appoint a secretary.

§ 61a–5. Repealed. Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 531

Section, Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 807, set out the duties to be performed by the Comptroller of the Senate.

EFFECTIVE DATE OF REPEAL

Pub. L. 93–145 provided that the repeal is effective July 1, 1973.

§§ 61a–6 to 61a–8. Omitted

CODIFICATION

Sections were omitted for lack of general applicability. Sections were taken from the Legislative Branch Appropriation Act, 1971, the Legislative Branch Appropriation Act, 1972, and the Supplemental Appropriation Act, 1973, respectively, and provided for the appointment and compensation of specified employees of the Senate by the Secretary of the Senate.

Section 61a–6, Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 808, was effective Aug. 1, 1970.

Section 61a–7, Pub. L. 92–51, July 9, 1971, 85 Stat. 125, was effective July 1, 1971.

Section 61a–8, Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1504, was effective Nov. 1, 1972.

§ 61a–9. Advancement by Secretary of Senate of travel funds to employees under his jurisdiction for Federal Election Campaign Act travel expenses

The Secretary of the Senate is hereafter authorized to advance, in his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,500, to defray official travel expenses in assisting the Secretary in carrying out his duties under the Federal Election Campaign Act of 1971 [2 U.S.C. 431 et seq.]. Any such employee shall, as soon as practicable, furnish to the Secretary a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced.

(Pub. L. 92–607, ch. V, § 504, Oct. 31, 1972, 86 Stat. 1505.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, referred to in text, is Pub. L. 92–225, Feb. 7, 1972, 86 Stat. 3, as amended, which is classified principally to chapter 14 (§ 431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 431 of this title and Tables.

§ 61a–9a. Travel expenses of Secretary of Senate; advancement of travel funds to designated employees

For the purpose of carrying out his duties, the Secretary of the Senate is authorized to incur official travel expenses. The Secretary of the Senate is authorized to advance, in his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Secretary a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. Payments to carry out the provisions of this section shall be made from funds included in the appropriation ''Miscellaneous Items'' under the heading ''Contingent Expenses of the Senate'' upon vouchers approved by the Secretary of the Senate.

(Pub. L. 94–59, title I, § 101, July 25, 1975, 89 Stat. 273; Pub. L. 95–94, title I, § 106, Aug. 5, 1977, 91 Stat. 661; Pub. L. 95–355, title I, § 101, Sept. 8, 1978, 92 Stat. 533; Pub. L. 97–12, title I, § 102, June 5, 1981, 95 Stat. 61; Pub. L. 98–367, title I, § 1, July 17, 1984, 98 Stat. 474.)

AMENDMENTS

1984—Pub. L. 98–367 struck out provision that travel expenses could not exceed $10,000 during any fiscal year.

1981—Pub. L. 97–12 substituted ''$10,000'' for ''$7,500''.

1978—Pub. L. 95–355 substituted ''$7,500'' for ''$5,500''.

1977—Pub. L. 95–94 substituted ''$5,500'' for ''$5,000''.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 1 of Pub. L. 98–367 provided that the amendment made by that section is effective with respect to fiscal years beginning on or after Oct. 1, 1983.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 102 of Pub. L. 97–12 provided that the amendment made by that section is effective with respect to fiscal years beginning on or after Oct. 1, 1980.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 101 of Pub. L. 95–355 provided that the amendment made by that section is effective with the fiscal year ending Sept. 30, 1978.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 106 of Pub. L. 95–94 provided that the amendment made by that section is effective Oct. 1, 1977.

§ 61a–10. Omitted

CODIFICATION

Section, Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 528, which was from the Legislative Branch Appropriation Act, 1974, and provided for appointment and compensation of specified Senate employees by Secretary of Senate, effective July 1, 1973, was omitted for lack of general applicability.

§ 61a–11. Abolition of statutory positions in Office of Secretary of Senate; Secretary's authority to establish and fix compensation for positions

Effective October 1, 1981, all statutory positions in the Office of the Secretary (other than the positions of the Secretary of the Senate, Assistant Secretary of the Senate, Parliamentarian, Financial Clerk, and Director of the Office of Classified National Security Information) are abolished, and in lieu of the positions hereby abolished the Secretary of the Senate is authorized to establish such number of positions as he deems appropriate and appoint and fix the compensation of employees to fill the positions so established; except that the annual rate of compensation payable to any employee appointed to fill any position established by the Secretary of the Senate shall not, for any period of time, be in excess of $1,000 less than the annual rate of compensation of the Secretary of the Senate for that period of time; and except that nothing in this section shall be construed to affect any position authorized by statute, if the compensation for such position is to be paid from the contingent fund of the Senate.

(Pub. L. 97–51, § 114, Oct. 1, 1981, 95 Stat. 963.)

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61b. Compensation of Parliamentarian of Senate

The Parliamentarian of the Senate may be paid at a maximum annual rate of compensation not to exceed $39,000.

(Aug. 5, 1955, ch. 568, 69 Stat. 499; June 27, 1956, ch. 453, 70 Stat. 356; Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275.)

AMENDMENTS

1975—Pub. L. 94–59 substituted ''$39,000'' for ''$37,620'', effective July 1, 1975.

1974—Pub. L. 93–371 substituted provisions authorizing a maximum annual rate of compensation not to exceed $37,620 for Parliamentarian, for provisions authorizing a gross annual compensation of $15,500 for Parliamentarian and $7,620 for Assistant Parliamentarian, effective July 1, 1974.

1956—Act June 27, 1956, increased compensation of Parliamentarian of Senate from $8,820 basic annual compensation to $15,500 gross annual compensation, and basic annual compensation of Assistant Parliamentarian of Senate from $7,260 to $7,620, effective July 1, 1956.

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Adjustment in compensation by Pub. L. 93–371 not to supersede order of President pro tempore of the Senate authorizing higher rate of compensation or any authority of the President pro tempore to adjust rates of compensation or limitations under section 4 of the Federal Pay Comparability Act of 1970, see section 4 of Pub. L. 93–371, set out in part as a note under section 61a of this title.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206) and Federal Pay Comparability Act of 1970 (Pub. L. 91– 656), see section 60a–1 of this title, and Salary Directives of President pro tempore of the Senate set out as notes under that section.

SECRETARY OF SENATE TO FIX COMPENSATION OF ASSISTANT PARLIAMENTARIAN

Pub. L. 86–213, Sept. 1, 1959, 73 Stat. 443, authorized Secretary of Senate to fix compensation of Assistant Parliamentarian, on and after Sept. 1, 1959, at not to exceed $7,620 basic per annum. See section 61a–11 of this title.

§§ 61b–1 to 61b–2. Omitted

CODIFICATION

Sections were omitted in view of section 61a–11 of this title which abolished all statutory positions in Office of Secretary of Senate, with specified exceptions, effective Oct. 1, 1981, and authorized Secretary of Senate to appoint and fix the compensation of such employees as appropriate.

Section 61b–1, Pub. L. 87–730, Oct. 2, 1962, 76 Stat. 680, provided for the appointment and compensation of a second assistant parliamentarian.

Section 61b–1a, Pub. L. 92–342, July 10, 1972, 86 Stat. 433; Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 654, provided for the appointment and compensation of a third assistant parliamentarian.

Section 61b–2, Pub. L. 90–608, ch. VII, § 701, Oct. 21, 1968, 82 Stat. 1195, provided for the appointment and compensation of a Curator of Art and Antiquities.

§ 61b–3. Professional archivist; Secretary's authority to obtain services from General Services Administration

For each fiscal year (beginning with the fiscal year which ends September 30, 1982), the Secretary of the Senate is authorized to expend from the contingent fund of the Senate such amount as may be necessary to enable the Secretary to obtain from the General Services Administration the services of a professional archivist. Such services shall be obtained on a reimbursable basis and shall not be obtained except

with the consent of the General Services Administration and the Committee on Rules and Administration.

(Pub. L. 97–92, title I, § 125, Dec. 15, 1981, 95 Stat. 1198.)

REIMBURSEMENT OF ARCHIVIST OF THE UNITED STATES FOR EXPENDITURES FOR PROJECT TO PROVIDE FOR PRESERVATION OF RECORDS OF CONTINUING VALUE OF SENATE; PAYMENT, ETC., OF AMOUNTS

Pub. L. 97–257, title I, § 107, Sept. 10, 1982, 96 Stat. 850, provided that: "For the fiscal year ending September 30, 1982, and for each of the next three succeeding fiscal years, the Secretary of the Senate is authorized to pay to the General Services Administration such amounts as may be necessary to reimburse the Archivist of the United States for expenditures made to conduct a project to provide for the proper preservation of the Senate's records of continuing value, which expenditures cannot be defrayed from funds otherwise available for such purpose. The aggregate of the sums paid to the General Services Administration under this section shall not exceed $300,000. Amounts paid under this section shall be paid from the contingent fund of the Senate on vouchers approved by the Secretary of the Senate."

§ 61c. Omitted

CODIFICATION

Section, Pub. L. 94–59, title I, July 25, 1975, 89 Stat. 270, which set the compensation for certain positions in office of Secretary of Senate, was omitted for lack of general applicability.

PRIOR PROVISIONS

A prior section 61c, acts Aug. 5, 1955, ch. 568, § 1, 69 Stat. 499; June 27, 1956, ch. 453, 70 Stat. 356; Aug. 21, 1959, Pub. L. 86–176, 73 Stat. 398; Aug. 10, 1961, Pub. L. 87–130, 75 Stat. 320, set basic annual compensation of certain positions in office of Secretary of Senate.

§ 61c–1. Adjustment of rate of compensation by Secretary of Senate

Any specific rate of compensation established by law, as such rate has been increased or may hereafter be increased by or pursuant to law, for any position under the jurisdiction of the Secretary shall be considered as the maximum rate of compensation for that position, and the Secretary is authorized to adjust the rate of compensation of an individual occupying any such position to a rate not exceeding such maximum rate.

(Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 808.)

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see section 60a–1 of this title, and Salary Directives of President pro tempore of the Senate, set out as notes under that section.

§ 61c–2. Compensation of Assistants to Majority and Minority in Office of Secretary of Senate

The Assistant to the Majority of the Senate and the Assistant to the Minority of the Senate in the Office of the Secretary of the Senate may each be paid a maximum annual rate of compensation not to exceed $36,500.

(Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275.)

PRIOR PROVISIONS

Pub. L. 89–90, July 27, 1965, 79 Stat. 266, prescribed basic compensation of assistants to Majority and Minority at not more than $8,160 per annum each effective July 1, 1965.

Act May 19, 1956, ch. 313, Ch. XII, 70 Stat. 175, provided that basic compensation of assistant to majority and assistant to minority may be fixed by majority and minority leaders, respectively, at a rate not to exceed $8,820 per annum.

EFFECTIVE DATE

Section 105 of Pub. L. 94–59 provided that this section is effective July 1, 1975.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61d. Compensation of Chaplain of Senate

Effective with respect to pay periods beginning on or after December 22, 1987, the Chaplain of the Senate shall be compensated at a rate equal to the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5.

(Pub. L. 100–202, § 101(i) [title I, § 2(a)], Dec. 22, 1987, 101 Stat. 1329–290, 1329–294.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1988, which is title I of the Legislative Branch Appropriations Act, 1988.

PRIOR PROVISIONS

A prior section 61d, Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 528; Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80; Pub. L. 96–38, title I, § 103, July 25, 1979, 93 Stat. 112; Pub. L. 97–51, § 121, Oct. 1, 1981, 95 Stat. 965, provided that effective October 1, 1981, the compensation of Chaplain of Senate would be $52,750.

Another prior section 61d, acts Aug. 5, 1955, ch. 568, § 1, 69 Stat. 499; July 12, 1960, Pub. L. 86–628, 74 Stat. 446; Aug. 14, 1964, Pub. L. 88–426, title II, § 203(h), 78 Stat. 415; Dec. 12, 1969, Pub. L. 91–145, 83 Stat. 340; Aug. 18, 1970, Pub. L. 91–382, 84 Stat. 808, made provision for the appointment of a Secretary to Chaplain of Senate and prescribed compensation of Chaplain of Senate and Secretary to Chaplain.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61d–1. Compensation of employees of Chaplain of Senate

The Chaplain of the Senate may appoint and fix the compensation of such employees as he deems appropriate, except that the amount which may be paid for any fiscal year as gross compensation for personnel in such Office for any fiscal year shall not exceed $147,000.

(Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 340; Pub. L. 100–202, § 101(i) [title I, § 2(b)], Dec. 22, 1987, 101 Stat. 1329–290, 1329–294; Pub. L. 101–163, title I, § 10, Nov. 21, 1989, 103 Stat. 1046.)

PRIOR PROVISIONS

A prior section 61d–1, Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 424; Pub. L. 96–38, title I, § 103, July 25, 1979, 93 Stat. 112, authorized Chaplain of Senate to appoint and

fix compensation of a secretary at not to exceed $20,034 per annum.

AMENDMENTS

1989—Pub. L. 101–163 substituted ''such employees as he deems appropriate, except that the amount which may be paid for any fiscal year as gross compensation for personnel in such Office for any fiscal year shall not exceed $147,000'' for ''a secretary''.

1987—Pub. L. 100–202 amended section generally. Prior to amendment, section read as follows: ''The Chaplain may appoint and fix the compensation of a secretary at not to exceed $8,541 per annum.''

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–655), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§61d–2. Postage allowance for Chaplain of Senate

The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year (commencing with the fiscal year ending September 30, 1982) to the Chaplain of the Senate, upon the request of the Chaplain of the Senate, United States postage stamps in such amounts as may be necessary for the mailing of postal matters arising in connection with his official business.

(Pub. L. 97–51, §127(b)(1), Oct. 1, 1981, 95 Stat. 966.)

PRIOR PROVISIONS

A prior section 61d–2, Pub. L. 94–303, title I, §114, June 1, 1976, 90 Stat. 614, authorized a postage allowance for Chaplain of Senate, prior to repeal by section 127(b)(2) of Pub. L. 97–51.

§61d–3. Repealed. Pub. L. 108–199, div. H, §155(b)(1), Jan. 23, 2004, 118 Stat. 450

Section, acts Pub. L. 104–53, title I, §2, Nov. 19, 1995, 109 Stat. 517; Pub. L. 105–275, title I, §2(a), Oct. 21, 1998, 112 Stat. 2433, related to the Office of the Chaplain Expense Revolving Fund. See section 61d–4 of this title.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to fiscal year 2004 and each fiscal year thereafter, see section 61d–4(c) of this title.

§61d–4. Payment of expenses of the Chaplain of the Senate from the contingent fund of the Senate

(a) In general

For each fiscal year there is authorized to be expended from the contingent fund of the Senate an amount, not in excess of $50,000 for the Chaplain of the Senate. Payments under this section shall be made only for expenses actually incurred by the Chaplain of the Senate in carrying out his functions, and shall be made upon certification and documentation of the expenses involved, by the Chaplain claiming payment under this section and upon vouchers approved by the Chaplain and by the Committee on Rules and Administration. Funds authorized for expenditure under this section may be used to purchase food or food related items.

(b) Repeal of Revolving Fund

(1) Omitted

(2) Remaining funds

Any funds in the Chaplain Expense Revolving Fund on the date of the repeal under this section shall be remitted to the general fund of the United States Treasury.

(c) Effective date

This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

(Pub. L. 108–199, div. H, §155, Jan. 23, 2004, 118 Stat. 450.)

CODIFICATION

Section is comprised of section 155 of div. H of Pub. L. 108–199. Subsec. (b)(1) of section 155 of Pub. L. 108–199 repealed section 61d–3 of this title.

Section is from the Miscellaneous Appropriations and Offsets Act, 2004, which is division H of the Consolidated Appropriations Act, 2004.

§61e. Compensation of Sergeant at Arms and Doorkeeper of Senate

The Sergeant at Arms and Doorkeeper of the Senate shall be paid at an annual rate of compensation of $40,000.

(Pub. L. 88–426, title II, §203(g), Aug. 14, 1964, 78 Stat. 415; Pub. L. 93–371, §4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, §105, July 25, 1975, 89 Stat. 275.)

PRIOR PROVISIONS

A prior section 61e, act Aug. 5, 1955, ch. 568, §1, 69 Stat. 501, prescribed gross annual compensation of Sergeant at Arms of Senate.

AMENDMENTS

1975—Pub. L. 94–59 substituted ''an annual rate of compensation of $40,000'' for ''a rate of $38,760 per annum'', effective July 1, 1975.

1974—Pub. L. 93–371 substituted provisions authorizing Sergeant at Arms and Doorkeeper to be paid at an annual rate of compensation of $38,760, for provisions setting forth compensation of Sergeant at Arms at rate of $27,500 per annum, effective July 1, 1974.

EFFECTIVE DATE

Section effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Adjustment in compensation by Pub. L. 93–371 not to supersede order of President pro tempore of the Senate authorizing higher rate of compensation or any authority of President pro tempore to adjust rates of compensation or limitations under section 4 of the Federal Pay Comparability Act of 1970, see section 4 of Pub. L. 93–371, set out in part as a note under section 61a of this title.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206) and Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see section 60a–1 of this title, and Salary Directives of President pro tempore of the Senate, set out as notes under that section.

§ 61e–1. Compensation of Deputy Sergeant at Arms and Doorkeeper of Senate

Effective August 1, 1979, the Sergeant at Arms and Doorkeeper may fix the compensation of the Deputy Sergeant at Arms and Doorkeeper at an annual rate not to exceed the maximum annual rate of compensation of the Assistant Secretary of the Senate.

(Pub. L. 94–226, § 1(a), Mar. 9, 1976, 90 Stat. 203; Pub. L. 96–38, title I, § 106(1), July 25, 1979, 93 Stat. 112.)

AMENDMENTS

1979—Pub. L. 96–38 raised the maximum annual rate of compensation of Deputy Sergeant at Arms and Doorkeeper of Senate to a rate the same as the maximum annual rate of compensation of Assistant Secretary of Senate.

EFFECTIVE DATE

Section 1(b) of Pub. L. 94–226 provided that: ''Subsection (a) [enacting this section] shall take effect on January 1, 1976, and, notwithstanding any other provision of law, any increase in compensation made under authority of such subsection may take effect on that date or any date thereafter as prescribed by the Sergeant at Arms and Doorkeeper at the time of making such increase.''

CHANGE OF NAME

Section 1(c) of Pub. L. 94–226 provided that: ''Effective on the date of enactment of this resolution [Mar. 9, 1976] the title of the Procurement Officer, Auditor, and Deputy Sergeant at Arms is changed to Deputy Sergeant at Arms and Doorkeeper.''

AUTHORITY OF PRESIDENT PRO TEMPORE OF THE SENATE TO RAISE OR ADJUST RATE OF COMPENSATION

Section 1(a) of Pub. L. 94–226 provided in part that: ''This subsection [this section] does not supersede (1) any provision of an order of the President pro tempore of the Senate authorizing a higher rate of compensation, and (2) any authority of the President pro tempore to adjust the rate of compensation referred to in this subsection [this section] under section 4 of the Federal Pay Comparability Act of 1970 [section 60a–1 of this title].''

§ 61e–2. Compensation of Administrative Assistant to Sergeant at Arms and Doorkeeper of Senate

Effective August 1, 1979—

(1) the maximum annual rate of compensation of the Administrative Assistant to the Sergeant at Arms and Doorkeeper of the Senate shall be the same as the highest maximum annual rate of compensation that may be paid to an employee in the office of a Senator; and

(2) Omitted

(Pub. L. 96–38, title I, § 106(2), (3), July 25, 1979, 93 Stat. 112.)

CODIFICATION

Section consists of pars. (2) and (3) of section 106 of Pub. L. 96–38, Supplemental Appropriations Act, 1979. The paragraph numbers (2) and (3) in the original have been changed to (1) and (2) for purposes of codification.

Par. (2), relating to maximum annual rate of compensation of Executive Assistant to Sergeant at Arms and Doorkeeper of Senate, was omitted from the Code in view of section 61f–7 of this title which abolished all statutory positions in the Office of Sergeant at Arms and Doorkeeper of Senate, with specified exceptions, effective Oct. 1, 1981, and authorized Sergeant at Arms and Doorkeeper of Senate to appoint and fix compensation of such employees as appropriate.

§ 61e–3. Deputy Sergeant at Arms and Doorkeeper to act on death, resignation, disability, or absence of Sergeant at Arms and Doorkeeper of Senate

In the event of the death, resignation, or disability of the Sergeant at Arms and Doorkeeper of the Senate, the Deputy Sergeant at Arms and Doorkeeper shall act as Sergeant at Arms and Doorkeeper of the Senate in carrying out the duties and responsibilities of that office in all matters until such time as a new Sergeant at Arms and Doorkeeper of the Senate shall have been elected and qualified or such disability shall have been ended. For purposes of this section, the Sergeant at Arms and Doorkeeper of the Senate shall be considered as disabled only during such period of time as the Majority and Minority Leaders and the President Pro Tempore of the Senate certify jointly to the Senate that the Sergeant at Arms and Doorkeeper of the Senate is unable to perform his duties. In the event that the Sergeant at Arms and Doorkeeper of the Senate is absent, the Deputy Sergeant at Arms and Doorkeeper shall act during such absence as the Sergeant at Arms and Doorkeeper of the Senate in carrying out the duties and responsibilities of the office in all matters.

(Pub. L. 97–51, § 128, Oct. 1, 1981, 95 Stat. 966.)

§ 61e–4. Designation by Sergeant at Arms and Doorkeeper of Senate of persons to approve vouchers for payment of moneys

The Sergeant at Arms and Doorkeeper of the Senate (hereinafter in this section referred to as the ''Sergeant at Arms'') may designate one or more employees in the Office of the Sergeant at Arms and Doorkeeper of the Senate to approve, on his behalf, all vouchers, for payment of moneys, which the Sergeant at Arms is authorized to approve. Whenever the Sergeant at Arms makes a designation under the authority of the preceding sentence, he shall immediately notify the Committee on Rules and Administration in writing of the designation, and thereafter any approval of any voucher, for payment of moneys, by an employee so designated shall (until such designation is revoked and the Sergeant at Arms notifies the Committee on Rules and Administration in writing of the revocation) be deemed and held to be approved by the Sergeant at Arms for all intents and purposes.

(Pub. L. 98–181, title I, § 1201, Nov. 30, 1983, 97 Stat. 1289.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1984.

§§ 61f, 61f–1. Omitted

Section 61f, acts Aug. 5, 1955, ch. 568, 69 Stat. 501; June 27, 1956, ch. 453, 70 Stat. 357; July 1, 1957, Pub. L. 85–75, 71 Stat. 245; July 31, 1958, Pub. L. 85–570, 72 Stat. 440; Aug. 21, 1959, Pub. L. 86–176, 73 Stat. 399; July 12, 1960, Pub. L. 86–628, 74 Stat. 447; Aug. 10, 1961, Pub. L. 87–130, 75 Stat. 321; Oct. 2, 1962, Pub. L. 87–730, 76 Stat. 681; Dec. 30, 1963, Pub. L. 88–248, 77 Stat. 804, prescribed

the basic annual compensation of certain clerical, skilled, and unskilled employees in the office of Sergeant at Arms and Doorkeeper of Senate, and was omitted for lack of general applicability.

Section 61f–1, Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 808, authorized Sergeant at Arms to employ certain additional personnel and prescribed their compensation, and was omitted for lack of general applicability.

§ 61f–1a. Travel expenses of Sergeant at Arms and Doorkeeper of Senate

For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses during each fiscal year not to exceed the sums made available for such purpose under appropriations Acts. With the approval of the Sergeant at Arms and Doorkeeper of the Senate and in accordance with such regulations as may be promulgated by the Senate Committee on Rules and Administration, the Secretary of the Senate is authorized to advance to the Sergeant at Arms or to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper, such sums as may be necessary to defray official travel expenses incurred in carrying out the duties of the Sergeant at Arms and Doorkeeper. The receipt of any such sum so advanced to the Sergeant at Arms and Doorkeeper or to any designated employee shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of the traveler, as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel with respect to which the sum was so advanced, and make settlement with respect to such sum. Payments under this section shall be made from funds included in the appropriations account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers approved by the Sergeant at Arms and Doorkeeper.

(Pub. L. 94–303, title I, § 117, June 1, 1976, 90 Stat. 615; Pub. L. 95–391, title I, § 106, Sept. 30, 1978, 92 Stat. 772; Pub. L. 96–86, § 111(c), Oct. 12, 1979, 93 Stat. 661; Pub. L. 97–12, title I, § 108, June 5, 1981, 95 Stat. 62; Pub. L. 100–458, title I, § 6, Oct. 1, 1988, 102 Stat. 2161; Pub. L. 101–520, title I, § 6, Nov. 5, 1990, 104 Stat. 2258.)

AMENDMENTS

1990—Pub. L. 101–520 amended section generally. Prior to amendment, section read as follows: ''For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses not to exceed $250,000 during any fiscal year. With the approval of the Sergeant at Arms and Doorkeeper, the Secretary of the Senate is authorized to advance to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Sergeant at Arms and Doorkeeper in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Sergeant at Arms and Doorkeeper a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. For purposes of this section, official travel expenses includes travel expenses incurred in connection with training of employees only if the training has been approved by the Committee on Rules and Administration of the Senate. Payments under this section shall be made from funds included in the appropriation 'Miscellaneous Items' under the heading 'Contingent Expenses of the Senate' upon vouchers approved by the Sergeant at Arms and Doorkeeper.''

1988—Pub. L. 100–458, which directed the substitution of ''not to exceed $250,000 during any fiscal year'' for ''not to exceed $167,000 during any fiscal year'' was executed by making the substitution for ''not exceeding $167,000 during any fiscal year'' as the probable intent of Congress because of absence of ''not to exceed'' in text.

1981—Pub. L. 97–12 substituted ''$167,000'' for ''$92,000''.

1979—Pub. L. 96–86 substituted ''$92,000'' for ''$25,000''.

1978—Pub. L. 95–391 substituted ''$25,000'' for ''$10,000''.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 6 of Pub. L. 101–520 provided that the amendment made by that section is effective in the case of fiscal years which begin after Sept. 30, 1990.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 6 of Pub. L. 100–458 provided that the amendment made by that section is effective with fiscal year ending Sept. 30, 1988.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 108 of Pub. L. 97–12 provided that the amendment made by that section is effective with the fiscal year ending Sept. 30, 1981.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 111(c) of Pub. L. 96–86 provided that the amendment made by that section is effective with the fiscal year ending Sept. 30, 1980.

§§ 61f–2 to 61f–6. Omitted

Sections were omitted for lack of general applicability. Sections were from the Legislative Branch Appropriation Act, 1972, the Supplemental Appropriation Act, 1972, the Supplemental Appropriation Act, 1973, the Legislative Branch Appropriation Act, 1974, and the Supplemental Appropriation Act, 1974, respectively, and provided for the appointment and compensation of specified Senate employees by the Sergeant at Arms.

Section 61f–2, Pub. L. 92–51, July 9, 1971, 85 Stat. 127, was effective July 1, 1971.

Section 61f–3, Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 634, was effective Jan. 1, 1972.

Section 61f–4, Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1504, was effective Nov. 1, 1972.

Section 61f–5, Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 529, was effective July 1, 1973.

Section 61f–6, Pub. L. 93–245, ch. VI, Jan. 3, 1974, 87 Stat. 1078, was effective Dec. 1, 1973.

§ 61f–7. Abolition of statutory positions in Office of Sergeant at Arms and Doorkeeper of Senate; authority to establish and fix compensation for positions

Effective October 1, 1981, all statutory positions in the Office of the Sergeant at Arms and Doorkeeper of the Senate (other than the positions of the Sergeant at Arms and Doorkeeper of the Senate, Deputy Sergeant at Arms and Doorkeeper, and Administrative Assistant) are abolished, and in lieu of the positions hereby abolished the Sergeant at Arms and Doorkeeper of the Senate is authorized to establish such number of positions as he deems appropriate and appoint and fix the compensation of employees to fill the positions so established; except that the annual rate of compensation payable to any employee appointed to fill any position established

by the Sergeant at Arms and Doorkeeper of the Senate shall not, for any period of time, be in excess of $1,000 less than the annual rate of compensation of the Sergeant at Arms and Doorkeeper of the Senate for that period of time; and except that nothing in this section shall be construed to affect any position authorized by statute, if the compensation for such position is to be paid from the contingent fund of the Senate.

(Pub. L. 97–51, § 116, Oct. 1, 1981, 95 Stat. 963.)

TRANSFER OF JURISDICTION OF SENATE CHAMBER PUBLIC ADDRESS SYSTEM FROM ARCHITECT OF CAPITOL TO SERGEANT AT ARMS AND DOORKEEPER OF SENATE

Pub. L. 102–90, title I, § 8, Aug. 14, 1991, 105 Stat. 451, provided that:

''(a) Effective October 1, 1991, the jurisdiction and control of the Senate chamber public address system is transferred from the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate. In the case of any employee of the Architect of the Capitol transferred during fiscal year 1992 to the Sergeant at Arms and Doorkeeper of the Senate as an audio operator—

''(1) in the case of days of annual leave to the credit of any such employee as of the date such employee is transferred, the Architect of the Capitol is authorized to make payment to each such employee for that annual leave, and no such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation; and

''(2) for purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e), (n), and (q) of such section.

''(b) The Architect of the Capitol shall provide the maintenance of the Senate chamber public address system until such system is replaced by a combined public address and audio broadcast system.''

TRANSFER OF JURISDICTION OF ELEVATORS IN CAPITOL BUILDING UNDER CONTROL OF SENATE FROM ARCHITECT OF CAPITOL TO SERGEANT AT ARMS AND DOORKEEPER OF SENATE

Pub. L. 102–90, title I, § 9, Aug. 14, 1991, 105 Stat. 452, provided that:

''(a) Subject to subsection (b), those employees of the Architect of the Capitol engaged in operating elevators in that part of the United States Capitol Building under the control and jurisdiction of the United States Senate, together with the elevator operating functions performed by such employees, effective October 1, 1991, shall be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate.

''(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized to enter into an agreement or other arrangement with the Architect of the Capitol regarding the supervision of such employees.''

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61f–8. Use by Sergeant at Arms and Doorkeeper of Senate of individual consultants or organizations, and department and agency personnel

For each fiscal year (beginning with the fiscal year which ends September 30, 1982), the Sergeant at Arms and Doorkeeper of the Senate is hereby authorized to expend from the account for the Sergeant at Arms and Doorkeeper of the Senate, within the contingent fund of the Senate, an amount not to exceed $300,000:

(1) the procurement of the services, on a temporary basis, of individual consultants, or organizations thereof, with the prior consent of the Committee on Rules and Administration; such services may be procured by contract with the providers acting as independent contractors, or in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate; and any such contract shall not be subject to the provisions of section 5 of title 41 or any other provision of law requiring advertising; and

(2) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable basis (with reimbursement payable at the end of each calendar quarter for services rendered during such quarter) of the services of personnel of any such department or agency.

Payments made under this section shall be made upon vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

(Pub. L. 97–51, § 117, Oct. 1, 1981, 95 Stat. 964; Pub. L. 97–257, title I, § 103, Sept. 10, 1982, 96 Stat. 849; Pub. L. 98–367, title I, § 7, July 17, 1984, 98 Stat. 475; Pub. L. 100–458, title I, § 7, Oct. 1, 1988, 102 Stat. 2162.)

AMENDMENTS

1988—Pub. L. 100–458 substituted ''from the account for the Sergeant at Arms and Doorkeeper of the Senate, within the contingent fund of the Senate, an amount not to exceed $300,000:'' for ''from the contingent fund of the Senate an amount not to exceed $210,000 for:''.

1984—Pub. L. 98–367 substituted ''$210,000'' for ''$60,000''.

1982—Par. (1). Pub. L. 97–257 substituted ''the procurement of the services, on a temporary basis, of individual consultants, or organizations thereof, with the prior consent of the Committee on Rules and Administration; such services may be procured by contract with the providers acting as independent contractors, or in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate; and any such contract shall not be subject to the provisions of section 5 of title 41 or any other provision of law requiring advertising; and'' for ''the procurement of individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate with the prior consent of the Committee on Rules and Administration; and''.

§ 61f–9. Employment of personnel by Sergeant at Arms and Doorkeeper of Senate at daily rates of compensation; authorization; limitation on amount of compensation

The Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties of his office,

is authorized to employ personnel at daily rates of compensation; no individual so employed shall be paid at a daily rate of compensation which is in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate; and payments under authority of this section shall be made from the account, within the contingent fund of the Senate, for the ''Sergeant at Arms and Doorkeeper of the Senate'', upon vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

(Pub. L. 98–367, title I, § 6, July 17, 1984, 98 Stat. 475.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1985, which is title I of the Legislative Branch Appropriations Act, 1985.

§ 61f–10. Procurement of temporary help

(a) In general

(1) Subject to regulations that the Committee on Rules and Administration of the Senate may prescribe, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate may procure temporary help services from a private sector source that offers such services. Each procurement of services under this subsection shall be for no longer than 30 days.

(2) A person performing services procured under paragraph (1) shall not, during the period of the performance of the services, be an employee of the United States or be considered to be an employee of the United States for any purpose.

(b) Effective date

This section shall take effect on October 1, 2001, and shall apply in fiscal year 2002 and successive fiscal years.

(Pub. L. 107–68, title I, § 109, Nov. 12, 2001, 115 Stat. 569.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002.

§ 61f–11. Provision of services and equipment on a reimbursable basis

(a) In general

Subject to the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate may provide services and equipment funded by appropriations available to the Senate to persons and entities not funded by such appropriations.

(b) Reimbursement required

The provision of services and equipment under subsection (a) of this section shall be on a reimbursable basis.

(c) Crediting of reimbursed amounts

In the case of services or equipment provided under subsection (a) of this section that were procured using amounts available to the Sergeant at Arms and Doorkeeper of the Senate in the account for Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate, amounts received under subsection (b) of this section as reimbursement for the provision of such services or equipment shall be credited to that account or, if applicable, to any subaccount of that account. Amounts credited to any such account or subaccount shall be merged with amounts in that account or subaccount and shall be available to the same extent, and subject to the same terms and conditions, as amounts in that account or subaccount.

(d) Effective date

This section shall apply to fiscal year 2004 and each succeeding fiscal year.

(Pub. L. 108–83, title I, § 9, Sept. 30, 2003, 117 Stat. 1013.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2004.

§ 61g. Compensation of Secretaries for Senate Majority and Minority

The Secretary for the Majority of the Senate (other than the incumbent holding office on April 1, 1977) and the Secretary for the Minority of the Senate shall each be paid at an annual rate of compensation of $39,500.

(Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275; Pub. L. 95–26, title I, § 102(a), May 4, 1977, 91 Stat. 82.)

PRIOR PROVISIONS

A prior section 61g, acts Aug. 5, 1955, ch. 568, 69 Stat. 502; June 27, 1956, ch. 453, § 101, 70 Stat. 357, prescribed the gross annual compensation of Secretaries of Senate Majority and Minority.

AMENDMENTS

1977—Pub. L. 95–26 substituted ''April 1, 1977'' for ''July 1, 1975''. Provisions covering the compensation of the incumbent holding the office of Secretary for the Majority of the Senate on July 1, 1975, were dropped as executed. See successor provisions set out as a note below.

1975—Pub. L. 94–59 increased annual rate of compensation of both Secretary for Majority of Senate and Secretary for Minority of Senate from $38,190 to $39,500 and substituted provisions excepting incumbent Secretary for Majority holding office on July 1, 1975, from mandatory payment of $39,500 rate but authorizing payment to him as long as he occupies that position at a maximum annual rate of compensation not to exceed $39,500 for provisions excepting Secretary for Majority holding office on June 15, 1974, from mandatory payment of the $38,190 rate but authorizing payment to him as long as he occupied that position at a maximum annual rate of compensation not to exceed $38,190.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 105 of Pub. L. 94–59 provided that the increase in the rate of compensation to $39,500 is effective July 1, 1975.

EFFECTIVE DATE

Section effective July 1, 1974, see section 4 of Pub. L. 93–371, set out in part as an Effective Date of 1974 Amendment note under section 61a of this title.

COMPENSATION OF INCUMBENT HOLDING POSITION OF SECRETARY FOR THE MAJORITY ON APRIL 1, 1977

Section 102(b) of Pub. L. 95–26 provided that: ''The Majority Leader of the Senate is authorized to fix the

compensation of the Secretary for the Majority so long as the position is held by the incumbent holding such position on April 1, 1977.''

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Adjustment in compensation by Pub. L. 93–371 not to supersede order of President pro tempore of the Senate authorizing higher rate of compensation or any authority of President pro tempore to adjust rates of compensation or limitations under section 4 of the Federal Pay Comparability Act of 1970, see section 4 of Pub. L. 93–371, set out in part as a note under section 61a of this title.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

1964 INCREASE IN GROSS ANNUAL COMPENSATION

Rates of gross compensation of Secretaries for Senate Majority and Minority, see section 202(f), (g) of Pub. L. 88–426, title II, Aug. 14, 1964, 78 Stat. 414, set out as a note under section 60a–1 of this title.

§§ 61g–1 to 61g–3. Omitted

CODIFICATION

Section 61g–1, Pub. L. 89–691, title IV, § 404, Oct. 15, 1966, 80 Stat. 1024, authorized, effective Oct. 1, 1966, Senate Majority Leader to fix the gross compensation of Secretary for Majority at not to exceed $25,611.05 per annum so long as position is held by present incumbent. See section 61g of this title.

Sections 61g–2 and 61g–3, Pub. L. 94–59, title I, July 25, 1975, 89 Stat. 272, originally classified to section 61g–3 and later reclassified to section 61g–2, authorized, effective July 1, 1975, and each fiscal year thereafter, Secretaries for Senate Majority and Minority to each appoint and fix compensation of an assistant during emergencies at specified rates of compensation for not more than six months in each fiscal year. Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 658, abolished such positions, effective Oct. 1, 1977, and authorized Secretaries concerned to appoint such employees as they deem appropriate. See section 61g–5 of this title.

§ 61g–4. Appointment and compensation of employees by Secretary of Conference of Majority of Senate and Secretary of Conference of Minority of Senate

Effective October 1, 1979, the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $70,000 each fiscal year for each Secretary.

(Pub. L. 96–38, title I, § 102, July 25, 1979, 93 Stat. 111.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1979.

PRIOR PROVISIONS

A prior section 61g–4, Pub. L. 95–26, title I, § 100, May 4, 1977, 91 Stat. 80, authorized Secretary of Conference of Majority and Secretary of Conference of Minority each to appoint and fix compensation of an Executive Assistant and a Secretary. These positions were abolished by section 102 of Pub. L. 96–38, effective Oct. 1, 1979.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61g–5. Appointment and compensation of employees by Secretaries for Senate Majority and Minority; gross compensation

Effective October 1, 1977, the Secretary for the Majority and the Secretary for the Minority are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $143,200 each fiscal year for each Secretary.

(Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 658, 659.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1978, which is title I of the Legislative Branch Appropriation Act, 1978.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61g–6. Payment of expenses of Conference of Majority and Conference of Minority from Senate contingent fund

For each fiscal year (beginning with the fiscal year which ends September 30, 1982) there is authorized to be expended from the contingent fund of the Senate such amount as necessary for the Conference of the Majority and an equal amount for the Conference of the Minority. Payments under this section shall be made only for expenses actually incurred by such a Conference in carrying out its functions, and shall be made upon certification and documentation of the expenses involved, by the Chairman of the Conference claiming payment hereunder and upon vouchers approved by such Chairman and by the Committee on Rules and Administration, except that vouchers shall not be required for payment of long-distance telephone calls.

(Pub. L. 97–51, § 120, Oct. 1, 1981, 95 Stat. 965; Pub. L. 97–276, Oct. 2, 1982, § 101(e), 96 Stat. 1189; Pub. L. 99–151, title I, § 1, Nov. 13, 1985, 99 Stat. 794; Pub. L. 101–163, title I, Nov. 21, 1989, 103 Stat. 1043; Pub. L. 101–520, title I, Nov. 5, 1990, 104 Stat. 2256; Pub. L. 107–68, title I, § 105(a), Nov. 12, 2001, 115 Stat. 568; Pub. L. 108–83, title I, § 2(a), Sept. 30, 2003, 117 Stat. 1010.)

CODIFICATION

The 1982 amendment by Pub. L. 97–276 is based on section 105 of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97–276, to be effective as if enacted into law.

AMENDMENTS

2003—Pub. L. 108–83 substituted ''such amount as necessary'' for ''an amount, not in excess of $100,000,'' in first sentence.

2001—Pub. L. 107–68 substituted ''$100,000'' for ''$75,000''.

1990—Pub. L. 101–520 substituted ''$75,000'' for ''$50,000''.

1989—Pub. L. 101–163 substituted ''$50,000'' for ''$40,000''.

1985—Pub. L. 99–151 inserted '', except that vouchers shall not be required for payment of long-distance telephone calls''.

1982—Pub. L. 97–276 substituted ''$40,000'' for ''$30,000''. See Codification note above.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–83, title I, §2(b), Sept. 30, 2003, 117 Stat. 1010, provided that: ''This section [amending this section] shall apply with respect to fiscal year 2004, and each fiscal year thereafter.''

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, §105(b), Nov. 12, 2001, 115 Stat. 568, provided that: ''This section [amending this section] shall apply with respect to fiscal year 2002 and each fiscal year thereafter.''

EFFECTIVE DATE OF 1990 AMENDMENT

Title I of Pub. L. 101–520 provided that the amendment made by Pub. L. 101–520 is effective in the case of fiscal years beginning after Sept. 30, 1990.

EFFECTIVE DATE OF 1989 AMENDMENT

Title I of Pub. L. 101–163 provided that the amendment made by Pub. L. 101–163 is effective in the case of fiscal years beginning after Sept. 30, 1989.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 105 of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97–276, to be effective as if enacted into law, provided that the amendment made by that section is effective for fiscal years beginning after Sept. 30, 1981.

§ 61g–6a. Salaries and expenses for Senate Majority and Minority Policy Committees and Senate Majority and Minority Conference Committees

(a) Transfer of funds for Policy Committees

(1) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Policy Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

(2) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Policy Committees of the Senate, to the account from which salaries are payable for such committees.

(b) Transfer of funds for Conference Committees

(1) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Conference Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

(2) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Conference Committees of the Senate, to the account from which salaries are payable for such committees.

(c) Availability of transferred funds

Any funds transferred under this section shall be—

(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

(d) Notification to Committee on Appropriations

The Chairman of a committee transferring funds under this section shall notify the Committee on Appropriations of the Senate of the transfer.

(Pub. L. 101–520, title I, §1, Nov. 5, 1990, 104 Stat. 2257; Pub. L. 102–90, title I, §1(a), Aug. 14, 1991, 105 Stat. 450; Pub. L. 104–53, title I, §7[(a)], Nov. 19, 1995, 109 Stat. 518.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1991, which is title I of the Legislative Branch Appropriations Act, 1991.

AMENDMENTS

1995—Pub. L. 104–53 amended section generally. Prior to amendment, section read as follows: ''The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year (commencing with the fiscal year ending September 30, 1991), at his election transfer not more than $275,000 from the appropriation account for salaries for the Conference of the Majority and the Conference of the Minority of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable under section 61g–6 of this title. Any transfer of funds under authority of the preceding sentence shall be made at such time or times as such chairman shall specify in writing to the Senate Disbursing Office. Any funds so transferred by the Chairman of the Majority or Minority Conference Committee shall be available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account, within the contingent fund of the Senate, from which expenses are payable under section 61g–6 of this title.''

1991—Pub. L. 102–90 substituted ''$275,000'' for ''$75,000''.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 7(b) of Pub. L. 104–53 provided that: ''The amendment made by this section [amending this section] shall take effect on October 1, 1995, and shall be effective with respect to fiscal years beginning on or after that date.''

EFFECTIVE DATE OF 1991 AMENDMENT

Section 1(b) of Pub. L. 102–90 provided that: ''Subsection (a) [amending this section] shall take effect on October 1, 1991.''

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 101–163, title I, § 1, Nov. 21, 1989, 103 Stat. 1044.
Pub. L. 100–458, title I, § 1, Oct. 1, 1988, 102 Stat. 2161.
Pub. L. 100–202, § 101(i) [title I, § 7], Dec. 22, 1987, 101 Stat. 1329–290, 1329–294.

§ 61g–7. Services of consultants to Majority and Minority Conference Committee of Senate

(a) Authorization of expenditure with approval of Committee on Rules and Administration

Funds authorized to be expended under section 61g–6 of this title may be used by the Majority or Minority Conference Committee of the Senate, with the approval of the Committee on Rules and Administration, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction or with respect to the administration of the affairs of the committee.

(b) Procurement by contract or employment

Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of such committee. Such contracts shall not be subject to the provisions of section 5 of title 41 or any other provision of law requiring advertising.

(c) Selection of consultant or organization by Conference Committee chairman

Any such consultant or organization shall be selected for the Majority or Minority Conference Committee of the Senate by the chairman thereof.

(Pub. L. 99–88, title I, § 195, Aug. 15, 1985, 99 Stat. 349; Pub. L. 104–197, title I, § 1, Sept. 16, 1996, 110 Stat. 2396.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1985.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–197 inserted ''or with respect to the administration of the affairs of the committee'' before period at end.

§ 61g–8. Utilization of funds for specialized training of professional staff for Majority and Minority Conference Committee of Senate

Funds appropriated to the Conference of the Majority and funds appropriated to the Conference of the Minority for any fiscal year (commencing with the fiscal year ending September 30, 1991), may be utilized in such amounts as the Chairman of each Conference deems appropriate for the specialized training of professional staff, subject to such limitations, insofar as they are applicable, as are imposed by the Committee on Rules and Administration with respect to such training when provided to professional staff of standing committees of the Senate.

(Pub. L. 101–520, title I, § 2, Nov. 5, 1990, 104 Stat. 2257.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1991, which is title I of the Legislative Branch Appropriations Act, 1991.

PRIOR PROVISIONS

Provisions relating to utilization of funds for specific fiscal year for specialized training of professional staff for Majority and Minority Conference Committee of Senate were contained in the following prior appropriation acts:

Pub. L. 101–163, title I, § 2, Nov. 21, 1989, 103 Stat. 1044.
Pub. L. 100–458, title I, § 2, Oct. 1, 1988, 102 Stat. 2161.
Pub. L. 100–202, § 101(i) [title I], Dec. 22, 1987, 101 Stat. 1329–290, 1329–292.

§§ 61h, 61h–1. Omitted

CODIFICATION

Section 61h, Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275, set forth maximum annual rate of compensation for Assistant Secretaries for Senate Majority and Minority. Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 658, abolished such positions, effective Oct. 1, 1977, and authorized Secretaries concerned to appoint and fix compensation of such employees as they deem appropriate. See section 61g–5 of this title.

A prior section 61h, acts Aug. 5, 1955, ch. 568, 69 Stat. 502; June 27, 1956, ch. 453, 70 Stat. 357; Aug. 21, 1959, Pub. L. 86–176, 73 Stat. 399; Aug. 10, 1961, Pub. L. 87–130, 75 Stat. 321; July 27, 1965, Pub. L. 89–90, 79 Stat. 266, authorized basic per annum compensation of Assistant Secretaries for Senate Majority and Minority to be fixed by the respective Secretaries.

Section 61h–1, Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275, set a maximum annual rate of compensation of $38,000 for administrative assistants in Offices of Senate Majority and Minority Leaders. Positions established by Legislative Branch Appropriation Act, 1970, for Offices of Senate Majority and Minority Leaders, which Act, Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 339, formerly classified to this section, authorized respective leaders to appoint an administrative assistant, were abolished, see title I of Pub. L. 95–26, 91 Stat. 80, set out below. See, also, section 61h–4 of this title.

A prior section 61h–1, Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 339, authorized Senate Majority and Minority Leaders to each appoint and fix compensation of an administrative assistant, a legislative assistant, an executive secretary, and a clerical assistant in lieu of positions heretofore authorized by Senate Resolution 158, agreed to December 9, 1941, Pub. L. 86–30, approved May 20, 1959, and Senate Resolution 240, agreed to January 24, 1952.

ABOLITION OF POSITIONS IN OFFICES OF SENATE MAJORITY AND MINORITY LEADERS

Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80, provided in part: ''That the positions established by the Legislative Branch Appropriation Act, 1970 [Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 338], for the Offices of the Majority and Minority Leaders [of the Senate] are abolished effective April 1, 1977.'' The positions referred to were enumerated in Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 339, classified to former section 61h–1 of this title, which authorized the respective leaders to appoint an administrative assistant, a legislative assistant, an executive secretary, and a clerical assistant in lieu of the positions authorized prior thereto by Senate Resolution 158, agreed to Dec. 9, 1941, Pub. L. 86–30, approved May 20, 1959, and Senate Resolution 240, agreed to Jan. 24, 1952. See section 61h–4 of this title.

§§ 61h–2, 61h–3. Omitted

CODIFICATION

Section 61h–2, Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275, set a maximum annual rate of compensation of $36,500 for legislative assistants in Offices of Senate Majority and Minority Leaders. Positions established by Legislative Branch Appropriation Act, 1970, for Offices of Senate Majority and Minority Leaders,

which Act, Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 339, classified to former section 61h–1 of this title, authorized the respective leaders to appoint a legislative assistant, were abolished, see Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80, set out as a note under section 61h–1 of this title. See, also, section 61h–4 of this title.

Section 61h–3, Pub. L. 94–59, title I, July 25, 1975, 89 Stat. 269, authorized Senate Majority and Minority Leaders to appoint and fix compensation of an executive secretary and a clerical assistant effective July 1, 1975. Positions established by Legislative Branch Appropriation Act, 1970, for Offices of Senate Majority and Minority Leaders, which Act, Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 339, classified to former section 61h–1 of this title, authorized the respective leaders to appoint an executive secretary, and a clerical assistant, were abolished, see Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80, set out as a note under section 61h–1 of this title. See, also, section 61h–4 of this title.

§ 61h–4. Appointment of employees by Senate Majority and Minority Leaders; compensation

Effective April 1, 1977, the Majority Leader and the Minority Leader are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $191,700 each fiscal year for each Leader.

(Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1977.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61h–5. Assistants to Senate Majority and Minority Leaders for Floor Operations; establishment of positions; appointment; compensation

Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(Pub. L. 98–51, title I, § 101(a), July 14, 1983, 97 Stat. 265.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984.

PRIOR PROVISIONS

A prior section 61h–5, Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80, authorizing the Majority Leader and the Minority Leader to appoint, respectively, an Assistant to the Majority Leader for Floor Operations and an Assistant to the Minority Leader for Floor Operations, was omitted in view of section 101(b) of Pub. L. 98–51, which provided that: ''Effective October 1, 1983, the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–5), are abolished.''

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61h–6. Appointment of consultants by Majority Leader, Minority Leader, Secretary of Senate, and Legislative Counsel of Senate; compensation

(a) In general

The Majority Leader and the Minority Leader, are each authorized to appoint and fix the compensation of not more than eight individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The President pro tempore of the Senate is authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this subsection. The President pro tempore emeritus of the Senate is authorized to appoint and fix the compensation of one individual consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this subsection. The Secretary of the Senate is authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Legislative Counsel of the Senate (subject to the approval of the President pro tempore) is authorized to appoint and fix the compensation of not more than two consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this section. The provisions of sections 8344 and 8468 of title 5 shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the President pro tempore, President pro tempore emeritus, Majority Leader, Minority Leader, Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be.

(b) Annual compensation

Any or all appointments under this section may be at an annual rate of compensation rather than at a daily rate of compensation, but such annual rate shall not be in excess of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.

(C)[1] Title of position

Each appointing authority under subsection (a) of this section may designate the title of the position of any individual appointed under that subsection.

(Pub. L. 95–26, title I, § 101, May 4, 1977, 91 Stat. 82; Pub. L. 95–94, title I, § 110(a), Aug. 5, 1977, 91 Stat. 662; Pub. L. 100–458, title I, §§ 4, 9, Oct. 1, 1988, 102 Stat. 2161, 2162; Pub. L. 101–302, title III, § 314(a), May 25, 1990, 104 Stat. 245; Pub. L. 102–90, title I, § 3, Aug. 14, 1991, 105 Stat. 450; Pub. L. 104–2, Feb. 9, 1995, 109 Stat. 45; Pub. L. 105–275, title I, § 4(a), (b), Oct. 21, 1998, 112 Stat. 2433; Pub. L. 107–20, title II, § 2803, July 24, 2001, 115 Stat. 185; Pub. L. 107–68, title I, § 101(a), Nov. 12, 2001, 115 Stat. 563; Pub. L. 108–7, div. H, title I, § 6(a), Feb. 20, 2003, 117 Stat. 350.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1977.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–7, § 6(a)(1), substituted ''eight individual consultants'' for ''six individual consultants'' in first sentence.

Subsec. (C). Pub. L. 108–7, § 6(a)(2), added subsec. (C).

2001—Subsec. (a). Pub. L. 107–68 substituted ''six individual consultants'' for ''four individual consultants'' in first sentence and ''not more than two individual consultants'' for ''one consultant'' in second sentence.

Pub. L. 107–20 inserted ''The President pro tempore emeritus of the Senate is authorized to appoint and fix the compensation of one individual consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this subsection.'' after second sentence and ''President pro tempore emeritus,'' after ''President pro tempore,'' in last sentence.

1998—Subsec. (a). Pub. L. 105–275, § 4(a), inserted after first sentence ''The President pro tempore of the Senate is authorized to appoint and fix the compensation of one consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this subsection.'' and in penultimate sentence substituted ''sections 8344 and 8468'' for ''section 8344''.

Subsec. (b). Pub. L. 105–275, § 4(b), substituted ''Any or all appointments under this section may be'' for ''The Majority Leader, and the Minority Leader, in appointing individuals to consultant positions under authority of this section, may appoint one such individual to such position''.

1995—Pub. L. 104–2, which directed the general amendment of section 61h–6 of title 2, was executed by amending section 101 of Pub. L. 95–26, which is classified to section 61h–6 of title 2, to reflect the probable intent of Congress, in subsec. (a) striking out provisions regarding appointment of two consultants at daily rate of compensation by President pro tempore of Senate and increasing number of appointments by Majority Leader of Senate from two to four consultants at daily rate of compensation, and in subsec. (b) striking out provisions regarding appointment of one consultant at an annual rate of compensation by President pro tempore of Senate.

1991—Subsec. (a). Pub. L. 102–90 which directed the insertion of ''The Legislative Counsel of the Senate (subject to the approval of the President pro tempore) is authorized to appoint and fix the compensation of not more than 2 consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this section.'' immediately after the second sentence of this section and which directed the substitution of '', Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be'' for ''and the Secretary of the Senate, respectively'' in the last sentence of this section, was executed by making the insertion and the substitution for ''and Secretary of the Senate, respectively'', to reflect the probable intent of Congress.

1990—Pub. L. 101–302 designated existing provisions as subsec. (a) and added subsec. (b).

1988—Pub. L. 100–458 provided for appointment, compensation, and voucher approval of two consultants by President pro tempore of Senate and increased the number of appointments by Minority Leader of Senate from two to four individuals.

1977—Pub. L. 95–94 inserted two references to Secretary of Senate.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 6(b), Feb. 20, 2003, 117 Stat. 350, provided that: ''This section [amending this section] shall apply to fiscal year 2003 and each fiscal year thereafter.''

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, § 101(b), Nov. 12, 2001, 115 Stat. 563, provided that: ''This section [amending this section] shall apply with respect to fiscal year 2002 and each fiscal year thereafter.''

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–275, title I, § 4(c), Oct. 21, 1998, 112 Stat. 2433, provided that: ''This section [amending this section] is effective on and after the date of enactment of this Act [Oct. 21, 1998].''

EFFECTIVE DATE OF 1990 AMENDMENT

Section 314(b) of Pub. L. 101–302 provided that: ''The amendments made by this section [amending this section] shall be effective in the case of appointments made after the date of enactment of this Act [May 25, 1990].''

EFFECTIVE DATE OF 1977 AMENDMENT

Section 110(b) of Pub. L. 95–94 provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on August 1, 1977.''

CONSULTANTS

Pub. L. 109–55, title I, § 2, Aug. 2, 2005, 119 Stat. 568, provided that: ''With respect to fiscal year 2006, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall be applied by substituting 'nine individual consultants' for 'eight individual consultants'.''

Similar provisions were contained in the following prior appropriation act:

Pub. L. 108–447, div. G, title I, § 2, Dec. 8, 2004, 118 Stat. 3169.

Pub. L. 108–83, title I, § 6, Sept. 30, 2003, 117 Stat. 1013.

§ 61h–7. Chiefs of Staff for Senate Majority and Minority Leaders; appointment; compensation

(a) There is established within the Offices of the Majority and Minority Leaders the positions of Chief of Staff for the Majority Leader and Chief of Staff for the Minority Leader, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Gross compensation for employees filling positions established by subsection (a) of this section for the fiscal year ending September 30,

[1] So in original. Probably should be ''(c)''.

1987, shall be paid out of any funds available in the Senate appropriation for such year under the item ''Salaries, Officers and Employees''.

(Pub. L. 101–163, title I, § 9, Nov. 21, 1989, 103 Stat. 1046.)

CODIFICATION

Section is based on Senate Resolution No. 89, One Hundredth Congress, Jan. 28, 1987, which was enacted into permanent law by Pub. L. 101–163.

EFFECTIVE DATE

Section 9 of Pub. L. 101–163 provided that this section is effective on Jan. 28, 1987, the date on which Senate Resolution No. 89, One Hundredth Congress, was agreed to.

§§ 61i to 61j–1. Omitted

CODIFICATION

Section 61i, Pub. L. 86–30, title I, May 20, 1959, 73 Stat. 48, which was from the Second Supplemental Appropriation Act, 1959, authorized Senate Majority and Minority Leaders to fix, effective May 1, 1959, basic salaries of research assistants authorized by S. Res. 158, agreed to Dec. 9, 1941, at not to exceed $8,820 per annum. See section 61h–4 of this title.

Section 61j, Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275, set a maximum annual rate of compensation of $37,000 for administrative assistants in offices of Senate Majority and Minority Whips. Positions established by Legislative Branch Appropriation Act, 1970, for Offices of Senate Majority and Minority Whips, which Act, Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 339, classified to former section 61j of this title, authorized the respective whips to appoint an administrative assistant, were abolished, see title I of Pub. L. 95–26, set out in part as a note under section 61h–1 of this title. See, also, section 61j–2 of this title.

A prior section 61j, Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 339, authorized Senate Majority and Minority Whips to each appoint and fix compensation of an administrative assistant and an executive secretary.

Section 61j–1, Pub. L. 94–59, title I, July 25, 1975, 89 Stat. 270, authorized Senate Majority and Minority Whips, effective July 1, 1975, each to appoint and fix compensation of a legislative assistant. The positions established by Pub. L. 94–59 for the Offices of Majority and Minority Whips were abolished effective Apr. 1, 1977, by Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80, set out as a note under section 61h–1 of this title. See, also, section 61j–2 of this title.

§ 61j–2. Compensation and appointment of employees by Senate Majority and Minority Whips

Effective April 1, 1977, the Majority Whip and the Minority Whip are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $111,100 each fiscal year for each Whip.

(Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1977.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61k. Appointment and compensation of employees by President pro tempore of Senate

Effective October 1, 1979, the President pro tempore is authorized to appoint and fix the compensation of such employees as he deems appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $123,000 each fiscal year.

(Pub. L. 96–38, title I, § 101, July 25, 1979, 93 Stat. 111.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1979.

PRIOR PROVISIONS

A prior section 61k, Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 79, authorized President pro tempore of Senate to appoint and fix compensation of an Administrative Assistant, a Legislative Assistant, and an Executive Secretary. These positions were abolished effective Oct. 1, 1979, by section 101 of Pub. L. 96–38.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 61*l*. Appointment and compensation of Administrative Assistant, Legislative Assistant, and Executive Secretary for Deputy President pro tempore of Senate

Effective April 1, 1977, the Deputy President pro tempore is authorized to appoint and fix the compensation of an Administrative Assistant at not to exceed $47,595 per annum; a Legislative Assistant at not to exceed $40,080 per annum, and an Executive Secretary at not to exceed $23,380 per annum.

(Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 80.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1977.

INCREASES IN COMPENSATION

Increases in compensation for officers and employees of the Senate under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 62. Limitation on compensation of Sergeant at Arms and Doorkeeper of Senate

The Sergeant at Arms and Doorkeeper of the Senate shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, other than the salary prescribed by law.

(June 20, 1874, ch. 328, 18 Stat. 85; Mar. 3, 1875, ch. 129, 18 Stat. 344.)

§ 62a. Omitted

CODIFICATION

Section, act May 1, 1947, ch. 49, title I, 61 Stat. 58, accorded Sergeant at Arms of Senate the same priority as executive agencies under the Surplus Property Act of

1944 (50 App. U.S.C. 1611–1648). The Surplus Property Act of 1944 was repealed by act June 30, 1949, ch. 288, title V, § 503, 63 Stat. 399, and the priorities thereunder expired Dec. 31, 1949.

§ 62b. Transferred

CODIFICATION

Section, act July 26, 1949, ch. 366, 63 Stat. 482, which related to audits and reports by Comptroller General of fiscal records of House Sergeant at Arms, was transferred to section 81a of this title, and was subsequently repealed by Pub. L. 104–186.

§ 63. Repealed. Pub. L. 104–186, title II, § 204(21), Aug. 20, 1996, 110 Stat. 1733

Section, R.S. § 73, related to duties of Doorkeeper of Senate. Provisions of R.S. § 73 which related to duties of Doorkeeper of House of Representatives were classified to section 76 of this title prior to repeal by Pub. L. 104–186.

§ 64. Omitted

CODIFICATION

Section, R.S. § 56, authorizing payment on requisitions drawn by Secretary of Senate of moneys appropriated for compensation of Senate members and officers and for contingent Senate expenses, was omitted in view of the abolition of appropriation for the fund provided for in this section on and after July 1, 1935, and the authorization of annual definite appropriations by act June 26, 1934, ch. 756, § 14, 48 Stat. 1230.

§ 64–1. Employees of Senate Disbursing Office; designation by Secretary of Senate to administer oaths and affirmations

The Secretary of the Senate is on and after November 1, 1973, authorized to designate, in writing, employees of the Disbursing Office of the Senate to administer oaths and affirmations, with respect to matters relating to that Office, authorized or required by law or rules or orders of the Senate (including the oath of office required by section 3331 of title 5). During any period in which he is so designated, any such employee may administer such oaths and affirmations.

(Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 532.)

§ 64–2. Transfers of funds by Secretary of Senate; approval of Committee on Appropriations

During any fiscal year (commencing with the fiscal year beginning October 1, 1982) the Secretary of the Senate is authorized to make such transfers between appropriations of funds available for disbursement by him during such year, subject to the approval of the Committee on Appropriations of the Senate.

(Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.)

CODIFICATION

Section is based on section 104 of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97–276, to be effective as if enacted into law.

PRIOR PROVISIONS

A prior section 64–2, Pub. L. 95–26, title I, § 108, May 4, 1977, 91 Stat. 85, provided that, on and after May 4, 1977, Secretary of Senate was authorized to transfer funds between appropriations with approval of a resolution of Senate.

TRANSFER OF FUNDS BY SECRETARY OF SENATE

Provisions authorizing Secretary of Senate, as Disbursing Officer of Senate, to make such transfers between appropriations of funds available for disbursement by him for specific fiscal years, as he deems appropriate, subject to customary reprograming procedures of Senate Committee on Appropriations were contained in the following appropriation acts:

Pub. L. 97–51, § 113, Oct. 1, 1981, 95 Stat. 963.

Pub. L. 97–12, title I, § 107, June 5, 1981, 95 Stat. 62.

§ 64–3. Transferred

CODIFICATION

Section, Pub. L. 95–26, title I, § 111, May 4, 1977, 91 Stat. 87; Pub. L. 108–7, div. H, title I, § 1018(h)(3), Feb. 20, 2003, 117 Stat. 369, which related to reimbursement for Capitol Police salaries paid by Capitol Police for service at Federal Law Enforcement Training Center, was transferred to section 1905a of this title.

§ 64a. Death, resignation, or disability of Secretary and Assistant Secretary of Senate; Financial Clerk deemed successor as disbursing officer

For any period during which both the Secretary and the Assistant Secretary of the Senate are unable (because of death, resignation, or disability) to discharge such Secretary's duties as disbursing officer of the Senate, the Financial Clerk of the Senate shall be deemed to be the successor of such Secretary as disbursing officer.

(Mar. 3, 1926, ch. 44, § 1, 44 Stat. 162; Pub. L. 91–105, § 2, Oct. 31, 1969, 83 Stat. 169; Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 810; Pub. L. 92–310, title II, § 220(g), June 6, 1972, 86 Stat. 204; Pub. L. 98–367, title I, § 2(a), July 17, 1984, 98 Stat. 474.)

AMENDMENTS

1984—Pub. L. 98–367 substituted "For any period during which both the Secretary and the Assistant Secretary of the Senate are unable (because of death, resignation, or disability) to discharge such Secretary's duties as disbursing officer of the Senate, the Financial Clerk of the Senate shall be deemed to be the successor of such Secretary as disbursing officer" for "In the event of the death, resignation, or disability of the Secretary of the Senate, the Financial Clerk of the Senate shall be deemed his successor as a disbursing officer and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended".

1972—Pub. L. 92–310 struck out provisions which related to the bond of the Financial Clerk.

1970—Pub. L. 91–382 substituted "Financial Clerk" for "Comptroller".

1969—Pub. L. 91–105 substituted the Comptroller of the Senate for the Financial Clerk of the Senate as the successor of the Secretary of the Senate in the event of the death, resignation, or disability of the Secretary.

EFFECTIVE DATE OF 1970 AMENDMENT

Pub. L. 91–382 provided that the amendment made by Pub. L. 91–382 is effective Aug. 1, 1970.

CERTIFICATION OF DISABILITY

Secretary of the Senate to be considered as disabled for purposes of this section only during such period of time as the Majority and Minority Leaders and the President pro tempore of the Senate certify jointly to the Senate that he is unable to perform his duties, see section 64b of this title.

§ 64a–1. Compensation of Financial Clerk of Senate

The Financial Clerk of the Senate may be paid at a maximum annual rate of compensation not to exceed $39,000.

(Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275.)

AMENDMENTS

1975—Pub. L. 94–59 substituted ''$39,000'' for ''$37,620'', effective July 1, 1975.

EFFECTIVE DATE

Section effective July 1, 1974, see section 4 of Pub. L. 93–371, set out in part as an Effective Date of 1974 Amendment note under section 61a of this title.

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Adjustment in compensation by Pub. L. 93–371 not to supersede order of President pro tempore of the Senate authorizing higher rate of compensation or any authority of the President pro tempore to adjust rates of compensation or limitations under section 4 of the Federal Pay Comparability Act of 1970, see section 4 of Pub. L. 93–371, set out in part as a note under section 61a of this title.

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 64b. Death, resignation, or disability of Secretary of Senate; Assistant Secretary of Senate to act as Secretary; written designation of absent status

In the event of the death, resignation, or disability of the Secretary of the Senate, the Assistant Secretary of the Senate shall act as Secretary in carrying out the duties and responsibilities of that office in all matters until such time as a new Secretary shall have been elected and qualified or such disability shall have been ended. For purposes of this section and section 64a of this title, the Secretary of the Senate shall be considered as disabled only during such period of time as the Majority and Minority Leaders and the President pro tempore of the Senate certify jointly to the Senate that the Secretary is unable to perform his duties. In the event that the Secretary of the Senate is absent or is to be absent for reasons other than disability (as provided in this paragraph), and makes a written designation that he is or will be so absent, the Assistant Secretary shall act during such absence as the Secretary in carrying out the duties and responsibilities of the office in all matters. The designation may be revoked in writing at any time by the Secretary, and is revoked whenever the Secretary making the designation dies, resigns, or is considered disabled in accordance with this paragraph.

(Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 635; Pub. L. 93–371, § 1, Aug. 13, 1974, 88 Stat. 427; Pub. L. 98–367, title I, § 2(b), July 17, 1984, 98 Stat. 474.)

AMENDMENTS

1984—Pub. L. 98–367 struck out provisions relating to exception for duties of the Secretary as disbursing officer of the Senate.

1974—Pub. L. 93–371 inserted provisions relating to the absence of Secretary of Senate for reasons other than disability and the written designation of such absent status.

§ 65. Repealed. Pub. L. 92–310, title II, § 220(a), (c), June 6, 1972, 86 Stat. 204

Section, R.S. §§ 57, 59; acts Mar. 2, 1895, ch. 177, § 5, 28 Stat. 807; Oct. 31, 1951, ch. 655, § 13, 65 Stat. 715, required Secretary of Senate to give a bond in the sum of $20,000.

§ 65a. Insurance of office funds of Secretary of Senate and Sergeant at Arms; payment of premiums

The Secretary of the Senate and the Sergeant at Arms on and after June 27, 1956, are authorized and directed to protect the funds of their respective offices by purchasing insurance in an amount necessary to protect said funds against loss. Premiums on such insurance shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the Committee on Rules and Administration.

(June 27, 1956, ch. 453, 70 Stat. 360.)

CODIFICATION

Section is from the Legislative Branch Appropriation Act, 1957, act June 27, 1956.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:
Aug. 5, 1955, ch. 568, 69 Stat. 504.
July 2, 1954, ch. 455, title I, 68 Stat. 400.
Aug. 1, 1953, ch. 304, title I, 67 Stat. 321.
July 9, 1952, ch. 598, 66 Stat. 467.
Oct. 11, 1951, ch. 485, 65 Stat. 392.
Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 597.
June 22, 1949, ch. 235, 63 Stat. 219.
June 14, 1948, ch. 467, 62 Stat. 425.

§ 65b. Advances to Sergeant at Arms of Senate for extraordinary expenses

The Secretary of the Senate on and after July 31, 1958, is authorized, in his discretion, to advance to the Sergeant at Arms of the Senate such sums as may be necessary, not exceeding $4,000, to meet any extraordinary expenses of the Senate.

(Pub. L. 85–570, July 31, 1958, 72 Stat. 442; Pub. L. 94–440, title I, § 108, Oct. 1, 1976, 90 Stat. 1445; Pub. L. 95–26, title I, § 104, May 4, 1977, 91 Stat. 82.)

AMENDMENTS

1977—Pub. L. 95–26 struck out ''during any fiscal year'' after ''$4,000''.

1976—Pub. L. 94–440 substituted ''$4,000 during any fiscal year'' for ''$2,000''.

§ 65c. Expense allowance for Secretary of Senate, Sergeant at Arms and Doorkeeper of Senate, and Secretaries for Senate Majority and Minority

(a) Notwithstanding any other provision of law, there is hereby established an account, within the Senate, to be known as the ''Expense

Allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate and Secretaries for the Majority and for the Minority, of the Senate'' (hereinafter in this section referred to as the ''Expense Allowance''). For each fiscal year (commencing with the fiscal year ending September 30, 1981) there shall be available from the Expense Allowance an expense allotment not to exceed $6,000 for each of the above specified officers. Amounts paid from the expense allotment of any such officer shall be paid to him only as reimbursement for actual expenses incurred by him and upon certification and documentation by him of such expenses. Amounts paid to any such officer pursuant to this section shall not be reported as income and shall not be allowed as a deduction under title 26.

(b) For the fiscal year ending September 30, 1981, and the succeeding fiscal year, the Secretary of the Senate shall transfer, for each such year, $8,000 to the Expense Allowance from ''Miscellaneous Items'' in the contingent fund of the Senate. For the fiscal year ending September 30, 1983, and for each fiscal year thereafter, there are authorized to be appropriated to the Expense Allowance such funds as may be necessary to carry out the provisions of subsection (a) of this section.

(Pub. L. 97–51, § 119, Oct. 1, 1981, 95 Stat. 964; Pub. L. 98–63, title I, July 30, 1983, 97 Stat. 334; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 108–83, title I, § 5(a), Sept. 30, 2003, 117 Stat. 1013.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–83 substituted ''$6,000'' for ''$3,000''.

1986—Subsec. (a). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1983—Subsec. (a). Pub. L. 98–63, which directed that ''$3,000'' be substituted for ''$2,000'' in first sentence of subsec. (a), was executed by making the substitution in second sentence as the probable intent of Congress.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–83, title I, § 5(b), Sept. 30, 2003, 117 Stat. 1013, provided that: ''The amendment made by this section [amending this section] shall apply with respect to fiscal year 2004, and each fiscal year thereafter.''

EFFECTIVE DATE OF 1983 AMENDMENT

Title I of Pub. L. 98–63 provided that the amendment made by Pub. L. 98–63 is effective for fiscal years beginning on or after Oct. 1, 1982.

§ 65d. Funds advanced by Secretary of Senate to Sergeant at Arms and Doorkeeper of Senate to defray office expenses; accountability; maximum amount; vouchers

From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

(Pub. L. 98–51, title I, § 104, July 14, 1983, 97 Stat. 266.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984.

§ 65e. Transferred

CODIFICATION

Section, Pub. L. 98–63, title I, July 30, 1983, 97 Stat. 333, which provided that effective with fiscal year 1983 and each fiscal year thereafter, the expense allowance of Majority and Minority Whips of Senate could not exceed $5,000 each fiscal year for each Whip, was transferred and executed to section 31a–1 of this title.

§ 65f. Funds for Secretary of Senate to assist in proper discharge within United States of responsibilities to foreign parliamentary groups or other foreign officials

(a) In general

On and after July 11, 1987, the Secretary of the Senate is authorized to use any available funds (but not in excess of $50,000 for any fiscal year), out of the appropriation account (within the Contingent Fund of the Senate) for the Secretary of the Senate, to assist him in the proper discharge, within the United States, of his appropriate responsibilities to members of foreign parliamentary groups or other foreign officials.

(b) Effective date

The provisions of subsection (a) of this section shall be effective in the case of expenditures for fiscal years ending after September 30, 1986.

(c) Transfer of funds

Upon the written request of the Secretary of the Senate, and upon notification to the Committee on Appropriations of the Senate, there shall be transferred any amount of funds available under subsection (a) of this section specified in the request, but not to exceed $10,000 in any fiscal year, from the appropriation account (within the contingent fund of the Senate) for expenses of the Office of the Secretary of the Senate to the appropriation account for the expense allowance of the Secretary of the Senate. Any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

(Pub. L. 100–71, title I, § 2, July 11, 1987, 101 Stat. 423; Pub. L. 102–90, title I, § 4, Aug. 14, 1991, 105 Stat. 450; Pub. L. 105–18, title II, § 7003(a), June 12, 1997, 111 Stat. 192; Pub. L. 108–447, div. G, title I, § 6, Dec. 8, 2004, 118 Stat. 3170.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1987.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108–447 substituted ''and upon notification to'' for ''with the approval of'' in first sentence.

1997—Subsec. (c). Pub. L. 105–18 added subsec. (c).

1991—Subsec. (a). Pub. L. 102–90 substituted ''On and after July 11, 1987, the Secretary of the Senate is authorized'' for ''The Secretary of the Senate is authorized'' and ''$50,000'' for ''$25,000''.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 7003(b) of Pub. L. 105–18 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective with respect to appropriations for fiscal years beginning on or after October 1, 1996.''

§ 66. Repealed. Pub. L. 93–344, title V, § 505(1), July 12, 1974, 88 Stat. 322

Section, act June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1022, directed that the fiscal year for adjustment of accounts of Secretary of Senate for compensation and mileage of Senators extend from July 1 to June 30.

§ 66a. Restriction on payment of dual compensation by Secretary of Senate

Unless otherwise specifically authorized by law, no part of any appropriation disbursed by the Secretary of the Senate shall be available for payment of compensation to any person holding any position, for any period for which such person received compensation for holding any other position, the compensation for which is disbursed by the Secretary of the Senate.

(June 27, 1956, ch. 453, 70 Stat. 360.)

§ 67. Clerks to Senators-elect

A Senator entitled to receive his own salary may appoint the usual clerical assistants allowed Senators.

(Mar. 2, 1895, ch. 177, § 1, 28 Stat. 766; Feb. 20, 1923, ch. 98, 42 Stat. 1266; June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1022.)

AMENDMENTS

1934—Act June 19, 1934, struck out provisions as to maximum of four clerical assistants and as to their compensation.

§ 67a. Employment of civilian employees of executive branch of Government by Senate Committee on Appropriations; restoration to former position

Whenever any person has left or leaves any civilian position in any department or agency in the executive branch of the Government in order to accept employment by the Senate Committee on Appropriations, he shall be carried on the rolls of such committee and shall be solely employed by such committee, and responsible only to it; but he shall be entitled upon making application to the Director of the Office of Personnel Management within thirty days after the termination of his employment by such committee (unless such employment is terminated for cause) to be restored to a position in the same or any other department or agency where an opening exists, comparable to the position which, according to the records of the department or agency which he left to accept employment by the Senate Committee on Appropriations or in the judgment of the Director of the Office of Personnel Management, such person would be occupying if he had remained in the employ of such department or agency during the time he was employed by such committee; and such person shall be restored to such position with the same seniority, status, and pay as if he had remained in the employ of the department or agency which he left, during such time. This section shall not be construed to require any person to be restored to a position in any department or agency after the expiration of the time for which he was appointed to the position which he left to accept employment by such committee.

(June 13, 1945, ch. 189, § 1, 59 Stat. 243; July 1, 1946, ch. 530, 60 Stat. 392; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

AMENDMENTS

1946—Act July 1, 1946, reenacted section without change.

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted in text for ''Civil Service Commission'' pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in United States Civil Service Commission and Chairman thereof to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 68. Payments from Senate contingent fund

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the Senate. Payments made upon vouchers or abstracts of disbursements of salaries approved by said Committee shall be deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government: *Provided*, That no payment shall be made from said contingent fund as additional salary or compensation to any officer or employee of the Senate.

(Oct. 2, 1888, ch. 1069, 25 Stat. 546; Aug. 2, 1946, ch. 753, § 102, 60 Stat. 814; Pub. L. 93–554, title I, Dec. 27, 1974, 88 Stat. 1776; Pub. L. 104–186, title I, § 105(c), Aug. 20, 1996, 110 Stat. 1722.)

CODIFICATION

Section is based on provisions of last par. on 25 Stat. 546, act of Oct. 2, 1888, ch. 1069, relating to payments from contingent fund of Senate. Provisions of that par. relating to payments from contingent fund of House of Representatives were classified to section 95 of this title prior to being struck out by Pub. L. 104–186.

AMENDMENTS

1974—Pub. L. 93–554 inserted provision relating to applicability to payments made upon abstracts of disbursements of salaries.

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee to Audit and Control Contingent Expenses''.

EFFECTIVE DATE OF 1974 AMENDMENT

Title I of Pub. L. 93–554 provided that the amendment made by Pub. L. 93–554 is effective Jan. 1, 1975.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that the amendment made by that act is effective Jan. 2, 1947.

§ 68–1. Committee on Rules and Administration; designation of employees to approve vouchers for payments from Senate contingent fund

The Committee on Rules and Administration may authorize its chairman to designate any employee or employees of such Committee to approve in his behalf, all vouchers making payments from the contingent fund of the Senate, such approval to be deemed and held to be approval by the Committee on Rules and Administration for all intents and purposes.

(Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 529; Pub. L. 97–51, § 126, Oct. 1, 1981, 95 Stat. 965; Pub. L. 98–473, title I, § 123A(c), Oct. 12, 1984, 98 Stat. 1970.)

AMENDMENTS

1984—Pub. L. 98–473 substituted ''any employee or employees of such Committee'' for ''the committee Auditor and the committee Assistant Auditor''.

1981—Pub. L. 97–51 substituted ''the committee Auditor and the committee Assistant Auditor'' for ''one committee employee''.

§ 68–2. Appropriations for contingent expenses of Senate; restrictions

Appropriations made for contingent expenses of the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of the Senate, and the Government Accountability Office shall apply the provisions of this section in the settlement of the accounts of expenditures from said appropriations incurred for services or materials.

(Feb. 14, 1902, ch. 17, 32 Stat. 26; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24; Pub. L. 104–186, title II, § 204(45), Aug. 20, 1996, 110 Stat. 1737; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

Section is based on provisions of proviso on 32 Stat. 26, act of Feb. 14, 1902, ch. 17, the Urgent Deficiency Appropriation Act for the fiscal year 1902, as those provisions relate to appropriations for contingent expenses of Senate. Provisions of that proviso relating to appropriations for expenses of House of Representatives are classified to section 95a of this title.

Section was formerly classified to section 671 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1996—Pub. L. 104–186 amended provisions relating to appropriations for expenses of House. See Codification note above.

TRANSFER OF FUNCTIONS

''Government Accountability Office'' substituted in text for ''General Accounting Office'' pursuant to section 8 of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance, which redesignated the General Accounting Office and any references thereto as the Government Accountability Office. Previously, ''General Accounting Office'' substituted in text for ''accounting officers of the Treasury'' pursuant to act June 10, 1921, which transferred powers and duties of Comptroller, six auditors, and certain other employees of the Treasury to General Accounting Office. See section 701 et seq. of Title 31.

§ 68–3. Separate accounts for "Secretary of the Senate" and for "Sergeant at Arms and Doorkeeper of the Senate"; establishment within Senate contingent fund; inclusion of funds in existing accounts

(a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the ''Secretary of the Senate'', and a separate account for the ''Sergeant at Arms and Doorkeeper of the Senate'';

(2) the account for ''Automobiles and Maintenance'', within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the ''Sergeant at Arms and Doorkeeper of the Senate''; and

(3) the account for ''Postage Stamps'', within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1), for the ''Secretary of the Senate''; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the ''Sergeant at Arms and Doorkeeper of the Senate''; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for ''Miscellaneous Items'', within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) of this section for the ''Secretary of the Senate''; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) of this section for the ''Sergeant at Arms and Doorkeeper of the Senate''.

(Pub. L. 98–51, title I, § 103, July 14, 1983, 97 Stat. 266.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation, 1984.

§ 68–4. Deposit of moneys for credit to account within Senate contingent fund for "Sergeant at Arms and Doorkeeper of the Senate"

Any provision of law which is enacted prior to October 1, 1983, and which directs the Sergeant at Arms and Doorkeeper of the Senate to deposit any moneys in the United States Treasury for credit to the account, within the contingent fund of the Senate, for ''Miscellaneous Items'', or for ''Automobiles and Maintenance'' shall, on and after October 1, 1983, be deemed to direct him to deposit such moneys in the United States Treasury for credit to the account, within the contingent fund of the Senate, for the ''Sergeant at Arms and Doorkeeper of the Senate''.

(Pub. L. 98–181, title I, § 1202, Nov. 30, 1983, 97 Stat. 1289.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1984.

§ 68–5. Purchase, lease, exchange, maintenance, and operation of vehicles out of account for Sergeant at Arms and Doorkeeper of Senate within Senate contingent fund; authorization of appropriations

For each fiscal year (commencing with the fiscal year ending September 30, 1985) there is authorized to be appropriated to the account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, such funds (which shall be in addition to funds authorized to be so appropriated for other purposes) as may be necessary for the purchase, lease, exchange, maintenance, and operation of vehicles as follows: one for the Vice President, one for the President pro tempore of the Senate, one for the Majority Leader of the Senate, one for the Minority Leader of the Senate, one for the Majority Whip of the Senate, one for the Minority Whip of the Senate, one for the attending physician, one as authorized by Senate Resolution 90 of the 100th Congress[1] such number as is needed for carrying mails, and for official use of the offices of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper of the Senate, the Secretary for the Majority, and the Secretary for the Minority, and such additional number as is otherwise specifically authorized by law.

(Pub. L. 99–88, title I, § 192, Aug. 15, 1985, 99 Stat. 349; Pub. L. 100–202, § 101(i) [title I, § 3(a)], Dec. 22, 1987, 101 Stat. 1329–290, 1329–294.)

REFERENCES IN TEXT

Senate Resolution 90 of the 100th Congress, referred to in text, which was agreed to Jan. 28, 1987, provided in part for the Sergeant at Arms and Doorkeeper of the Senate to provide, by lease or purchase, and maintain an automobile for the former President pro tempore of the Senate.

CODIFICATION

Section is from the Supplemental Appropriations Act, 1985.

AMENDMENTS

1987—Pub. L. 100–202 substituted ''one for the attending physician, one as authorized by Senate Resolution 90 of the 100th Congress'' for ''and'' and inserted '', and such additional number as is otherwise specifically authorized by law''.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 101(i) [title I, § 3(b)] of Pub. L. 100–202 provided that: ''The amendments made by subsection (a) [amending this section] shall be effective in the case of fiscal years ending after September 30, 1986.''

§ 68–6. Transfers from appropriations account for expenses of Office of Secretary of Senate and Office of Sergeant at Arms and Doorkeeper of Senate

(a) The Secretary of the Senate is authorized, with the approval of the Senate Committee on Appropriations, to transfer, during any fiscal year (1) from the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Secretary of the Senate, such sums as he shall specify to the Senate appropriations account, appropriated under the headings ''Salaries, Officers and Employees'' and ''Office of the Secretary'', and (2) from the Senate appropriations account, appropriated under the headings ''Salaries, Officers and Employees'' and ''Office of the Secretary'' to the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Secretary of the Senate, such sums as he shall specify; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized, with the approval of the Senate Committee on Appropriations, to transfer, during any fiscal year, from the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, such sums as he shall specify to the appropriations account, appropriated under the headings ''Salaries, Officers and Employees'' and ''Office of the Sergeant at Arms and Doorkeeper''; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

(Pub. L. 100–458, title I, § 3, Oct. 1, 1988, 102 Stat. 2161; Pub. L. 101–302, title III, § 317, May 25, 1990, 104 Stat. 247.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1989, which is title I of the Legislative Branch Appropriations Act, 1989.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–302 designated existing provisions as cl. (1) and added cl. (2).

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:

Pub. L. 100–202, § 101(i) [title I, § 8], Dec. 22, 1987, 101 Stat. 1329–290, 1329–295.

§ 68–6a. Transfers from appropriations account for expenses of Office of Sergeant at Arms and Doorkeeper of Senate

The Sergeant at Arms and Doorkeeper of the Senate is authorized, with the approval of the

[1] So in original. Probably should be followed by a comma.

Senate Committee on Appropriations, to transfer, during any fiscal year, from the appropriations account, appropriated under the headings ''Salaries, Officers and Employees'' and ''Office of the Sergeant at Arms and Doorkeeper'', such sums as he shall specify to the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

(Pub. L. 101–520, title I, § 5, Nov. 5, 1990, 104 Stat. 2258.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1991, which is title I of the Legislative Branch Appropriations Act, 1991.

§ 68–7. Senate Office of Public Records Revolving Fund

(a) Establishment

There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the ''Senate Office of Public Records Revolving Fund'' (hereafter in this section referred to as the ''revolving fund'').

(b) Source of moneys for deposit in Fund; availability of moneys in Fund

All moneys received on and after October 1, 1989, by the Senate Office of Public Records from fees and other charges for services shall be deposited to the credit of the revolving fund. Moneys in the revolving fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for use in connection with the operation of the Senate Office of Public Records, including supplies, equipment, and other expenses.

(c) Vouchers

Disbursements from the revolving fund shall be made upon vouchers approved by the Secretary of the Senate.

(d) Regulations

The Secretary of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(e) Transfer of moneys into Fund

To provide capital for the revolving fund, the Secretary of the Senate is authorized to transfer, from moneys appropriated for fiscal year 1990 to the account ''Miscellaneous Items'' in the contingent fund of the Senate, to the revolving fund such sum as he may determine necessary, not to exceed $30,000.

(Pub. L. 101–163, title I, § 13, Nov. 21, 1989, 103 Stat. 1047.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1990, which is title I of the Legislative Branch Appropriations Act, 1990.

§ 68–8. Vouchering Senate office charges

(a) Senate support office charges

Charges for expenses of any office, the funds of which are disbursed by the Secretary of the Senate, may be vouchered by a Senate support office paying such expenses or to which such charges are owed for goods or services provided, if—

(1) such charges are paid on behalf of the office incurring such expenses by such Senate support office; or

(2) such charges are payable to such Senate support office for goods or services provided by such office to the office incurring such expenses.

(b) Payment charged to official funds

Payments under this section shall be charged to the official funds of the office on whose behalf the expenses were paid, or which received the goods or services for which payment is required.

(c) Certification

Any voucher submitted by a Senate support office pursuant to this section shall be accompanied by a certification from such office of the amount and that such purchases were of the nature that they could be charged to the official funds of the office on whose behalf charges were paid, or to which goods or services were provided.

(d) Regulations

Vouchers under this section shall be submitted and paid subject to such regulations as may be promulgated by the Committee on Rules and Administration.

(Pub. L. 103–69, title I, § 1, Aug. 11, 1993, 107 Stat. 695.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1994, which is title I of the Legislative Branch Appropriations Act, 1994.

§ 68a. Materials, supplies, and fuel payments from Senate contingent fund

Payments from the contingent fund of the Senate for materials and supplies (including fuel) purchased on and after July 8, 1935, through the Administrator of General Services shall be made by check upon vouchers approved by the Committee on Rules and Administration of the Senate.

(July 8, 1935, ch. 374, 49 Stat. 463; Aug. 2, 1946, ch. 753, title I, § 102, 60 Stat. 814; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee to Audit and Control Contingent Expenses''.

CHANGE OF NAME

Effective Jan. 1, 1947, Procurement Division of Treasury Department changed to Bureau of Federal Supply by former regulation § 5.7 of subpart A of Part 5 of Title 41, Public Contracts, 11 F.R. 13638, issued by Secretary of the Treasury.

Bureau of Federal Supply and its functions and duties transferred to Administrator of General Services by act June 30, 1949.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that the amendment made by that act is effective Jan. 2, 1947.

§ 68b. Per diem and subsistence expenses from Senate contingent fund

No part of the appropriations made under the heading ''Contingent Expenses of the Senate'' on and after June 27, 1956 may be expended for per diem and subsistence expenses (as defined in section 5701 of title 5) at rates in excess of the rates prescribed by the Committee on Rules and Administration; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed the daily rate prescribed by the Committee on Rules and Administration in the case of travel within the continental limits of the United States. This section shall not apply with respect to per diem or actual travel expenses incurred by Senators and employees in the office of a Senator which are reimbursed under section 58 of this title.

(June 27, 1956, ch. 453, 70 Stat. 360; Pub. L. 87–139, § 7, Aug. 14, 1961, 75 Stat. 340; Pub. L. 91–114, § 3, Nov. 10, 1969, 83 Stat. 190; Pub. L. 94–22, § 8, May 19, 1975, 89 Stat. 86; Pub. L. 95–94, title I, § 112(e), Aug. 5, 1977, 91 Stat. 664; Pub. L. 95–355, title I, § 103, Sept. 8, 1978, 92 Stat. 533; Pub. L. 96–304, title I, § 102(b), July 8, 1980, 94 Stat. 889.)

AMENDMENTS

1980—Pub. L. 96–304 substituted ''prescribed by the Committee on Rules and Administration'' for ''in effect under section 5702 of title 5, for employees of agencies'' in two places.

1978—Pub. L. 95–355 substituted provisions relating to applicability of rates under section 5702 of title 5, for employees of agencies, for provisions setting forth specific rates of $35 and $50 per day, respectively, for travel expenses.

1977—Pub. L. 95–94 inserted provisions relating to applicability to per diem or actual travel expenses incurred by a Senator or his employee reimbursed under section 58 of this title.

1975—Pub. L. 94–22 substituted ''$35'' and ''$50'' for ''$25'' and ''$40'', respectively.

1969—Pub. L. 91–114 increased maximum per diem rate from $16 to $25 and actual expense rate from $30 to $40.

1961—Pub. L. 87–139 increased maximum per diem rate from $12 to $16 and actual expense rate from $25 to $30.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–94 effective Aug. 5, 1977, see section 112(f) of Pub. L. 95–94, set out as an Effective Date of 1977 Amendment note under section 58 of this title.

§ 68c. Computation of compensation for stenographic assistance of committees payable from Senate contingent fund

Compensation for stenographic assistance of committees paid out of the items under ''Contingent Expenses of the Senate'' on and after June 27, 1956 shall be computed at such rates and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration, notwithstanding, and without regard to any other provision of law.

(June 27, 1956, ch. 453, 70 Stat. 360.)

§ 68d. Liquidation from appropriations of any unpaid obligations chargeable to rescinded unexpended balances of funds

If at the close of any fiscal year there is an unexpended balance of funds which were appropriated for such year (or for prior fiscal years) and which are subject to disbursement by the Secretary of the Senate for any purpose, then, if such unexpended balance is by law rescinded, any unpaid obligations chargeable to the balance so rescinded (or to appropriations for such purpose for prior years) shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(Pub. L. 97–257, title I, § 106, Sept. 10, 1982, 96 Stat. 849.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1982.

§ 68e. Advance payments by Secretary of Senate

(a) Authorization

For fiscal year 1998, and each fiscal year thereafter, the Secretary of the Senate is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31.

(b) Regulations

An advance payment authorized by subsection (a) of this section shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate.

(c) Effective date

The authority granted by subsection (a) of this section shall not take effect until regulations are issued pursuant to subsection (b) of this section.

(Pub. L. 105–55, title I, § 1, Oct. 7, 1997, 111 Stat. 1179.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1998, which is title I of the Legislative Branch Appropriations Act, 1998.

§ 69. Expenses of committees payable from Senate contingent fund

When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him or his order out of said contingent fund by the Secretary of the Senate for committee expenses not involving personal services shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred.

(Mar. 3, 1879, ch. 183, 20 Stat. 419; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24; June 22, 1949, ch. 235, § 101, 63 Stat. 218.)

AMENDMENTS

1949—Act June 22, 1949, inserted ''for committee expenses not involving personal services'' after ''Secretary of the Senate'', and omitted the requirement that the Secretary of the Senate file the vouchers with the General Accounting Office.

TRANSFER OF FUNCTIONS

Act June 10, 1921, transferred powers and duties of Comptroller, six auditors, and certain other officers of the Treasury to General Accounting Office.

§ 69–1. Availability of funds for franked mail expenses

Funds in the account, within the contingent fund of the Senate, available for the expenses of inquiries and investigations shall be available for franked mail expenses incurred by committees of the Senate the other expenses of which are paid from that account.

(Pub. L. 105–55, title I, § 6(b), Oct. 7, 1997, 111 Stat. 1181.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1998, which is title I of the Legislative Branch Appropriations Act, 1998.

EFFECTIVE DATE

Section 6(c) of Pub. L. 105–55 provided that: ''This section [enacting this section] is effective for fiscal years beginning on and after October 1, 1997.''

§ 69a. Orientation seminars, etc., for new Senators, Senate officials, or members of staffs of Senators or Senate officials; payment of expenses

Effective July 1, 1979, there is authorized an expense allowance for the Office of the Secretary of the Senate and the Office of Sergeant at Arms and Doorkeeper of the Senate which shall not exceed $25,000 each fiscal year for each such office. Payments made under this section shall be reimbursements only for actual expenses (including meals and food-related expenses) incurred in the course of conducting orientation seminars for Senators, Senate officials, or members of the staffs of Senators or Senate officials and other similar meetings, in the Capitol Building or the Senate Office Buildings. Such payments shall be made upon certification and documentation of such expenses by the Secretary and Sergeant at Arms, respectively, and shall be made out of the contingent fund of the Senate upon vouchers signed by the Secretary and the Sergeant at Arms, respectively. Amounts received as reimbursement of such expenses shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under title 26.

(Pub. L. 96–38, title I, § 107(a), July 25, 1979, 93 Stat. 112; Pub. L. 99–88, title I, § 193, Aug. 15, 1985, 99 Stat. 349; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–202, § 101(i) [title I, § 6], Dec. 22, 1987, 101 Stat. 1329–290, 1329–294; Pub. L. 102–392, title I, § 3, Oct. 6, 1992, 106 Stat. 1706; Pub. L. 108–83, title I, § 4, Sept. 30, 2003, 117 Stat. 1013.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1979.

PRIOR PROVISIONS

A prior section 69a, Pub. L. 95–94, title I, § 105, Aug. 5, 1977, 91 Stat. 661, provided for expenditure of $1,000 during any fiscal year to conduct orientation seminars for new Senators and their staffs, prior to repeal effective July 1, 1979, by section 107(b) of Pub. L. 96–38.

AMENDMENTS

2003—Pub. L. 108–83 substituted ''$25,000'' for ''$10,000'' in first sentence.

1992—Pub. L. 102–392 substituted ''$10,000'' for ''$4,000''.

1987—Pub. L. 100–202 substituted ''$4,000'' for ''$2,000''.

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1985—Pub. L. 99–88 substituted ''Senators, Senate officials, or members of the staffs of Senators or Senate officials'' for ''Senators and members of their staffs,''.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 101(i) [title I, § 6] of Pub. L. 100–202 provided that the amendment made by Pub. L. 100–202 is effective in the case of fiscal years beginning after Sept. 30, 1986.

§ 69b. Senate Leader's Lecture Series

(a) Establishment

There is established the Senate Leader's Lecture Series (hereinafter referred to as the ''lecture series''). Expenses incurred in connection with the lecture series shall be paid from the appropriations account ''Secretary of the Senate'' within the contingent fund of the Senate and shall not exceed $30,000 in any fiscal year.

(b) Expenses covered

Payments for expenses in connection with the lecture series may cover expenses incurred by speakers, including travel, subsistence, and per diem, and the cost of receptions, including food, food related items, and hospitality.

(c) Payments for expenses

Payments for expenses of the lecture series shall be made on vouchers approved by the Secretary of the Senate.

(d) Effective date

This section is effective on and after October 1, 1997.

(Pub. L. 105–275, title I, § 5, Oct. 21, 1998, 112 Stat. 2433.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1999, which is title I of the Legislative Branch Appropriations Act, 1999.

§§ 70 to 72. Omitted

CODIFICATION

Section 70, act July 16, 1914, ch. 141, § 1, 38 Stat. 456, repealed resolutions passed prior to July 1, 1914, authorizing payment for clerical and messenger service.

Section 71, act July 11, 1919, ch. 6, § 1, 41 Stat. 57, was a provision in the Third Deficiency Act of 1919 authorizing Secretary of the Army to transfer to Sergeant at Arms of Senate motor equipment no longer required by the War Department. It is the opinion of the Department of the Army the section was intended to cover only surplus Army material on hand following World War I.

Section 72, acts Mar. 4, 1925, ch. 549, § 1, 43 Stat. 1291; May 13, 1926, ch. 294, § 1, 44 Stat. 542; Feb. 23, 1927, ch.

168, §1, 44 Stat. 1152; May 14, 1928, ch. 551, §1, 45 Stat. 522; Feb. 28, 1929, ch. 367, §1, 45 Stat. 1392; June 6, 1930, ch. 407, §1, 46 Stat. 509; Feb. 20, 1931, ch. 234, §1, 46 Stat. 1179; June 30, 1932, ch. 314, §1, 47 Stat. 387; Feb. 28, 1933, ch. 134, §1, 47 Stat. 1356, related to Committee employees after termination of Congress, and was limited to the Legislative Branch Appropriation Acts of which it was a part.

§ 72a. Committee staffs

(a) Appointment of professional members; number; qualifications; termination of employment

Each standing committee of the Senate (other than the Committee on Appropriations) is authorized to appoint, by majority vote of the committee, not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee so request, two of such professional staff members may be selected for appointment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by a majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their respective positions. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

(b) Professional members for Committee on Appropriations; examinations of executive agencies' operation

Subject to appropriations which it shall be in order to include in appropriation bills, the Committee on Appropriations of each House is authorized to appoint such staff, in addition to the clerk thereof and assistants for the minority, as each such committee, by a majority vote, shall determine to be necessary, such personnel, other than the minority assistants, to possess such qualifications as the committees respectively may prescribe, and the Committee on Appropriations of the House also is authorized to conduct studies and examinations of the organization and operation of any executive agency (including any agency the majority of the stock of which is owned by the Government of the United States) as it may deem necessary to assist it in connection with the determination of matters within its jurisdiction and in accordance with procedures authorized by the committee by a majority vote, including the rights and powers conferred by House Resolution Numbered 50, adopted January 9, 1945.

(c) Clerical employees; appointment; number; duties; termination of employment

The clerical staff of each standing committee of the Senate (other than the Committee on Appropriations), which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee so requests, one of the members of the clerical staff may be selected for appointment by majority vote of such minority members and the committee shall appoint any staff member so selected. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if a member of the clerical staff is appointed pursuant to a request by the minority members of the committee, such clerical staff member shall handle committee correspondence and stenographic work for the minority members of the committee and for any members of the committee staff appointed under subsection (a) of this section pursuant to request by such minority members, on matters related to committee work. Services of clerical staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of clerical staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request.

(d) Recordation of committee hearings, data, etc.; access to records

All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(e) Repealed. Pub. L. 91–510, title IV, § 477(a)(3), Oct. 26, 1970, 84 Stat. 1195

(f) Limitations on appointment of professional members

No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives, as the case may be.

(g) Appointments when no vacancy exists; payment from Senate contingent fund

In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) of this section is made at any time when no vacancy exists to

which the appointment requested may be made—

(1) the person appointed pursuant to such a request under subsection (a) of this section may serve in addition to any other professional staff members authorized by such subsection and may be paid from the contingent fund of the Senate until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy; and

(2) the person appointed pursuant to such a request under subsection (c) of this section may serve in addition to any other clerical staff members authorized by such subsection and may be paid, until otherwise provided, from the contingent fund of the Senate.

(h) Salary rates, assignment of facilities, and accessibility of committee records for minority staff appointees

Staff members appointed pursuant to a request by minority members of a committee under subsection (a) or subsection (c) of this section, and staff members appointed to assist minority members of subcommittees pursuant to authority of Senate resolution, shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

(i) Consultants for Senate and House standing committees; procurement of temporary or intermittent services; contracts; advertisement requirements inapplicable; selection method; qualifications report to Congressional committees

(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Oversight in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction or with respect to the administration of the affairs of the committee.

(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee. Such contracts shall not be subject to the provisions of section 5 of title 41 or any other provision of law requiring advertising.

(3) With respect to the standing committees of the Senate, any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. With respect to the standing committees of the House of Representatives, the standing committee concerned shall select any such consultant or organization. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Oversight in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

(j) Specialized training for professional staffs of Senate and House standing committees, Senate Appropriations Committee, Senate Majority and Minority Policy Committees, and joint committees whose funding is disbursed by Secretary of Senate or Chief Administrative Officer of House; assistance: pay, tuition, etc. while training; continued employment agreement; service credit: retirement, life insurance and health insurance

(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the committee involved in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions, which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House, to provide assistance for members of its professional staff in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities. Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate or by the Chief Administrative Officer of the House of Representatives, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee.

(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the committee as the committee may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

(4) During any period for which an employee is separated from employment with a committee

for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service (in nonpay status) as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5,

(B) chapter 87 (relating to Federal employees group life insurance) of title 5, and

(C) chapter 89 (relating to Federal employees group health insurance) of title 5.

(Aug. 2, 1946, ch. 753, title II, § 202, 60 Stat. 834; July 30, 1947, ch. 361, title I, § 101, 61 Stat. 611; Feb. 24, 1949, ch. 8, 63 Stat. 6; Aug. 5, 1955, ch. 568, § 12, 69 Stat. 509; Pub. L. 85–462, § 4(*o*), June 20, 1958, 72 Stat. 209; Pub. L. 88–426, title II, § 202(j), Aug. 14, 1964, 78 Stat. 414; Pub. L. 91–510, title III, §§ 301(a)–(c), 303, 304, title IV, § 477(a)(3), Oct. 26, 1970, 84 Stat. 1175, 1176, 1179, 1180, 1195; Pub. L. 92–136, § 5, Oct. 11, 1971, 85 Stat. 378; Pub. L. 100–458, title III, § 312, Oct. 1, 1988, 102 Stat. 2184; Pub. L. 104–186, title II, § 204(10), (11), Aug. 20, 1996, 110 Stat. 1731; Pub. L. 105–55, title I, § 105(a), Oct. 7, 1997, 111 Stat. 1184.)

PARTIAL REPEAL

Section 2(a) of S. Res. 274, Ninety-sixth Congress, Nov. 14, 1979, provided in part that, until otherwise provided by law or resolution of the Senate, the provisions of subsections (a) through (h) of this section shall not apply to committees of the Senate.

ABOLITION OF ADDITIONAL CLERICAL STAFF POSITIONS

Section 2(d) of Senate Resolution 281, Ninety-sixth Congress, approved March 11, 1980, provided that effective February 28, 1981, the additional clerical staff positions established by subsection (g) of this section (as in effect for committees of the Senate prior to November 14, 1979) are abolished.

CODIFICATION

A former subsec. (k) authorized additional professional staff members and clerical employees for specific House committees. Committee staffs are now covered by the Rules of the House of Representatives. Former subsec. (k) was based on the following House resolutions which were enacted into permanent law:

Subsec. (k)(1) was based on House Resolution No. 172 of the Eighty-first Congress, which was enacted into permanent law by act June 22, 1949, ch. 235, § 105, 63 Stat. 230, and House Resolution No. 464 of the Eighty-first Congress, which was enacted into permanent law by act Oct. 11, 1951, ch. 485, § 105, 65 Stat. 403.

Subsec. (k)(2) was based on House Resolution No. 37 of the Eighty-second Congress, which was enacted into permanent law by act Oct. 11, 1951, ch. 485, § 105, 65 Stat. 403, House Resolution No. 393 of the Eighty-eighth Congress, which was enacted into permanent law by Pub. L. 88–454, § 103, Aug. 20, 1964, 78 Stat. 550, House Resolution No. 248 of the Eighty-ninth Congress, which was enacted into permanent law by Pub. L. 89–90, § 103, July 27, 1965, 79 Stat. 281, and House Resolution No. 640 of the Eighty-ninth Congress, which was enacted into permanent law by Pub. L. 89–545, § 103, Aug. 27, 1966, 80 Stat. 369.

Subsec. (k)(3) was based on House Resolution No. 554 of the Eighty-third Congress, which was enacted into permanent law by act July 2, 1954, ch. 455, § 103, 68 Stat. 409, House Resolution No. 468 of the Eighty-fourth Congress, which was enacted into permanent law by act June 27, 1956, ch. 453, § 103, 70 Stat. 370, House Resolution No. 126 of the Eighty-fifth Congress, which was enacted into permanent law by Pub. L. 85–75, § 103, July 1, 1957, 71 Stat. 256, House Resolution No. 525 of the Eighty-fifth Congress, which was enacted into permanent law by Pub. L. 85–570, § 103, July 31, 1958, 72 Stat. 453, and House Resolution No. 509 of the Eighty-seventh Congress, which was enacted into permanent law by Pub. L. 87–730, § 103, Oct. 2, 1962, 76 Stat. 693.

Subsec. (k)(4) was based on House Resolution No. 28 of the Eighty-fifth Congress, which was enacted into permanent law by Pub. L. 85–75, § 103, July 1, 1957, 71 Stat. 256, and section 2 of House Resolution No. 348 of the Eighty-seventh Congress, which was enacted into permanent law by Pub. L. 87–730, § 103, Oct. 2, 1962, 76 Stat. 693.

Subsec. (k)(5) was based on House Resolution No. 239 of the Eighty-fifth Congress, which was enacted into permanent law by Pub. L. 85–570, § 103, July 31, 1958, 72 Stat. 453, and House Resolution No. 225 of the Eighty-eighth Congress, which was enacted into permanent law by Pub. L. 88–248, § 103, Dec. 30, 1963, 77 Stat. 817.

AMENDMENTS

1997—Subsec. (j)(1). Pub. L. 105–55 amended directory language of Pub. L. 104–186, § 204(11). See 1996 Amendment note below.

1996—Subsec. (f). Pub. L. 104–186, § 204(10)(A), substituted ''House Oversight'' for ''House Administration''.

Subsec. (i)(1). Pub. L. 104–186, § 204(10), substituted ''House Oversight'' for ''House Administration'', ''contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions which, in the case of the Senate,'' for ''contingent funds of the respective Houses pursuant to resolutions, which'', and ''the appropriate House'' for ''such respective Houses''.

Subsec. (i)(3). Pub. L. 104–186, § 204(10)(A), substituted ''House Oversight'' for ''House Administration''.

Subsec. (j)(1). Pub. L. 104–186, § 204(11), as amended by Pub. L. 105–55, § 105(a), substituted ''committee involved in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions, which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House'' for ''Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses'' and ''Chief Administrative Officer of the House of Representatives'' for ''Clerk of the House''.

1988—Subsec. (i)(1). Pub. L. 100–458 inserted ''or with respect to the administration of the affairs of the committee'' before period at end.

1971—Subsec. (g). Pub. L. 92–136, § 5(a), permitted a clerical staff member, appointed at the request of the minority when no vacancy exists on the permanent staff, to continue to serve, in addition to any other clerical staff members authorized, and until otherwise provided, to continue to be paid from the contingent fund of the Senate, thereby eliminating the requirement, in the case of a clerical staff member, that this status continue until such time as a vacancy occurs, at which time such person is considered to be appointed to such vacancy.

Subsec. (j)(1). Pub. L. 92–136, § 5(b), authorized the same training opportunities for professional staff members of the Senate Appropriations Committee, the Senate Majority and Minority Policy Committees and joint committees whose expenses are paid out of funds

disbursed by the Secretary of the Senate or the Clerk of the House, as are afforded to professional staff members of standing committees.

1970—Subsec. (a). Pub. L. 91–510, § 301(a), restricted the provisions to standing committees of the Senate, deleting ''and the House of Representatives'' after ''Senate'', increased numerical limitation of professional staff members from four to six, provided for appointment of two staff members by majority vote of minority members of a committee whenever majority of minority members so request and assignment of such appointees to such committee business as the minority members deem advisable, and substituted provision for termination of services of staff members appointed by majority vote of the committee and services of members appointed pursuant to request of minority members of the committee by the committee when majority of such minority members so request for prior termination provision by majority vote of the committee.

Subsec. (c). Pub. L. 91–510, § 301(b), inserted ''of the Senate (other than the Committee on Appropriations)'' after ''each standing committee'', provided for appointment of one clerical staff member by majority vote of minority members of a committee whenever majority of minority members so request and handling by such appointee of committee correspondence and stenographic work for minority members of the committee and for any members of the committee staff appointed under subsec. (a) of this section pursuant to request by the minority members, on matters related to committee work, and for termination of services of clerical staff members appointed by majority vote of the committee and services of members appointed pursuant to request of minority members of the committee by the committee when majority of such minority members so request.

Subsec. (e). Pub. L. 91–510, § 477(a)(3), repealed provisions prescribing basic annual compensation of professional staff members and clerical staff members of standing committees and limiting such compensation, together with additional compensation authorized by law, to maximum amount authorized by Classification Act of 1949.

Subsec. (g). Pub. L. 91–510, § 301(c), added subsec. (g). Former provisions, declaring any individual employed as a professional staff member of any committee as provided in this section ineligible for appointment to any office or position in executive branch of Government for period of one year after he shall have ceased to be such a member, were repealed by act Feb. 24, 1949, ch. 8, 63 Stat. 6.

Subsec. (h). Pub. L. 91–510, § 301(c), added subsec. (h) and struck out former provisions which related to employees of House and Senate Appropriation Committees through fiscal year 1947, all other committee employees through Jan. 31, 1947, and appropriations for compensation of committee employees as contained in Legislative Branch Appropriation Act, 1947, act July 1, 1946, ch. 530, 60 Stat. 386.

Subsec. (i). Pub. L. 91–510, § 303, added subsec. (i).

Subsec. (j). Pub. L. 91–510, § 304, added subsec. (j).

1964—Subsec. (e). Pub. L. 88–426 increased maximum basic annual compensation to professional staff members and clerical staff from $8,880 to highest amount which, together with additional compensation authorized by law, will not exceed maximum rate authorized by Classification Act of 1949, as amended.

1958—Subsec. (e). Pub. L. 85–462 substituted ''$8,880'' for ''$8,820'' in two places.

1955—Subsec. (e). Act Aug. 5, 1955, increased maximum basic annual compensation of professional staff and clerical staff from $8,000 to $8,820.

1949—Subsec. (g). Act Feb. 24, 1949, repealed subsec. (g).

1947—Subsec. (e). Act July 30, 1947, omitted figure $2,000 as lowest salary to be paid clerks.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 105(b) of Pub. L. 105–55 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as of August 20, 1996.''

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–136 effective as of noon on Jan. 3, 1971, see section 9(a) of Pub. L. 92–136, set out as a note under section 190d of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Section 601 of Pub. L. 91–510 provided that:

''The foregoing provisions of this Act [see Short Title note below] shall take effect as follows:

''(1) Title I [enacting sections 190a–1 and 190a–2 and amending sections 190a, 190a–1, 190b to 190d, and 190f of this title], title II (except part 2 thereof) [enacting sections 190h to 190k of this title and chapter 22 of former Title 31, Money and Finance, and repealing section 190e of this title], title III (except section 203(d)(2), (d)(3), and (i) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act, and section 105(e) and (f) of the Legislative Branch Appropriation Act, 1968, as amended by section 305 of this Act) [enacting sections 28 and 29 of this title, amending sections 72a(a), (c), (g) to (j), and 166 of this title, enacting provisions set out as notes under this section and repealing provisions set out as a note under section 60a of this title], and title IV, of this Act [enacting chapters 10A and 13 and sections 60–1, 88b–1, 1841 to 1846, 2161, and 2166 of this title and section 193m–1 of former Title 40, Public Buildings, Property, and Works, amending section 198 of this title and sections 2107, 5533, and 8332 of Title 5, Government Organization and Employees, repealing sections 60g, 60g–1, 72a(e), and 88c of this title and section 1106 of Title 8, Aliens and Nationality, and enacting provisions set out as notes under sections 88b–1, 331, and 2166 of this title, section 1106 of Title 8, and section 166 of former Title 40] shall become effective immediately prior to noon on January 3, 1971.

''(2) Part 2 of title II [amending section 11 of former Title 31] shall be effective with respect to fiscal years beginning on or after July 1, 1972.

''(3) Section 203(d)(2) and (3) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act [section 166(d)(2) and (3) of this title], shall become effective at the close of the first session of the Ninety-second Congress.

''(4) Section 203(i) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act [section 166(i) of this title], shall be effective with respect to fiscal years beginning on or after July 1, 1970.

''(5) Title V of this Act [sections 281 to 281b and 282 to 282e of this title] shall become effective on the date of enactment of this Act [Oct. 26, 1970].

''(6) Section 105(e) and (f) of the Legislative Branch Appropriation Act, 1968, as amended by section 305 of this Act [section 61–1(e) and (f) of this title] shall become effective on January 1, 1971.''

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–426 effective first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–462 effective first day of first pay period which began on or after January 1, 1958, see section 17(a) of Pub. L. 85–462.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Aug. 5, 1955, effective Aug. 1, 1955, see section 14 of that act.

EFFECTIVE DATE

Section 245 of title II of act Aug. 2, 1946, provided that: ''This title [see Tables for classification] shall

take effect on the date of its enactment [Aug. 2, 1946]; except that sections 202(a), (b), (c), (e), (f), and (h), 222, 223, 224, and 243 shall take effect on the day on which the Eightieth Congress convenes [Jan. 3, 1947].''

SHORT TITLE

Section 1 of Pub. L. 91–510 provided that Pub. L. 91–510 [enacting sections 28, 29, 60–1, 88b–1, 190a–1, 190a–2, 190h to 190k, 281 to 281b, 282 to 282e, 331 to 336, 411 to 417, 1841 to 1846, 2161, and 2166 of this title, sections 1151 to 1157 and 1171 to 1176 of former Title 31, Money and Finance, and section 193m–1 of former Title 40, Public Buildings, Property, and Works, amending sections 61–1, 72a, 166, 190a, 190a–1, 190b to 190d, 190f, and 198 of this title, sections 2107, 5533, and 8332 of Title 5, Government Organization and Employees, and section 11 of former Title 31, repealing sections 60g, 60g–1, 88c, and 190e of this title and section 1106 of Title 8, Aliens and Nationality, enacting provisions set out as notes under sections 72a, 88b–1, 281, 331, and 2166 of this title and section 166 of former Title 40, repealing provisions set out as a note under section 60a of this title, and abolishing Joint Committee on Immigration and Nationality established by former section 1106(a) of Title 8] may be cited as the ''Legislative Reorganization Act of 1970.''

Section 1(a) of act Aug. 2, 1946, provided that act Aug. 2, 1946 [enacting sections 72a, 72b–1, 74b, 75a–1, 88a, 132a, 132b, 145a, 166, 190 to 190a–2, 190b to 190f, 190g, 198, 261 to 270, and 2181 of this title, sections 191a and 275 of former Title 5, Executive Departments and Government Officers and Employees, sections 1022(a) and 1024(b)(3) of Title 15, Commerce and Trade, sections 59 and 60 of former Title 31, Money and Finance, sections 525, 526, and 527 to 533 of Title 33, Navigation and Navigable Waters, and sections 1, 182c, and 402 of former Title 44, Public Printing and Documents], may be cited as the ''Legislative Reorganization Act of 1946.''

TRAVEL FOR STUDIES AND EXAMINATIONS OF EXECUTIVE AGENCIES

Pub. L. 104–53, title I, §105, Nov. 19, 1995, 109 Stat. 521, provided that:

''(a) Notwithstanding any other provision of law, or any rule, regulation, or other authority, travel for studies and examinations under section 202(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(b)) shall be governed by applicable laws or regulations of the House of Representatives or as promulgated from time to time by the Chairman of the Committee on Appropriations of the House of Representatives.

''(b) Subsection (a) shall take effect on the date of the enactment of this Act [Nov. 19, 1995] and shall apply to travel performed on or after that date.''

OVERTIME PAY FOR FBI EMPLOYEES DETAILED TO HOUSE COMMITTEE ON APPROPRIATIONS

Pub. L. 103–283, title I, July 22, 1994, 108 Stat. 1430, provided in part: ''That the Federal Bureau of Investigation, notwithstanding any other provision of law, may in any fiscal year pay all administrative uncontrollable overtime accrued by its employees while on detail to the Committee on Appropriations.''

STAFF MEMBERS; REDUCTION IN NUMBER; SELECTION FOR MINORITY MEMBERS

Section 301(d) of Pub. L. 91–510 provided that: ''Nothing in the amendments made by subsections (a) and (b) of this section [amending this section] shall be construed—

''(1) to require a reduction in—

''(A) the number of staff members authorized, prior to January 1, 1971, to be employed by any committee of the Senate, by statute or by annual or permanent resolution, or

''(B) the number of such staff members on such date assigned to, or authorized to be selected for appointment by or with the approval of, the minority members of any such committee; or

''(2) to authorize the selection for appointment of staff members by the minority members of a committee in any case in which two or more professional staff members or one or more clerical staff members, as the case may be, who are satisfactory to a majority of such minority members, are otherwise assigned to assist such minority members.''

PROFESSIONAL STAFFS; INCREASE IN NUMBER

Section 301(e) of Pub. L. 91–510 provided that: ''The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section [amending this section] shall be in addition to any other additional staff members authorized, prior to January 1, 1971, to be employed by any such committee.''

INCREASES IN COMPENSATION

Increases in compensation for Senate and House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 60a–1, 60a–2, and 60a–2a of this title, Salary Directives of President pro tempore of the Senate set out as notes under section 60a–1 of this title, and Salary Directives of Speaker of the House set out as notes under sections 60a–2 and 60a–2a of this title.

REORGANIZATION OF COMMITTEES AND PERSONNEL

Sections 102 and 121 of act Aug. 2, 1946, in amending Rule XXV of the Standing Rules of the Senate, and Rules X and XI of the Rules of the House of Representatives, reorganized the standing committees in the two Houses, and re-defined the jurisdiction of each such committee. The number of standing committees of the Senate was reduced from 33 to 13, and the number of such committees in the House of Representatives was reduced from 48 to 19. Section 142 of act Aug. 2, 1946, provided that sections 102 and 121 thereof should take effect on Jan. 2, 1947. For provisions of act Aug. 2, 1946, relating to appointment and compensation of clerical staffs of the revised committees and other personnel thereof, and retention of employees of existing committees, see this section and section 74a of this title.

OFFICE OF SENATE SECURITY

S. Res. 243, One Hundredth Congress, July 1, 1987, provided: ''That (a) there is established, within the Office of the Secretary of the Senate (hereinafter referred to as the 'Secretary'), the Office of Senate Security (hereinafter referred to as the 'Office'), which shall be headed by a Director of Senate Security (hereinafter referred to as the 'Director'). The Office shall be under the policy direction of the Majority and Minority Leaders of the Senate, and shall be under the administrative direction and supervision of the Secretary.

''(b)(1) The Director shall be appointed by the Secretary after consultation with the Majority and Minority Leaders. The Secretary shall fix the compensation of the Director. Any appointment under this subsection shall be made solely on the basis of fitness to perform the duties of the position and without regard to political affiliation.

''(2) The Director, with the approval of the Secretary, and after consultation with the Chairman and Ranking Member of the Committee on Rules and Administration of the Senate, may establish such policies and procedures as may be necessary to carry out the provisions of this resolution. Commencing one year from the effective date of this resolution, the Director shall submit an annual report to the Majority and Minority Leaders and the Chairman and Ranking Member of the Committee on Rules and Administration on the status of security matters and the handling of classified information in the Senate, and the progress of the Office in achieving the mandates of this resolution.

''SEC. 2. (a) The Secretary shall appoint and fix the compensation of such personnel as may be necessary to

carry out the provisions of this resolution. The Director, with the approval of the Secretary, shall prescribe the duties and responsibilities of such personnel. If a Director is not appointed, the Office shall be headed by an Acting Director. The Secretary shall appoint and fix the compensation of the Acting Director.

''(b) The Majority and Minority Leaders of the Senate may each designate a Majority staff assistant and a Minority staff assistant to serve as their liaisons to the Office. Upon such designation, the Secretary shall appoint and fix the compensation of the Majority and Minority liaison assistants.

''SEC. 3. (a) The Office is authorized, and shall have the responsibility, to develop, establish, and carry out policies and procedures with respect to such matters as:

''(1) the receipt, control, transmission, storage, destruction or other handling of classified information addressed to the United States Senate, the President of the Senate, or Members and employees of the Senate;

''(2) the processing of security clearance requests and renewals for officers and employees of the Senate;

''(3) establishing and maintaining a current and centralized record of security clearances held by officers and employees of the Senate, and developing recommendations for reducing the number of clearances held by such employees;

''(4) consulting and presenting briefings on security matters and the handling of classified information for the benefit of Members and employees of the Senate;

''(5) maintaining an active liaison on behalf of the Senate, or any committee thereof, with all departments and agencies of the United States on security matters; and

''(6) conducting periodic review of the practices and procedures employed by all offices of the Senate for the handling of classified information.

''(b) Within 180 days after the Director takes office, he shall develop, after consultation with the Secretary, a Senate Security Manual, to be printed and distributed to all Senate offices. The Senate Security Manual will prescribe the policies and procedures of the Office, and set forth regulations for all other Senate offices for the handling of classified information.

''(c) Within 90 days after taking office, the Director shall conduct a survey to determine the number of officers and employees of the Senate that have security clearances and report the findings of the survey to the Majority and Minority Leaders and Secretary of the Senate together with recommendations regarding the feasibility of reducing the number of employees with such clearances.

''(d) The Office shall have authority—

''(1) to provide appropriate facilities in the United States Capitol for hearings of committees of the Senate at which restricted data or other classified information is to be presented or discussed;

''(2) to establish and operate a central repository in the United States Capitol for the safeguarding of classified information for which the Office is responsible; which shall include the classified records, transcripts, and materials of all closed sessions of the Senate; and

''(3) to administer and maintain oaths of secrecy under paragraph (2) of rule XXIX of the Standing Rules of the Senate and to establish such procedures as may be necessary to implement the provisions of such paragraph.

''SEC. 4. Funds appropriated for the fiscal year 1987 which would be available to carry out the purposes of the Interim Office of Senate Security but for the termination of such Office shall be available for the Office of Senate Security.

''SEC. 5. (a) All records, documents, data, materials, rooms, and facilities in the custody of the Interim Office of Senate Security at the time of its termination on July 10, 1987, are transferred to the Office established by subsection (a) of the first section of this resolution.

''(b) This resolution shall take effect on July 11, 1987.''

S. Res. 229, One Hundredth Congress, June 5, 1987, established within the Office of the Secretary of the Senate an Interim Office of Senate Security with the same duties, functions, personnel, rooms, and facilities as the former Office of Classified National Security Information.

OFFICE OF CLASSIFIED NATIONAL SECURITY INFORMATION

Pub. L. 95–391, title I, §105, Sept. 30, 1978, 92 Stat. 772, as amended by Pub. L. 97–51, §115, Oct. 1, 1981, 95 Stat. 963, eff. Oct. 1, 1981; Pub. L. 99–492, §2(a), Oct. 16, 1986, 100 Stat. 1240; Pub. L. 100–18, §1(a), Apr. 3, 1987, 101 Stat. 262, established for the period beginning on Oct. 1, 1981, and ending on June 5, 1987, within the Office of the Secretary of the Senate, the Office of Classified National Security Information under the policy direction of the Majority Leader, the Minority Leader, and the chairman of the committee on Rules and Administration of the Senate, and under the administrative direction and supervision of the Secretary of the Senate with the responsibility for safeguarding such restricted data and such other classified information as any committee of the Senate may from time to time assign to it.

AUTHORIZATION OF APPROPRIATIONS

Section 244 of act Aug. 2, 1946, provided in part: ''All necessary funds required to carry out the provisions of this Act [see Short Title note above for classification], by the Secretary of the Senate and the Clerk of the House, are hereby authorized to be appropriated.''

§§ 72a–1, 72a–1a. Repealed. Pub. L. 90–57, § 105(i)(4), (5), July 28, 1967, 81 Stat. 144

Section 72a–1, acts Feb. 19, 1947, ch. 4, 61 Stat. 5; June 14, 1948, ch. 467, 62 Stat. 423, provided for compensation of clerical employees of Senate standing committees. See section 61–1(e) of this title.

Section 72a–1a, acts Aug. 5, 1955, ch. 568, §1, 69 Stat. 505; June 20, 1958, Pub. L. 85–462, §4(h), 72 Stat. 208; Aug. 27, 1966, Pub. L. 89–545, 80 Stat. 357, limited compensation of committee staff employees. See section 61–1(e) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 1, 1967, see section 105(k) of Pub. L. 90–57, set out as an Effective Date note under section 61–1 of this title.

§ 72a–1b. Approval of employment and compensation of committee employees by House standing committees

Standing committees of the House shall have authority to approve the employment and compensation of committee employees (other than special and select committee employees) from the effective date of the beginning of each Congress, or such subsequent date as their service commenced.

(Pub. L. 87–130, §103, Aug. 10, 1961, 75 Stat. 334.)

CODIFICATION

Section is based on House Resolution No. 16, Eighty-seventh Congress, Jan. 3, 1961, which was enacted into permanent law by Pub. L. 87–130.

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations

Act, 1988 (Pub. L. 100–202), see sections 60a–2 and 60a–2a of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§ 72a–1c. Repealed. Pub. L. 95–26, title I, § 106(f), May 4, 1977, 91 Stat. 84

Section, Pub. L. 94–59, title I, § 108, July 25, 1975, 89 Stat. 276; Pub. L. 94–440, title I, § 102, Oct. 1, 1976, 90 Stat. 1443, authorized Senators to hire staff assistance in connection with their committee memberships. See section 72a–1e of this title.

EFFECTIVE DATE OF REPEAL

Section 106(g)(1) of Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 84, which provided that the repeal is effective Mar. 1, 1977, was repealed by Pub. L. 95–94, title I, § 111(e)(1), Aug. 5, 1977, 91 Stat. 663.

§ 72a–1d. Repealed. Pub. L. 95–94, title I, § 111(e)(1), Aug. 5, 1977, 91 Stat. 663

Section, Pub. L. 95–26, title I, § 106(a)–(e), May 4, 1977, 91 Stat. 83, 84, authorized Senators to employ individuals to assist with committee memberships of Senators and set forth compensation limitations and procedures applicable for employment of such individuals. See section 72a–1e of this title and section 111(a), (b) of Pub. L. 95–94, set out as a note under section 61–1 of this title for related provisions.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1977, see section 111(f) of Pub. L. 95–94, set out as an Effective Date note under section 72a–1e of this title.

EFFECTIVE DATE AND SAVINGS PROVISIONS

Section 106(g) of Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 84, provided that this section is effective Mar. 1, 1977, and set forth savings provisions relating to designations and availability of amounts for employees covered by section 72a–1d of this title, and was repealed by section 111(e)(1) of Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 663.

§ 72a–1e. Assistance to Senators with committee memberships by employees in office of Senator

(1) Designation

A Senator may designate employees in his office to assist him in connection with his membership on committees of the Senate. An employee may be designated with respect to only one committee.

(2) Certification; professional staff privileges

An employee designated by a Senator under this section shall be certified by him to the chairman and ranking minority member of the committee with respect to which such designation is made. Such employee shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it. Nothing contained in this paragraph shall be construed to prohibit a committee from adopting policies and practices with respect to the application of this section which are similar to the policies and practices adopted with respect to the application of section 705(c)(1)[1] of Senate Resolution 4, 95th Congress, and section 72a–1d(c)(1)[1] of this title.

(3) Termination

A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this section with respect to such committee is terminated.

(Pub. L. 95–94, title I, § 111(c), Aug. 5, 1977, 91 Stat. 662.)

REFERENCES IN TEXT

Section 705(c)(1) of Senate Resolution 4, 95th Congress, referred to in par. (2), which was not classified to the Code, was repealed by Pub. L. 95–94, title I, § 111(e)(2), Aug. 5, 1977, 91 Stat. 663.

Section 72a–1d(c)(1) of this title, referred to in par. (2), was repealed by Pub. L. 95–94, title I, § 111(e)(1), Aug. 5, 1977, 91 Stat. 663.

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1978, which is title I of the Legislative Branch Appropriation Act, 1978.

EFFECTIVE DATE

Section 111(f) of Pub. L. 95–94 provided that: ''This section, and the amendments made by subsection (d) and the repeals made by subsection (e) [enacting this section, amending section 61–1 of this title, enacting notes set out under section 61–1 of this title, and repealing notes set out under section 72a–1d of this title], shall take effect on October 1, 1977.''

§ 72a–1f. Designation by Senator who is Chairman or Vice Chairman of Senate Select Committee on Ethics of employee in office of that Senator to perform part-time service for Committee; amount reimbursable; procedure applicable

Notwithstanding any other provisions of law, a Senator who is the Chairman or Vice Chairman of the Senate Select Committee on Ethics may designate one employee employed in his Senate office to perform part-time service for such Committee, and such Committee shall reimburse such Senator for such employee's services for the Committee by transferring from the contingent fund of the Senate, upon vouchers approved by the Chairman of such Committee, to such Senator's Administrative, Clerical, and Legislative Assistance Allowance, with respect to each pay period of such employee, an amount which bears the same ratio to such employee's salary (but not more than one-half of such salary) for such period, as the portion of the time spent (or to be spent) by such employee in performing services for such Committee during such period bears to the total time for which such employee worked (or will work) during such period (as determined by the Chairman of such Committee) for such Committee and in such Senator's office. Any funds transferred under authority of the preceding sentence to a Senator's Administrative, Clerical, and Legislative Assistance[1] shall be available for the same purposes and in like manner as funds therein

[1] See References in Text note below.

[1] So in original. Probably should be ''Assistance Allowance''.

which were not transferred thereto under such authority. For purposes of any law of the United States, a State, a territory, or a political subdivision thereof, an employee designated by a Senator pursuant to this section shall be considered to be an employee of such Senator's Senate office and not an employee of the Senate Select Committee on Ethics.

(Pub. L. 98–367, title I, § 10, July 17, 1984, 98 Stat. 476.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1985, which is title I of the Legislative Branch Appropriations Act, 1985.

§ 72a–1g. Referral of ethics violations by Senate Ethics Committee to Government Accountability Office for investigation

If the Committee on Ethics of the Senate determines that there is a reasonable basis to believe that a Member, officer, or employee of the Senate may have committed an ethics violation, the committee may request the Office of Special Investigations of the Government Accountability Office to conduct factfinding and an investigation into the matter. The Office of Special Investigations shall promptly investigate the matter as directed by the committee.

(Pub. L. 101–194, title V, § 501, Nov. 30, 1989, 103 Stat. 1753; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in section catchline and text.

§§ 72a–2, 72a–3. Omitted

CODIFICATION

Section 72a–2, acts July 20, 1951, ch. 237, §§ 1–3, 65 Stat. 123; Aug. 5, 1955, ch. 568, §§ 1, 8, 69 Stat. 501, 509; Feb. 14, 1956, ch. 34, Ch. IV, 70 Stat. 13; June 27, 1956, ch. 453, 70 Stat. 357; July 28, 1967, Pub. L. 90–57, § 103, 81 Stat. 141; Aug. 18, 1970, Pub. L. 91–382, § 103, 84 Stat. 825, prescribed basic compensation of employees of House and Senate press, periodical, and radio galleries, and was omitted for lack of general applicability.

Section 72a–3, Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 814, which related to computation of salaries and wages paid out of House appropriation items, was from the Legislative Branch Appropriation Act, 1971, and was not repeated in subsequent appropriation acts. See section 331 et seq. of this title. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 347.
Pub. L. 90–417, July 23, 1968, 82 Stat. 404.
Pub. L. 90–57, July 28, 1967, 81 Stat. 133.
Pub. L. 89–545, Aug. 27, 1966, 80 Stat. 361.
Pub. L. 89–90, July 27, 1965, 79 Stat. 273.
Pub. L. 88–454, Aug. 20, 1964, 78 Stat. 542.
Pub. L. 88–248, Dec. 30, 1963, 77 Stat. 809.
Pub. L. 87–730, Oct. 2, 1962, 76 Stat. 686.
Pub. L. 87–130, Aug. 10, 1961, 75 Stat. 327.
Pub. L. 86–628, July 12, 1960, 74 Stat. 453.
Pub. L. 86–176, Aug. 21, 1959, 73 Stat. 405.
Pub. L. 85–570, July 31, 1958, 72 Stat. 446.
Pub. L. 85–75, July 1, 1957, 71 Stat. 249.
June 27, 1956, ch. 453, 70 Stat. 363.
Aug. 5, 1955, ch. 568, 69 Stat. 513.
July 2, 1954, ch. 455, title I, 68 Stat. 403.

§ 72a–4. Repealed. Pub. L. 90–57, § 105(i)(1), July 28, 1967, 81 Stat. 144

Section, Pub. L. 85–75, July 1, 1957, 71 Stat. 246, provided for computation of salaries and wages paid out of Senate contingent-expense items. See section 61–1(b), (c) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 1, 1967, see section 105(k) of Pub. L. 90–57, set out as an Effective Date note under section 61–1 of this title.

§ 72b. Regulations governing availability of appropriations for House committee employees

Appropriations for committee employees shall be available in such amounts and under such regulations as may be approved by the Committee on House Oversight for compensation of employees of the standing committees of the House of Representatives, except the Committee on Appropriations.

(July 17, 1947, ch. 262, 61 Stat. 367; Pub. L. 104–186, title II, § 204(12), Aug. 20, 1996, 110 Stat. 1731.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 72b–1. Omitted

CODIFICATION

Section, act Aug. 2, 1946, ch. 753, title I, § 134(b), 60 Stat. 832, related to reports of committees and subcommittees of the Senate and House of Representatives on employed personnel. See section 72c of this title and the Standing Rules of the Senate. Section 2(a) of Senate Resolution No. 274, Ninety-sixth Congress, Nov. 14, 1979, provided in part that this section, insofar as it relates to the Senate, is repealed.

§ 72c. Repealed. Pub. L. 104–186, title II, § 204(13), Aug. 20, 1996, 110 Stat. 1732

Section, act July 17, 1947, ch. 262, 61 Stat. 367, related to House committee reports on employed personnel.

§ 72d. Discretionary authority of Senate Committee on Appropriations

(a) In general

The Committee on Appropriations is authorized in its discretion—

(1) to hold hearings, report such hearings, and make investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate;

(2) to make expenditures from the contingent fund of the Senate;

(3) to employ personnel;

(4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency;

(5) to procure the services of individual consultants, or organizations thereof (as authorized by section 72a(i) of this title and Senate Resolution 140, agreed to May 14, 1975, except that any approval (and related reporting requirement) shall not apply); and

(6) to provide for the training of the professional staff of such committee (under procedures specified by section 72a(j) of this title).

(b) Omitted

(c) Effective date

This section shall be effective on and after October 1, 1998, or the date of enactment of this Act [October 21, 1998], whichever is later.

(Pub. L. 105–275, title I, § 10, Oct. 21, 1998, 112 Stat. 2435; Pub. L. 109–55, title I, § 6, Aug. 2, 2005, 119 Stat. 568.)

REFERENCES IN TEXT

Senate Resolution 140, agreed to May 14, 1975, referred to in subsec. (a)(5), is Senate Resolution 140, 94th Congress, which is not classified to the Code.

CODIFICATION

Section is comprised of section 10 of Pub. L. 105–275. Subsec. (b) of section 10 of Pub. L. 105–275 amended section 4 of Senate Resolution 54, 105th Congress, which is not classified to the Code.

Section is from the Congressional Operations Appropriations Act, 1999, which is title I of the Legislative Branch Appropriations Act, 1999.

AMENDMENTS

2005—Subsec. (a)(5). Pub. L. 109–55 inserted ‘‘, except that any approval (and related reporting requirement) shall not apply’’ after ‘‘May 14, 1975’’.

§ 72d–1. Transfer of funds by Chairman of Senate Committee on Appropriations

(a) In general

(1) The Chairman of the Appropriations Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Appropriations Committee of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committee.

(2) The Chairman of the Appropriations Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Appropriations Committee of the Senate, to the account from which salaries are payable for such committee.

(b) Availability of funds; times of transfer

Any funds transferred under this section shall be—

(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

(c) Effective date

This section shall take effect on October 1, 1998, and shall be effective with respect to fiscal years beginning on or after that date.

(Pub. L. 105–275, title I, § 11, Oct. 21, 1998, 112 Stat. 2435.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1999, which is title I of the Legislative Branch Appropriations Act, 1999.

§§ 73, 74. Omitted

CODIFICATION

Section 73, act Mar. 4, 1925, ch. 549, § 1, 43 Stat. 1292, related to clerk hire for Ways and Means Committee. See section 72a(c) of this title and Rules of House of Representatives.

Section 74, acts Mar. 3, 1893, No. 21, 27 Stat. 757; July 16, 1914, ch. 141, §§ 1, 6, 38 Stat. 454, 509; Mar. 4, 1915, ch. 141, §§ 1, 6, 38 Stat. 997, 1049; June 7, 1924, ch. 303, § 1, 43 Stat. 581, and Mar. 4, 1925, ch. 549, § 1, 43 Stat. 1286, related to clerk hire. See section 72a of this title.

REPEALS

R.S. § 53 and act May 24, 1924, ch. 183, § 1, 43 Stat. 149, formerly cited as a credit to section 74, were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428, and act June 20, 1929, ch. 33, § 6, 46 Stat. 39, respectively.

§ 74–1. Personal services in office of Speaker; payments

There shall be paid from the applicable accounts of the House of Representatives until otherwise provided by law, for personal services in the office of the Speaker of the House, an additional basic sum of $10,000 per annum.

(Pub. L. 87–730, § 103, Oct. 2, 1962, 76 Stat. 693; Pub. L. 104–186, title II, § 204(14), Aug. 20, 1996, 110 Stat. 1732.)

CODIFICATION

Section is based on House Resolution No. 487, Eighty-seventh Congress, Jan. 10, 1962, which was enacted into permanent law by Pub. L. 87–730.

AMENDMENTS

1996—Pub. L. 104–186 substituted ‘‘applicable accounts of the House of Representatives’’ for ‘‘contingent fund of the House’’.

§ 74–2. Omitted

Section, Pub. L. 88–248, § 103, Dec. 30, 1963, 77 Stat. 817; Pub. L. 89–90, § 103, July 27, 1965, 79 Stat. 81; Pub. L. 90–417, § 103, July 23, 1968, 82 Stat. 413, was based on House Resolutions No. 603, Apr. 16, 1962, and No. 685, Apr. 14, 1964, related to messengers in Office of Speaker, and was omitted for lack of general applicability.

§ 74a. Employment of administrative assistants for Speaker and House Majority and Minority Leaders; compensation; appropriations

The Speaker, the majority leader, and the minority leader of the House of Representatives are each authorized to employ an administrative assistant, who shall receive basic compensation at a rate not to exceed $8,000 a year. There is authorized to be appropriated such sums as may be necessary for the payment of such compensation.

(Aug. 2, 1946, ch. 753, title II, § 201(c), 60 Stat. 834.)

EFFECTIVE DATE

Section effective Aug. 2, 1946, see section 245 of act Aug. 2, 1946, set out as a note under section 72a of this title.

BASIC COMPENSATION OF ADMINISTRATIVE ASSISTANTS

Pub. L. 85–462, § 4(n), June 20, 1958, 72 Stat. 209, provided that: ‘‘The basic compensation of the Administra-

tive Assistants to the Speaker, Majority Leader, Minority Leader, Majority Whip, and Minority Whip, shall be at the rate of $8,880 per annum.''

House Resolution No. 127, Eighty-ninth Congress, Jan. 19, 1965, which was enacted into permanent law by Pub. L. 89–90, § 103, July 27, 1965, 79 Stat. 281, provided: ''That effective January 3, 1965, there shall be payable from the contingent fund of the House, until otherwise provided by law, for any Member of the House who has served as majority leader and as minority leader of the House, an additional $8,880 basic per annum for an administrative assistant.''

House Resolution No. 258, Eighty-ninth Congress, Mar. 9, 1965, which was enacted into permanent law by Pub. L. 89–90, § 103, July 27, 1965, 79 Stat. 281, provided: ''That, effective March 1, 1965, there shall be payable from the contingent fund of the House of Representatives, until otherwise provided by law, an amount which will permit the payment of basic compensation per annum, at a rate not in excess of the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended, to the administrative assistant of each of the following:

''(1) the Speaker of the House;

''(2) the majority leader of the House;

''(3) the minority leader of the House;

''(4) the majority whip of the House;

''(5) the minority whip of the House;

''(6) each Member of the House who has served as Speaker of the House; and

''(7) each Member of the House who has served as majority leader, and as minority leader, of the House.''

Section 207(c) of House Resolution 988, Ninety-third Congress, Oct. 8, 1974, provided for the compensation of the administrative assistants referred to in House Resolution 1015, Ninetieth Congress, Jan. 15, 1968, at a rate not in excess of the minimum rate of pay in effect for one pay level above that of employees (referred to in clause 6(a)(1) of Rule XI) to whom clause 6(c) of Rule XI of the Rules of the House of Representatives applied.

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 60a–2 and 60a–2a of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§ 74a–1. Omitted

CODIFICATION

Section, Pub. L. 87–367, title III, § 302(c), Oct. 4, 1961, 75 Stat. 793, provided that rate of gross annual compensation of Chief of Staff of Joint Committee on Internal Revenue Taxation was to be an amount equal to $17,500 as increased in the manner provided by sections 60e–8(d) and 60e–9(d) of this title. See section 74a–2 of this title.

A prior section 74a–1, act Aug. 5, 1955, ch. 568, § 9, 69 Stat. 509, prescribed compensation of Chief of Staff of Joint Committee on Internal Revenue Taxation.

§ 74a–2. Per annum rate of compensation of Chief of Staff of Joint Committee on Taxation

The per annum rate of compensation of the Chief of Staff of the Joint Committee on Taxation shall be the same as the per annum rate of compensation of the Legislative Counsel of the House of Representatives.

(Pub. L. 90–206, title II, § 214(e), Dec. 16, 1967, 81 Stat. 636; Pub. L. 103–437, § 2(a), Nov. 2, 1994, 108 Stat. 4581.)

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Joint Committee on Taxation'' for ''Joint Committee on Internal Revenue Taxation''.

EFFECTIVE DATE

Section effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90–206, set out as an Effective Date of 1967 Amendment note under section 5332 of Title 5, Government Organization and Employees.

CROSS REFERENCES

Compensation of Legislative Counsel of House of Representatives, see section 282b of this title.

§ 74a–3. Additional employees in offices of House Minority Leader, Majority Whip, and Chief Deputy Majority Whip; authorization; compensation

(a) Subject to the provisions of subsection (b) of this section, effective March 1, 1977, there shall be two additional employees in the office of the minority leader, and one additional employee each in the offices of the majority whip and the chief deputy majority whip.

(b) The annual rate of compensation for any individual employed under subsection (a) of this section shall not exceed the annual rate of basic pay of level V of the Executive Schedule of section 5316 of title 5, and until otherwise provided by law such compensation as may be necessary shall be paid from the applicable accounts of the House of Representatives.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668; Pub. L. 104–53, title I, § 103, Nov. 19, 1995, 109 Stat. 520; Pub. L. 104–186, title II, § 204(15)(A), Aug. 20, 1996, 110 Stat. 1732.)

CODIFICATION

Section is based on section 1 of House Resolution No. 393, Ninety-fifth Congress, Mar. 31, 1977, which was enacted into permanent law by Pub. L. 95–94.

Amendment by Pub. L. 104–53 is based on section 3(b) of House Resolution No. 113, One Hundred Fourth Congress, Mar. 10, 1995, which was enacted into permanent law by Pub. L. 104–53.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–186 substituted ''applicable accounts of the House of Representatives'' for ''contingent fund of the House''.

1995—Subsec. (a). Pub. L. 104–53 substituted ''chief deputy majority whip'' for ''chief majority whip''.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 3(a) of House Resolution No. 113, One Hundred Fourth Congress, Mar. 10, 1995, as enacted into permanent law by Pub. L. 104–53, provided that: ''Upon the enactment of this section into permanent law, the amendment made by subsection (b) [amending this section] shall take effect.''

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 60a–2 and 60a–2a of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§ 74a–4. Additional amounts for personnel and equipment for House Majority and Minority Leaders and Majority and Minority Whips

Effective March 1, 1977, and until otherwise provided by law, there shall be paid out of the applicable accounts of the House of Representatives such additional amounts as may be necessary for office personnel, and rental or lease of necessary equipment, of each of the following officials of the House the following per annum amounts:

(1) The majority leader, $30,000.
(2) The minority leader, $30,000.
(3) The majority whip, $15,000.
(4) The minority whip, $15,000.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668; Pub. L. 104–186, title II, § 204(15)(B), Aug. 20, 1996, 110 Stat. 1732.)

CODIFICATION

Section is based on section 2 of House Resolution No. 393, Ninety-fifth Congress, Mar. 31, 1977, which was enacted into permanent law by Pub. L. 95–94.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts of the House of Representatives'' for ''contingent fund of the House''.

§ 74a–5. Limits on uses of funds provided under section 74a–4

The funds provided under the provisions of section 74a–4 of this title shall be limited to use for the compensation of additional personnel and other necessary official expenses.

(Pub. L. 98–51, title I, § 112, July 14, 1983, 97 Stat. 270; Pub. L. 104–186, title II, § 204(16), Aug. 20, 1996, 110 Stat. 1732.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984.

Section, as it applies to funds provided under section 333 of this title, is classified to section 333a of this title.

AMENDMENTS

1996—Pub. L. 104–186 made technical amendment to reference in original act which appears in text as reference to section 74a–4 of this title.

§ 74a–6. Repealed. Pub. L. 104–186, title II, § 204(17), Aug. 20, 1996, 110 Stat. 1732

Section, Pub. L. 103–283, title I, § 101, July 22, 1994, 108 Stat. 1430, provided for transfer of authority over Majority and Minority Printers of House to Director of Non-legislative and Financial Services of House.

§ 74a–7. Speaker's Office for Legislative Floor Activities

There is established in the House of Representatives an office to be known as the Speaker's Office for Legislative Floor Activities. The Speaker shall appoint and set the annual rate of pay for employees of the Office. The Office shall have the responsibility of assisting the Speaker in the management of legislative floor activity.

(Pub. L. 104–53, title I, § 103, Nov. 19, 1995, 109 Stat. 520.)

CODIFICATION

Section is based on section 223(b) of House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995, which was enacted into permanent law by Pub. L. 104–53.

TRANSFER OF MAJORITY AND MINORITY POSITIONS

Pub. L. 107–68, title I, § 113, Nov. 12, 2001, 115 Stat. 572, provided that:

''(a) Effective October 1, 2001, the following four majority positions shall be transferred from the Clerk to the Speaker:

''(1) The position of chief of floor service.
''(2) Two positions of assistant floor chief.
''(3) One position of cloakroom attendant.

''(b) Effective October 1, 2001, the following four minority positions shall be transferred from the Clerk to the minority leader:

''(1) The position of chief of floor service.
''(2) Two positions of assistant floor chief.
''(3) One position of cloakroom attendant.

''(c) Notwithstanding any other provision of law, in the case of an individual who is an incumbent of a position transferred under subsection (a) or subsection (b) at the time of the transfer, the total number of days of annual leave and the total number of days of sick leave which were provided by the Clerk to the individual and which remain unused as of the date of the transfer shall remain available for the individual to use after the transfer.''

§ 74a–8. Training and program development activities of Republican Conference and Democratic Steering and Policy Committee

(a) In general

There is hereby established an account in the House of Representatives for purposes of carrying out training and program development activities of the Republican Conference and the Democratic Steering and Policy Committee.

(b) Amounts, times, terms, and conditions of payment

Subject to the allocation described in subsection (c) of this section, funds in the account established under subsection (a) of this section shall be paid—

(1) for activities of the Republican Conference in such amounts, at such times, and under such terms and conditions as the Speaker of the House of Representatives may direct; and

(2) for activities of the Democratic Steering and Policy Committee in such amounts, at such times, and under such terms and conditions as the Minority Leader of the House of Representatives may direct.

(c) Allocation

Of the total amount in the account established under subsection (a) of this section—

(1) 50 percent shall be allocated to the Speaker for payments for activities of the Republican Conference; and

(2) 50 percent shall be allocated to the Minority Leader for payments for activities of the Democratic Steering and Policy Committee.

(d) Authorization of appropriations

There are authorized to be appropriated to the account under this section for fiscal year 1999 and each succeeding fiscal year such sums as may be necessary for training and program development activities of the Republican Con-

ference and the Democratic Steering and Policy Committee during the fiscal year.

(Pub. L. 105–275, title I, § 103, Oct. 21, 1998, 112 Stat. 2438.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1999, which is title I of the Legislative Branch Appropriations Act, 1999.

§ 74a–9. Appointment of consultants by Speaker, Majority Leader, and Minority Leader of House; compensation

(a) The Speaker, Majority Leader, and Minority Leader of the House of Representatives are each authorized to appoint and fix the compensation of one consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the House.

(b) This section shall apply with respect to fiscal year 1999 and each succeeding fiscal year.

(Pub. L. 105–275, title I, § 107, Oct. 21, 1998, 112 Stat. 2439.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1999, which is title I of the Legislative Branch Appropriations Act, 1999.

§ 74a–10. Lump sum allowances for House Minority Leader and Majority Whip

(a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Minority Leader of the House of Representatives and the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Majority Whip of the House of Representatives shall each be increased by $333,000.

(b) This section shall apply with respect to fiscal year 2000 and each succeeding fiscal year.

(Pub. L. 106–31, title III, § 3008, May 21, 1999, 113 Stat. 93.)

CODIFICATION

Section is from the 1999 Emergency Supplemental Appropriations Act.

§ 74a–11. Transfer of appropriations by House Leadership Offices

(a) In general

Each office described under the heading ''HOUSE LEADERSHIP OFFICES'' in the Act making appropriations for the legislative branch for a fiscal year may transfer any amounts appropriated for the office under such heading among the various categories of allowances and expenses for the office under such heading.

(b) Official expenses

Subsection (a) of this section shall not apply with respect to any amounts appropriated for official expenses.

(c) Applicability

This section shall apply with respect to fiscal year 1999 and each succeeding fiscal year.

(Pub. L. 106–31, title III, § 3009, May 21, 1999, 113 Stat. 93.)

CODIFICATION

Section is from the 1999 Emergency Supplemental Appropriations Act.

§ 74a–12. Lump sum allowance for Speaker

(a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Speaker of the House of Representatives shall be increased by $40,000.

(b) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–68, title I, § 117, Nov. 12, 2001, 115 Stat. 573.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002.

§ 74a–13. Republican Policy Committee

(a) In general

There is established in the House of Representatives an office to be known as the Republican Policy Committee, which shall have such responsibilities as may be assigned by the chair of the Republican Conference.

(b) Salaries and expenses

There shall be a lump sum allowance for the salaries and expenses of the Republican Policy Committee, which shall be treated as a category of House leadership offices for purposes of section 95b(c) of this title.

(c) Applicability

This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108–447, div. G, title I, § 109, Dec. 8, 2004, 118 Stat. 3177.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 74b. Employment of additional administrative assistants

The Secretary of the Senate is authorized to employ such administrative assistants as may be necessary in order to carry out the provisions of this Act under the jurisdiction of the Secretary.

(Aug. 2, 1946, ch. 753, title II, § 244, 60 Stat. 839; Pub. L. 104–186, title II, § 204(18), Aug. 20, 1996, 110 Stat. 1732.)

REFERENCES IN TEXT

This Act, referred to in text, means act Aug. 2, 1946, ch. 753, 60 Stat. 812, as amended, known as the Legislative Reorganization Act of 1946. For complete classification of this Act to the Code, see Short Title note set out under section 72a of this title and Tables.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''is'' for ''and the Clerk of the House are'' and ''the jurisdiction of the Secretary'' for ''their respective jurisdictions''.

EFFECTIVE DATE

Section effective Aug. 2, 1946, see section 245 of act Aug. 2, 1946, set out as a note under section 72a of this title.

§ 74c. Compensation of certain House minority employees

Effective January 3, 1977, and until otherwise provided by law, the rate of pay for each of the six positions of minority employee authorized by the Legislative Pay Act of 1929 and referred to in House Resolution 441 of the Ninety-first Congress shall be a per annum gross rate equal to the annual rate of basic pay of level IV of the Executive Schedule of section 5315 of title 5, unless a lower rate is established by the Minority Leader.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

REFERENCES IN TEXT

The Legislative Pay Act of 1929, referred to in text, is act June 20, 1929, ch. 33, 46 Stat. 32. For complete classification of this Act to the Code, see Tables.

House Resolution 441, referred to in text, is set out as a Prior Provisions note below.

CODIFICATION

Section is based on section 1 of House Resolution 119, Ninety-fifth Congress, Jan. 19, 1977, which was enacted into permanent law by Pub. L. 95–94.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in House Resolution 441, Ninety-first Congress, June 17, 1969, as enacted into permanent law by Pub. L. 91–145, § 103, Dec. 12, 1969, 83 Stat. 359, which provided: ''That, until otherwise provided by law—

''(1) The six positions of minority employee listed in House Resolution 8, Ninety-first Congress, as supplemented by House Resolution 238, Ninety-first Congress, and House Resolution 265, Ninety-first Congress, are hereby given position titles in the descending order in which those six positions are listed in House Resolution 8, as follows:

''(A) the position title of the position listed first is 'Floor Assistant to the Minority';

''(B) the position title of the position listed second is 'Floor Assistant to the Minority';

''(C) the position title of the position listed third is 'Floor Assistant to the Minority';

''(D) the position title of the position listed fourth is 'Floor Assistant to the Minority';

''(E) the position title of the position listed fifth is 'Pair Clerk to the Minority'; and

''(F) the position title of the position listed sixth is 'Staff Director to the Minority'.

''(2) Appointments to each position for which a position title is provided by subparagraph (1) of this section shall be made by action of the House of Representatives.

''(3) The rate of pay of each position for which a position title is provided by subparagraph (1) of this section shall be a per annum gross rate equal to the annual rate of basic pay of Level V of the Executive Schedule in section 5316 of title 5, United States Code, unless a different rate is provided for such position by action of the House of Representatives.

''SEC. 2. (a) The first section of this resolution shall not affect or change the appointments or continuity of employment of those employees who hold such positions on the date of adoption of this resolution [June 17, 1969].

''(b) In accordance with the authority of the House of Representatives under subparagraph (3) of the first section of this resolution, the respective per annum gross rates of pay of those positions for which position titles are provided by clauses (C), (D), (E), and (F) of subparagraph (1) of the first section of this resolution are as follows:

''(1) for the position subject to clause (C)—$29,160;

''(2) for the position subject to clause (D)—$25,200;

''(3) for the position subject to clause (E)—$28,440; and

''(4) for the position subject to subparagraph (F)—$28,080.

''SEC. 3. This resolution shall become effective as of the beginning of the calendar month in which this resolution is adopted [June 1969].''

DESIGNATION AND COMPENSATION OF THREE FURTHER MINORITY EMPLOYEES

House Resolution No. 7, One Hundred Fourth Congress, Jan. 4, 1995, which was enacted into permanent law by Pub. L. 104–53, title I, § 103, Nov. 19, 1995, 109 Stat. 520, provided that: ''In addition, the minority leader may appoint and set the annual rate of pay for up to three further minority employees.''

§ 74d. Corrections Calendar Office

There is established in the House of Representatives an office to be known as the Corrections Calendar Office, which shall have the responsibility of assisting the Speaker in the management of the Corrections Calendar under the Rules of the House of Representatives. The Office shall have not more than five employees—

(1) who shall be appointed by the Speaker, in consultation with the minority leader; and

(2) whose annual rate of pay shall be established by the Speaker, but may not exceed 75 percent of the maximum annual rate under the general limitation specified by the order of the Speaker in effect under section 60a–2a of this title.

(Pub. L. 105–55, title I, § 101, Oct. 7, 1997, 111 Stat. 1183.)

CODIFICATION

Section is based on House Resolution No. 7, One Hundred Fifth Congress, Jan. 7, 1997, which was enacted into permanent law by Pub. L. 105–55.

TRANSFER OF POSITIONS IN CORRECTIONS CALENDAR OFFICE

Pub. L. 108–83, title I, § 106, Sept. 30, 2003, 117 Stat. 1018, provided that:

''(a)(1) Effective October 1, 2003—

''(A) 3 of the positions in the Corrections Calendar Office, and the functions associated with such positions, shall be transferred to the Office of the Speaker; and

''(B) 2 of the positions in the Corrections Calendar Office, and the functions associated with such positions, shall be transferred to the Office of the Minority Leader.

''(2) Notwithstanding any other provision of law, in the case of any individual who is an incumbent of a position transferred under paragraph (1) at the time of the transfer, the total number of days of annual leave and the total number of days of sick leave which were provided by the Corrections Calendar Office to the individual and which remain unused as of the date of the transfer shall remain available for the individual to use after the transfer.

''(b) Effective with respect to fiscal year 2004 and each succeeding fiscal year, the lump sum allowance for salaries and expenses of the Corrections Calendar Office provided under House Resolution 130, One Hundred Fifth Congress, agreed to April 24, 1997, as enacted into permanent law by section 101 of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 74d–1 et seq.), is transferred as follows:

''(1) 63.5 percent of such allowance shall be transferred to the Office of the Speaker.

''(2) 36.5 percent of such allowance shall be transferred to the Office of the Minority Leader.''

§ 74d–1. Lump sum allowance for Corrections Calendar Office

There shall be a lump sum allowance of $300,000 per fiscal year for the salaries and expenses of the Corrections Calendar Office, established by section 74d of this title. Such amount shall be allocated between the majority party and the minority party as determined by the Speaker, in consultation with the minority leader.

(Pub. L. 105–55, title I, § 101, Oct. 7, 1997, 111 Stat. 1183.)

CODIFICATION

Section is based on section 1 of House Resolution No. 130, One Hundred Fifth Congress, Apr. 24, 1997, which was enacted into permanent law by Pub. L. 105–55.

TRANSFER OF ALLOWANCE

For transfer of lump sum allowance under this section to Offices of Speaker and Minority Leader, see section 106 of Pub. L. 108–83, set out as a Transfer of Positions in Corrections Calendar Office note under section 74d of this title.

§ 74d–2. Effective date

The allowance under section 74d–1 of this title—

(1) shall be available beginning with the month of May 1997;

(2) through the end of September 1997, shall be paid from the applicable accounts of the House of Representatives on a pro rata basis; and

(3) beginning with fiscal year 1998, shall be paid as provided in appropriations Acts.

(Pub. L. 105–55, title I, § 101, Oct. 7, 1997, 111 Stat. 1183.)

CODIFICATION

Section is based on section 2 of House Resolution No. 130, One Hundred Fifth Congress, Apr. 24, 1997, which was enacted into permanent law by Pub. L. 105–55.

§ 75. Repealed. Pub. L. 92–310, title II, § 220(b), (c), June 6, 1972, 86 Stat. 204

Section, R.S. §§ 58, 59; act Mar. 2, 1895, ch. 177, § 5, 28 Stat. 807, required Clerk of House of Representatives to give a bond in the sum of $20,000.

§ 75–1. Repealed. Pub. L. 104–186, title II, § 204(22)(A)(iii), Aug. 20, 1996, 110 Stat. 1733

Section, based on H. Res. No. 8, par. (3), Ninety-fifth Congress, Jan. 4, 1977, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, related to compensation of Clerk of House.

A prior section 75–1, based on H. Res. No. 890, Ninety-second Congress, Oct. 4, 1972, enacted into permanent law by Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1509, set forth the compensation of the Clerk at equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees.

§ 75a. Death, resignation, etc., of Chief Administrative Officer of House; accounts and payments; liability of Chief Administrative Officer for acts and defaults of disbursing clerk

On and after June 8, 1942, in case of the death, resignation, separation from office, or disability of the Chief Administrative Officer of the House of Representatives, the accounts of the Chief Administrative Officer may be continued and payments made in his name by the disbursing clerk of the House of Representatives for a period extending not beyond the quarterly period during which a new Chief Administrative Officer shall have been appointed. Such accounts and payments shall be allowed and settled in the Government Accountability Office, and the checks signed in the name of the former Chief Administrative Officer shall be honored by the Treasurer of the United States, in the same manner as if the former Chief Administrative Officer had continued in office. The former Chief Administrative Officer or his estate shall not be subject to any legal liability or penalty for the official acts and defaults of such disbursing clerk acting in the name or in the place of the former Chief Administrative Officer under this section, but such disbursing clerk shall be responsible therefor. The accounts and payments referred to in the second sentence shall be audited by the Inspector General of the House of Representatives.

(June 8, 1942, ch. 396, § 7, 56 Stat. 350; Pub. L. 92–310, title II, § 220(i), June 6, 1972, 86 Stat. 205; Pub. L. 104–186, title II, § 204(19), Aug. 20, 1996, 110 Stat. 1732; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

1996—Pub. L. 104–186, § 204(19)(A), in first sentence, substituted ''Chief Administrative Officer of the House of Representatives, the accounts of the Chief Administrative Officer'' for ''Clerk of the House of Representatives, the accounts of such Clerk'' and ''new Chief Administrative Officer shall have been appointed'' for ''new Clerk of the House of Representatives shall have been elected and qualified''.

Pub. L. 104–186, § 204(19)(B), in second sentence, struck out '', audited,'' after ''shall be allowed'' and substituted ''name of the former Chief Administrative Officer'' for ''name of the former Clerk of the House of Representatives'' and ''the former Chief Administrative Officer'' for ''such former Clerk''.

Pub. L. 104–186, § 204(19)(C), in third sentence, substituted ''The former Chief Administrative Officer'' for ''The former Clerk'' and ''the former Chief Administrative Officer'' for ''such former Clerk''.

Pub. L. 104–186, § 204(19)(D), inserted at end ''The accounts and payments referred to in the second sentence shall be audited by the Inspector General of the House of Representatives.''

1972—Pub. L. 92–310 struck out provisions which related to the sureties on the bond of the former clerk, and which required the disbursing clerk to give a bond.

§ 75a–1. Temporary appointments in case of vacancies or incapacity of House officers; compensation

(a) Temporary appointments in case of vacancy or incapacity in office of Clerk, Sergeant at Arms, Chief Administrative Officer, or Chaplain of House

In case of a vacancy, from whatever cause, in the office of Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, of the House of Representatives, or in case of the incapacity or inability of the incumbent of any such office to perform the duties thereof, the Speaker of the House of Representatives may appoint a person to act as, and to exercise temporarily the duties of, Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, as the case may be, until a person is chosen by the House of Representatives and duly qualifies as Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, as the case may be, or until the termination of the incapacity or inability of the incumbent.

(b) Duties of temporary appointees

Any person appointed pursuant to this section shall exercise all the duties, shall have all the powers, and shall be subject to all the requirements and limitations applicable with respect to one chosen by the House of Representatives to fill the office involved; but nothing in this section shall be held to amend, repeal, or otherwise affect section 75a of this title.

(c) Compensation of temporary appointee

Any person appointed pursuant to this section shall be paid the compensation which he would receive if he were chosen by the House of Representatives to fill the office involved, unless such person is concurrently serving in any office or position the compensation for which is paid from the funds of the United States, in which case he shall receive no compensation for services rendered pursuant to his appointment under this section, and his compensation for performing the duties of such office other than the one to which he is appointed pursuant to this section shall be in full discharge for all services he performs for the United States while serving in such dual capacity.

(Aug. 2, 1946, ch. 753, § 208, as added Aug. 5, 1953, ch. 330, 67 Stat. 387; amended Pub. L. 104–186, title II, § 204(20), Aug. 20, 1996, 110 Stat. 1733.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Doorkeeper, Postmaster,'' wherever appearing.

§§ 75b to 75e. Omitted

CODIFICATION

Section 75b, act May 1, 1947, ch. 49, title I, 61 Stat. 58, accorded Clerk of House the same priority as executive agencies under the Surplus Property Act of 1944 (50 App. U.S.C. 1611–1648). The Surplus Property Act of 1944 was repealed by act June 30, 1949, ch. 288, title V, § 503, 63 Stat. 399, and the priorities thereunder expired Dec. 31, 1949.

Sections 75c to 75e were omitted from the Code for lack of general applicability.

Section 75c, based on H. Res. No. 449, Sept. 21, 1961, enacted into permanent law by Pub. L. 87–730, § 103, Oct. 2, 1962, 76 Stat. 693, related to basic compensation of Assistant Tally Clerks in Office of Clerk of House.

Section 75d, based on H. Res. No. 331, June 7, 1961, enacted into permanent law by Pub. L. 87–730, § 103, Oct. 2, 1962, 76 Stat. 693, related to basic compensation of stationery and assistant stationery clerks.

Section 75e, based on H. Res. Nos. 225, 341, 402 and 773 of the 87th Congress, enacted into permanent law by Pub. L. 87–130, § 103, Aug. 10, 1961, 75 Stat. 334; Pub. L. 87–730, § 103, Oct. 2, 1962, 76 Stat. 693; Pub. L. 88–248, § 103, Dec. 30, 1963, 77 Stat. 817, related to compensation of certain laborers and clerks in offices of Clerk, Doorkeeper and Postmaster of House.

§ 75f. House emergency operations positions

(a) Establishment in certain offices

Effective with respect to fiscal year 2002 and each succeeding fiscal year, there are hereby established 2 additional positions in each of the following offices of the House of Representatives:

(1) The Office of the Clerk.

(2) The Office of the Chief Administrative Officer.

(3) The Office of the Sergeant at Arms.

(b) Duties

The duty of the personnel appointed to a position established under this section shall be to ensure the continuity of the operations of the House of Representatives during periods of emergency, in accordance with the direction of the head of the office in which the position is established.

(c) Rate of pay

The annual rate of pay provided for a position established under this section shall be determined by the head of the office in which the position is established.

(d) Appointment authority

Notwithstanding any other provision of law, the head of the office in which a position is established under this section shall have the exclusive authority to appoint personnel to such a position.

(Pub. L. 107–68, title I, § 118, Nov. 12, 2001, 115 Stat. 573.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002.

§§ 76 to 76a. Repealed. Pub. L. 104–186, title II, § 204(21), (22)(A)(iii), (23), Aug. 20, 1996, 110 Stat. 1733

Section 76, R.S. § 73, related to duties of Doorkeeper of House. Provisions of R.S. § 73 which related to duties of Doorkeeper of Senate were classified to section 63 of this title prior to repeal by Pub. L. 104–186.

Section 76–1, based on H. Res. No. 8, par. (3), Ninety-fifth Congress, Jan. 4, 1977, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, related to compensation of Doorkeeper of House.

A prior section 76–1 was based on provisions of H. Res. No. 890, Ninety-second Congress, Oct. 4, 1972, enacted into permanent law by Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1509, relating to compensation of the Doorkeeper being equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees, prior to those provisions being struck out by

Pub. L. 104–186, title II, § 204(22)(B), Aug. 20, 1996, 110 Stat. 1733.

Another prior section 76–1, based on H. Res. No. 909, Eighty-ninth Congress, Sept. 8, 1966, enacted into permanent law by Pub. L. 89–697, ch. VI, § 601, Oct. 27, 1966, 80 Stat. 1064, set forth the compensation of the Doorkeeper at equal to the gross per annum rate of compensation of the Clerk of House and Sergeant at Arms of House, prior to being repealed by Pub. L. 104–186, title II, § 204(22)(B), Aug. 20, 1996, 110 Stat. 1733.

Section 76a, based on H. Res. No. 560, Eighty-seventh Congress, Mar. 27, 1962, enacted into permanent law by Pub. L. 87–730, § 103, Oct. 2, 1962, 76 Stat. 693, related to position of a special assistant in Office of Doorkeeper.

§ 76b. Omitted

CODIFICATION

Section 76b, based on H. Res. No. 603, §§ 2, 3, Eighty-seventh Congress, Apr. 16, 1962, enacted into permanent law by Pub. L. 88–248, § 103, Dec. 30, 1963, 77 Stat. 817, related to compensation of telephone clerks in Office of Doorkeeper, was omitted from Code in view of repeal of section 2 of H. Res. No. 603 by Pub. L. 104–186, title II, § 204(24) Aug. 20, 1996, 110 Stat. 1733.

§ 77. Sergeant at Arms of House; additional compensation

The Sergeant at Arms of the House of Representatives shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, otherwise than the salary prescribed by law.

(June 20, 1874, ch. 328, 18 Stat. 87; Mar. 3, 1875, ch. 129, 18 Stat. 346.)

§ 77a. Repealed. Pub. L. 104–186, title II, § 204(22)(A)(iii), Aug. 20, 1996, 110 Stat. 1733

Section, based on H. Res. No. 8, par. (3), Ninety-fifth Congress, Jan. 4, 1977, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, related to compensation of Sergeant at Arms of House.

A prior section 77a, based on H. Res. No. 890, Ninety-second Congress, Oct. 4, 1972, enacted into permanent law by Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1509, set forth the compensation of the Sergeant at Arms at equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees.

§ 78. Duties of Sergeant at Arms

It shall be the duty of the Sergeant at Arms of the House of Representatives to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House and all processes issued by authority thereof, directed to him by the Speaker.

(Oct. 1, 1890, ch. 1256, § 1, 26 Stat. 645; Pub. L. 104–186, title II, § 204(25)(A), Aug. 20, 1996, 110 Stat. 1733.)

AMENDMENTS

1996—Pub. L. 104–186 struck out ‘‘, keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law’’ after ‘‘directed to him by the Speaker’’.

LAW ENFORCEMENT AUTHORITY OF SERGEANT AT ARMS

Pub. L. 104–53, title III, § 313, Nov. 19, 1995, 109 Stat. 538, provided that:

‘‘(a) The Sergeant at Arms of the House of Representatives shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant at Arms have the qualifications specified in subsection (b).

‘‘(b) The qualifications referred to in subsection (a) are the following:

‘‘(1) A minimum of five years of experience as a law enforcement officer before beginning service as the Sergeant at Arms.

‘‘(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

‘‘(3) Any other firearms qualification required for members of the Capitol Police.

‘‘(c) The Committee on House Oversight [now Committee on House Administration] of the House of Representatives shall have authority to prescribe regulations to carry out this section.’’

§ 79. Symbol of office of Sergeant at Arms

The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

(Oct. 1, 1890, ch. 1256, § 2, 26 Stat. 645.)

§ 80. Disbursement of compensation of House Members by Chief Administrative Officer

The moneys which have been, or may be, appropriated for the compensation and mileage of Members and Delegates shall be paid at the Treasury on requisitions drawn by the Chief Administrative Officer of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law, and he shall be a disbursing officer, but he shall not be entitled to any compensation additional to the salary fixed by law.

(Oct. 1, 1890, ch. 1256, § 3, 26 Stat. 645; Pub. L. 104–186, title II, § 204(25)(B), Aug. 20, 1996, 110 Stat. 1734.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ‘‘Chief Administrative Officer’’ for ‘‘Sergeant-at-Arms’’.

§ 80a. Deductions by Chief Administrative Officer in disbursement of gratuity appropriations

The Chief Administrative Officer of the House of Representatives is authorized, in the disbursement of gratuity appropriations, to make deductions of such amounts as may be due to or through his office or as may be due the House of Representatives.

(May 29, 1928, ch. 853, § 1, 45 Stat. 885; Pub. L. 104–186, title II, § 204(26), Aug. 20, 1996, 110 Stat. 1734.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ‘‘Chief Administrative Officer of the House of Representatives’’ for ‘‘Sergeant-at-Arms of the House’’.

§ 81. Repealed. Pub. L. 93–344, title V, § 505(2), July 12, 1974, 88 Stat. 322

Section, act July 2, 1954, ch. 455, title I, 68 Stat. 400, directed that the fiscal year for the adjustment of the accounts of Sergeant at Arms of House for compensation and mileage of Members, Delegates, and Resident Commissioner extend from July 1 to June 30.

§§ 81a to 81c. Repealed. Pub. L. 104–186, title II, § 204(27)–(29), Aug. 20, 1996, 110 Stat. 1734

Section 81a, act July 26, 1949, ch. 366, 63 Stat. 482, related to audits and reports of fiscal records of Sergeant at Arms of House.

Section 81b, based on H. Res. No. 465, Eighty-fourth Congress, Apr. 11, 1956, enacted into permanent law by act June 27, 1956, ch. 453, title I, § 103, 70 Stat. 370, related to payment from House contingent fund for restoration or adjustment of trust fund account of Sergeant at Arms.

Section 81c, based on H. Res. No. 144, Eighty-fifth Congress, Feb. 7, 1957, enacted into permanent law by Pub. L. 85–75, title I, § 103, July 1, 1957, 71 Stat. 256, related to purchase of and payment for insurance of office funds of Sergeant at Arms of House.

§ 82. Repealed. Pub. L. 92–310, title II, § 220(d), (e), June 6, 1972, 86 Stat. 204

Section, acts Oct. 1, 1890, ch. 1256, §§ 4, 5, 26 Stat. 645, 646; Mar. 2, 1895, ch. 177, § 5, 28 Stat. 807, required Sergeant at Arms of House of Representatives to give a bond in sum of $50,000.

§ 83. Tenure of office of Sergeant at Arms

Any person duly elected and qualified as Sergeant at Arms of the House of Representatives shall continue in said office until his successor is chosen and qualified subject, however, to removal by the House of Representatives.

(Oct. 1, 1890, ch. 1256, § 6, 26 Stat. 646.)

§§ 84, 84–1. Repealed. Pub. L. 104–186, title II, § 204(30), (31), Aug. 20, 1996, 110 Stat. 1734

Section 84, act Oct. 1, 1890, ch. 1256, § 7, 26 Stat. 646, related to statement of disbursements by Sergeant at Arms.

Section 84–1, based on H. Res. No. 6, Ninety-eighth Congress, Jan. 3, 1983, enacted into permanent law by Pub. L. 98–51, title I, § 110, July 14, 1983, 97 Stat. 269, fixed compensation of Postmaster of House of Representatives.

A prior section 84–1, based on H. Res. No. 393, § 3, Ninety-fifth Congress, Mar. 31, 1977, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, provided that per annum gross rate of compensation of Postmaster was to equal amount for level 13, step 5, of House Employees Schedule.

Another prior section 84–1, acts Aug. 5, 1955, ch. 568, § 5, 69 Stat. 508; Dec. 16, 1967, Pub. L. 90–206, title II, § 214(b), 81 Stat. 635, set forth compensation of Postmaster.

§ 84–2. Compensation of Chaplain of House

Effective May 1, 1977, and until otherwise provided by law, the per annum gross rate of compensation of the Chaplain of the House of Representatives shall be equal to the rate in effect from time to time for HS level 8, step 4, of the House Employees Schedule.

(Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777.)

REFERENCES IN TEXT

The House Employees Schedule, referred to in text, is provided for by section 293 of this title.

CODIFICATION

Section is based on section 3 of House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, which was enacted into permanent law by Pub. L. 95–391.

PRIOR PROVISIONS

A prior section 84–2, Pub. L. 88–426, title II, § 203(f), Aug. 14, 1964, 78 Stat. 415; H. Res. 313, 89th Cong., Mar. 31, 1965, as enacted by Pub. L. 89–90, § 103, July 27, 1965, 79 Stat. 281; Pub. L. 90–206, title II, § 214(b), Dec. 16, 1967, 81 Stat. 635, provided that the compensation of Chaplain of House shall be at a gross per annum rate which is equal to the gross per annum rate of compensation of Chaplain of Senate, subject to further increases.

COMPENSATION OF INDIVIDUAL HOLDING POSITION OF CHAPLAIN OF HOUSE OF REPRESENTATIVES ON JULY 14, 1983

House Resolution No. 7, Ninety-sixth Congress, Jan. 15, 1979, which was enacted into permanent law by Pub. L. 98–51, title I, § 111(1), July 14, 1983, 97 Stat. 269, to be effective during the period in which the position of Chaplain of the House of Representatives is held by the individual holding the position on July 14, 1983, provided that: "The compensation of the Chaplain of the House of Representatives shall be equivalent to the highest rate of basic pay as in effect from time to time of level IV of the Executive Schedule in Section 5315 of Title V [5], United States Code."

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 60a–2 and 60a–2a of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§§ 84–3, 84–4. Omitted

CODIFICATION

Section 84–3, which related to compensation of Deputy Sergeant at Arms (charge of pairs), was based on House Resolution No. 138, Feb. 2, 1961, which was enacted into permanent law by Pub. L. 87–130, § 103, Aug. 10, 1961, 75 Stat. 334. See section 291 et seq. of this title.

Section 84–4, which related to compensation of a clerk-messenger in office of Parliamentarian, was based on House Resolution No. 603, Apr. 16, 1962, which was enacted into permanent law by Pub. L. 88–248, § 103, Dec. 30, 1963, 77 Stat. 817, and was omitted because a lump-sum appropriation is now made for the Office of Parliamentarian.

§ 84a. Reporters for House of Representatives

No person shall be employed as a reporter for the House of Representatives without the approval of the Speaker.

(R.S. § 54.)

CODIFICATION

R.S. § 54 derived from act Apr. 2, 1872, ch. 79, § 3, 17 Stat. 47.

§ 84a–1. Repealed. Pub. L. 104–186, title II, § 204(32), Aug. 20, 1996, 110 Stat. 1734

Section, based on H. Res. No. 1495, Ninety-fourth Congress, Sept. 30, 1976, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668; amended Pub. L. 101–509, title V, § 529 [title I, § 101(b)(4)(G)], Nov. 5, 1990, 104 Stat. 1427, 1440, related to adjustment of compensation of Official Reporter of Debates and Official Reporter to Committees.

§ 84b. Omitted

CODIFICATION

Section, acts July 17, 1947, ch. 262, 61 Stat. 365; Oct. 18, 1986, Pub. L. 99–500, § 101(j), 100 Stat. 1783–287, and Oct. 30, 1986, Pub. L. 99–591, § 101(j), 100 Stat. 3341–287; July 11, 1987, Pub. L. 100–71, title I, 101 Stat. 425, provided that on and after July 17, 1947, sums received from the sales of copies of transcripts of hearings of

committees reported by such reporters be covered into the Treasury. See section 117e of this title.

Amendment of section by Pub. L. 99–500 and 99–591, as amended by Pub. L. 100–71, is based on section 104(b) of title I of H.R. 5203 (see House Report 99–805 as filed in the House on Aug. 15, 1986), and incorporated by reference in section 101(j) of Pub. L. 99–500 and 99–591, to be effective as if enacted into law. Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

Provisions similar to those in this section were contained in appropriation acts which were classified to section 117a of this title.

§§ 85 to 88a. Repealed. Pub. L. 104–186, title II, § 204(33), (34)(A), Aug. 20, 1996, 110 Stat. 1734

Section 85, act Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968, related to performance of duties by employees of House.

Section 86, act Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968, related to division of salaries of employees of House.

Section 87, act Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968, related to requiring or permitting employees of House to sublet duties.

Section 88, act Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968, prescribed age limits of twelve and eighteen for service as pages in House of Representatives but made the restriction inapplicable to chief pages, riding pages, and telephone pages. See section 88b–1(b) of this title.

Section 88a, act Aug. 2, 1946, ch. 753, title II, § 243, 60 Stat. 839, related to education of Congressional and Supreme Court pages, authorized appropriations, and allowed pages to elect to attend private or parochial schools.

§ 88b. Education of other minors who are Senate employees

The facilities provided for the education of Congressional and Supreme Court pages shall be available from and after January 2, 1947, also for the education of such other minors who are Senate employees as may be certified by the Secretary of the Senate to receive such education.

(Mar. 22, 1947, ch. 20, title I, 61 Stat. 16; Pub. L. 98–367, title I, § 103, July 17, 1984, 98 Stat. 479; Pub. L. 104–186, title II, § 204(35), Aug. 20, 1996, 110 Stat. 1735.)

CODIFICATION

The first paragraph of this section is based on act Mar. 22, 1947.

The second paragraph was based on H. Res. No. 279, Ninety-eighth Congress, July 21, 1983, enacted into permanent law by Pub. L. 98–367. See 1996 Amendment note below.

AMENDMENTS

1996—Pub. L. 104–186, in first par., substituted ''Senate employees'' for ''congressional employees'' and struck out ''and the Clerk of the House of Representatives'' after ''Secretary of the Senate'', and struck out second par. which read as follows: ''This section shall not apply to any minor who is an employee of the House of Representatives or to any educational facility under the House of Representatives Page Board.''

§ 88b–1. Congressional pages

(a) Appointment conditions

A person shall not be appointed as a page of the Senate or House of Representatives—

(1) unless he agrees that, in the absence of unforeseen circumstances preventing his service as a page after his appointment, he will continue to serve as a page for the period specified in writing at the time of the appointment; and

(2) until complete information in writing is transmitted to his parent or parents, his legal guardian, or other appropriate person or persons acting as his parent or parents, with respect to the nature of the work of pages, their pay, their working conditions (including hours and scheduling of work), and the housing accommodations available to pages.

(b) Qualifications

A person shall not serve as a page—

(1) of the Senate before he has attained the age of sixteen years; or

(2) of the House of Representatives before he has attained the age of sixteen years.

(Pub. L. 91–510, title IV, § 491(a)–(d), Oct. 26, 1970, 84 Stat. 1198; Pub. L. 97–51, §§ 101(c), 123, Oct. 1, 1981, 95 Stat. 959, 965; Pub. L. 104–186, title II, § 204(36), Aug. 20, 1996, 110 Stat. 1735; Pub. L. 108–447, div. G, title I, § 9, Dec. 8, 2004, 118 Stat. 3170.)

CODIFICATION

Repeal of subsecs. (c) and (d) of this section is based on section 304(a) of H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97–51 and amended by section 123 of Pub. L. 97–51.

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108–447 substituted ''sixteen'' for ''fourteen''.

1996—Subsec. (a)(1). Pub. L. 104–186, § 204(36)(A), substituted ''the period specified in writing at the time of the appointment'' for ''a period of not less than two months''.

Subsec. (b). Pub. L. 104–186, § 204(36)(B), substituted a period for ''; or'' at end of par. (2) and struck out concluding provisions which read as follows: ''(except in the case of a chief page, telephone page, or riding page) during any session of the Congress which begins after he has attained the age of eighteen years.''

1981—Subsecs. (c), (d). Pub. L. 97–51 struck out subsecs. (c) and (d) which had provided, respectively, that pay of pages of the Senate began not more than five days before the convening or reconvening of a session of the Congress or of the Senate and continued until the end of the month during which the Congress or the Senate adjourned or recessed or until the fourteenth day after such adjournment or recess, whichever was the later date, except that, in any case in which the Congress or the Senate adjourned or recessed on or before the last day of July for a period of at least thirty days but not more than forty-five days, such pay would continue until the end of such period of adjournment or recess, and that the pay of pages of the House of Representatives began not more than five days before the convening of a session of the Congress and continued until the end of the month during which the Congress adjourned sine die or recessed or until the fourteenth day after such adjournment or recess, whichever was the later date, except that, in any case in which the House adjourned or recessed on or before the last day of July in any year for a period of at least thirty days but not more than forty-five days, such pay would continue until the end of such period of adjournment or recess.

EFFECTIVE DATE

Subsecs. (a), (c), and (d) of this section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

Section 491(f) of Pub. L. 91–510 provided that: ''Subsection (b) of this section shall become effective on January 3, 1971, but the provisions of such subsection

limiting service as a page to persons who have attained the age of sixteen years shall not be construed to prohibit the continued service of any page appointed prior to the date of enactment of this Act [Oct. 26, 1970].''

PAY OF PAGES BETWEEN RECESS OR ADJOURNMENT

Prior to the repeal of subsecs. (c) and (d) of section 88b–1 of this title by Pub. L. 97–51, provisions for continuing the pay of pages of the Senate and House of Representatives during specific periods of recess or adjournment of Congress by making such subsecs. (b) and (c) inapplicable to the pay of pages during such periods, were contained in the following appropriation acts:

Pub. L. 97–12, title I, June 5, 1981, 95 Stat. 65.

Pub. L. 96–536, § 101(c), Dec. 16, 1980, 94 Stat. 3167.

Pub. L. 96–38, title III, § 303, July 25, 1979, 93 Stat. 142. Subsequently repealed by Pub. L. 97–51, §§ 101(c), 123, Oct. 1, 1981, 95 Stat. 965.

Pub. L. 95–391, title III, § 305, Sept. 30, 1978, 92 Stat. 789.

§ 88b–2. House of Representatives Page Board; establishment and purpose

Until otherwise provided by law, there is hereby established a board to be known as the House of Representatives Page Board to ensure that the page program is conducted in a manner that is consistent with the efficient functioning of the House and the welfare of the pages.

(Pub. L. 97–377, title I, § 127, Dec. 21, 1982, 96 Stat. 1914.)

CODIFICATION

Section is based on section 1 of House Resolution No. 611, Ninety-seventh Congress, Nov. 30, 1982, which was enacted into permanent law by Pub. L. 97–377.

§ 88b–3. Membership of Page Board

(a) Appointed and designated members

The Page Board shall consist of—

(1) two Members of the House appointed by the Speaker and one Member of the House appointed by the minority leader; and

(2) the Clerk and the Sergeant at Arms of the House.

(b) "Member of the House" defined

As used in sections 88b–2 to 88b–4 of this title, the term ''Member of the House'' means a Representative in, and a Delegate or Resident Commissioner to, the Congress.

(Pub. L. 97–377, title I, § 127, Dec. 21, 1982, 96 Stat. 1914; Pub. L. 104–186, title II, § 204(37), Aug. 20, 1996, 110 Stat. 1735; Pub. L. 105–275, title I, § 101(a), Oct. 21, 1998, 112 Stat. 2438.)

CODIFICATION

Section is based on section 2 of House Resolution No. 611, Ninety-seventh Congress, Nov. 30, 1982, which was enacted into permanent law by Pub. L. 97–377.

AMENDMENTS

1998—Subsec. (a)(3). Pub. L. 105–275 inserted ''and'' at end of par. (1), substituted a period for ''; and'' at end of par. (2), and struck out par. (3) which read as follows: ''the Architect of the Capitol.''

1996—Subsec. (a)(2). Pub. L. 104–186 substituted ''Clerk and the Sergeant'' for ''Clerk, Doorkeeper, and Sergeant''.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–275, title I, § 101(b), Oct. 21, 1998, 112 Stat. 2438, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to the One Hundred Sixth Congress and each succeeding Congress.''

§ 88b–4. Regulations of Page Board

The Page Board shall have authority to prescribe such regulations as may be necessary to carry out sections 88b–2 to 88b–4 of this title.

(Pub. L. 97–377, title I, § 127, Dec. 21, 1982, 96 Stat. 1914.)

CODIFICATION

Section is based on section 3 of House Resolution No. 611, Ninety-seventh Congress, Nov. 30, 1982, which was enacted into permanent law by Pub. L. 97–377.

§ 88b–5. Page residence hall and page meal plan

(a) Revolving fund; establishment within House contingent fund

Effective at the beginning of the Ninety-eighth Congress and until otherwise provided by law, there is established a revolving fund within the contingent fund of the House of Representatives for the page residence hall and the page meal plan.

(b) Deposits in revolving fund; disbursements by Chief Administrative Officer of House

There shall be deposited in the revolving fund such amounts as may be received by the Chief Administrative Officer of the House of Representatives with respect to lodging, meals, and related services furnished for congressional pages. Amounts so deposited shall be available for disbursement by the Chief Administrative Officer of the House of Representatives, as determined by the Clerk of the House of Representatives, for expenses relating to the page residence hall and the page meal plan.

(c) Regulations

The House of Representatives Page Board shall prescribe such regulations as may be necessary to carry out this section.

(Pub. L. 98–51, title I, § 110, July 14, 1983, 97 Stat. 269; Pub. L. 104–186, title II, § 204(38), Aug. 20, 1996, 110 Stat. 1735.)

REFERENCES IN TEXT

The Ninety-eighth Congress, referred to in subsec. (a), convened on Jan. 3, 1983.

CODIFICATION

Section is based on House Resolution No. 64, Ninety-eighth Congress, Feb. 8, 1983, which was enacted into permanent law by Pub. L. 98–51.

Sections 1 to 4 of House Resolution No. 64 have been redesignated subsecs. (a) to (d) of this section, respectively, for purposes of codification.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–186, § 204(38)(A), (B), substituted ''Chief Administrative Officer of the House of Representatives'' for ''Clerk'' in first sentence and ''Chief Administrative Officer of the House of Representatives, as determined by the Clerk of the House of Representatives,'' for ''Clerk'' in second sentence.

Subsecs. (c), (d). Pub. L. 104–186, § 204(38)(C), (D), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: ''As used in this section, the term 'Clerk' means the Clerk of the House of Representatives.''

§ 88b–6. Repealed. Pub. L. 104–186, title II, § 204(39), Aug. 20, 1996, 110 Stat. 1735

Section, Pub. L. 98–63, title I, § 902, July 30, 1983, 97 Stat. 336; Pub. L. 104–53, title I, § 4, Nov. 19, 1995, 109 Stat. 517, related to withholding from salary charges for lodging, meals, and related services furnished Senate pages in page residence hall.

§ 88b–7. Daniel Webster Senate Page Residence Revolving Fund

(a) Establishment

There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Daniel Webster Senate Page Residence Revolving Fund (hereafter referred to in this section as the ''fund''). The fund shall consist of all rental payments and other moneys collected or received by the Sergeant at Arms with regard to the Daniel Webster Senate Page Residence. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate in connection with operation and maintenance of the Daniel Webster Senate Page Residence not normally performed by the Architect of the Capitol. In addition, such moneys may be used by the Sergeant at Arms to purchase food and food related items and fund activities for the pages.

(b) Deposit of moneys

All moneys received from rental payments and other moneys (including donated moneys) collected or received by the Sergeant at Arms with regard to the Daniel Webster Senate Page Residence shall be deposited in the fund and shall be available for purposes of this section.

(c) Vouchers

Disbursements from the fund shall be made upon vouchers approved by the Sergeant at Arms, or the designee of the Sergeant at Arms.

(d) Regulations

The Sergeant at Arms is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section and to provide for the operations of the Daniel Webster Senate Page Residence.

(Pub. L. 103–283, title I, § 4, July 22, 1994, 108 Stat. 1427; Pub. L. 104–53, title I, § 6, Nov. 19, 1995, 109 Stat. 518.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1995, which is title I of the Legislative Branch Appropriations Act, 1995.

AMENDMENTS

1995—Subsec. (b). Pub. L. 104–53 inserted ''(including donated moneys)'' after ''other moneys''.

§ 88c. Repealed. Pub. L. 91–510, title IV, § 491(e), Oct. 26, 1970, 84 Stat. 1198

Section, acts June 14, 1948, ch. 467, 62 Stat. 426; Oct. 11, 1951, ch. 485, 65 Stat. 390; Oct. 13, 1964, Pub. L. 88–652, § 16(b), 78 Stat. 1084, provided for compensation of pages of Senate and House.

EFFECTIVE DATE OF REPEAL

Repeal effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 88c–1. Repealed. Pub. L. 104–186, title II, § 204(40)(A), Aug. 20, 1996, 110 Stat. 1735

Section, based on H. Res. No. 234, § 1, Ninety-eighth Congress, June 29, 1983, enacted into permanent law by Pub. L. 98–367, title I, § 103, July 17, 1984, 98 Stat. 479, related to payment for educational services and related items for pages.

§ 88c–2. Academic year and summer term for page program

The page program shall consist of the two semesters of the academic year, plus a non-academic summer term.

(Pub. L. 98–367, title I, § 103, July 17, 1984, 98 Stat. 479; Pub. L. 104–186, title II, § 204(40)(B), Aug. 20, 1996, 110 Stat. 1736.)

CODIFICATION

Section is based on section 2 of House Resolution No. 234, Ninety-eighth Congress, June 29, 1983, which was enacted into permanent law by Pub. L. 98–367.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''semesters of the academic year, plus a non-academic'' for ''terms of the academic year plus a''.

EFFECTIVE DATE

Section 5 of House Resolution No. 234, Ninety-eighth Congress, June 29, 1983, as enacted into permanent law by Pub. L. 98–367, provided that: ''This resolution [enacting sections 88c–1 to 88c–4 of this title] shall take effect on the date on which this resolution is agreed to [June 29, 1983], except that section 3(a)(1)(A) and section 3(b)(2) [section 88c–3(a)(1)(A), (b)(2) of this title] shall apply to terms beginning after November 30, 1983.''

§ 88c–3. Service of page during academic year and summer term; filling of vacancies; eligibility

(a)(1) Except as provided in subsection (b) of this section, a page serving during an academic year—

(A) shall be in the eleventh grade; and

(B) shall serve for one full semester or two full semesters.

(2) Except as provided in subsection (b) of this section, a page serving during the summer term—

(A) shall have completed the tenth grade; and

(B) shall not have begun the twelfth grade.

(b)(1) An unforeseen vacancy occurring in a page position during an academic year may be filled, except that no appointment may be made under this paragraph for service to begin on or after October 1 with respect to the first semester or on or after March 1 with respect to the second semester.

(2) An individual who has served as a congressional page at any time during each of any three semesters or terms, as the case may be, shall not be eligible to serve as a page.

(Pub. L. 98–367, title I, § 103, July 17, 1984, 98 Stat. 479; Pub. L. 104–186, title II, § 204(40)(C)–(E), Aug. 20, 1996, 110 Stat. 1736.)

CODIFICATION

Section is based on section 3 of House Resolution No. 234, Ninety-eighth Congress, June 29, 1983, which was enacted into permanent law by Pub. L. 98–367.

AMENDMENTS

1996—Subsec. (a)(1)(B). Pub. L. 104–186, § 204(40)(C), substituted ''semester or two full semesters'' for ''term or two full terms''.

Subsec. (b)(1). Pub. L. 104–186, § 204(40)(D), substituted ''except that no appointment may be made under this paragraph for service to begin on or after October 1 with respect to the first semester or on or after March 1 with respect to the second semester'' for ''but no appointment to fill that vacancy shall be for a period of less than two months''.

Subsec. (b)(2). Pub. L. 104–186, § 204(40)(E), substituted ''semesters or terms, as the case may be,'' for ''terms''.

EFFECTIVE DATE

Section effective June 29, 1983, except that subsecs. (a)(1)(A) and (b)(2) applicable to terms beginning after Nov. 30, 1983, see note set out under section 88c–2 of this title.

§ 88c–4. Definitions

As used in sections 88c–2 to 88c–4 of this title, the term—

(1) ''academic year'' means a regular school year, consisting of two semesters;

(2) ''page'' means a page of the House of Representatives, but such term does not include a full time, permanent employee of the House of Representatives with supervisory responsibility for pages; and

(3) ''congressional page'' means a page of the House of Representatives or the Senate.

(Pub. L. 98–367, title I, § 103, July 17, 1984, 98 Stat. 479; Pub. L. 104–186, title II, § 204(40)(F), Aug. 20, 1996, 110 Stat. 1736.)

CODIFICATION

Section is based on section 4 of House Resolution No. 234, Ninety-eighth Congress, June 29, 1983, which was enacted into permanent law by Pub. L. 98–367.

AMENDMENTS

1996—Par. (1). Pub. L. 104–186 substituted ''semesters'' for ''terms''.

EFFECTIVE DATE

Section effective June 29, 1983, see note set out under section 88c–2 of this title.

§ 89. Certificates to pay rolls of employees of House

The Clerk, Sergeant at Arms, and Chief Administrative Officer of the House of Representatives shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

(Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968; Pub. L. 104–186, title II, § 204(41), Aug. 20, 1996, 110 Stat. 1736.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''and Chief Administrative Officer'' for ''Doorkeeper, and Postmaster''.

§ 89a. Certification of indebtedness of employees of House; withholding of amount

Whenever an employee of the House of Representatives becomes indebted to the House of Representatives and fails to pay the indebtedness, the chairman of the committee or the elected officer of the House of Representatives that has jurisdiction over the activity under which the indebtedness arises may certify to the Chief Administrative Officer of the House of Representatives the amount of the indebtedness. The Chief Administrative Officer of the House of Representatives is authorized to withhold the amount so certified from any amount which is disbursed by him and which is due to, or on behalf of, such employee. Whenever an amount is withheld under this section, the appropriate account shall be credited in an amount equal to the amount so withheld. As used in this section, the term ''employee of the House of Representatives'' means any person in the legislative branch of the Government whose salary, wages, or other compensation is disbursed by the Chief Administrative Officer of the House of Representatives.

(Pub. L. 85–492, July 2, 1958, 72 Stat. 293; Pub. L. 104–186, title II, § 204(42), Aug. 20, 1996, 110 Stat. 1736.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''and fails to pay the indebtedness, the chairman of the committee or the elected officer of the House of Representatives that has jurisdiction over the activity under which the indebtedness arises may certify to the Chief Administrative Officer of the House of Representatives the amount of the indebtedness'' for '', or to the trust fund account in the office of the Sergeant at Arms of the House of Representatives, and such employee fails to pay such indebtedness, the chairman of the committee, or the elected officer, of the House of Representatives having jurisdiction of the activity under which such indebtedness arose, is authorized to certify to the Clerk of the House of Representatives the amount of such indebtedness'' in first sentence and ''Chief Administrative Officer'' for ''Clerk'' in second and last sentences.

§§ 90, 91. Repealed. Pub. L. 104–186, title II, § 204(33), Aug. 20, 1996, 110 Stat. 1734

Section 90, act Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968, related to removal from office of employees of House for violation of sections 85 to 87 and 89 of this title.

Section 91, acts Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968; Aug. 2, 1946, ch. 753, § 121, 60 Stat. 822, related to investigations of violations of sections 85 to 87, 89, and 90 of this title.

§ 92. Employees of Members of House of Representatives

(a) In general

Under the Members' Representational Allowance, each Member of the House of Representatives may employ not more than 18 permanent employees and a total of not more than 4 additional employees in the following categories:

(1) Interns.

(2) Part-time employees.

(3) Shared employees.

(4) Temporary employees.

(5) Employees on leave without pay.

(b) Benefit exclusion

For purposes of this section, interns and temporary employees shall be excluded from the operation of the following provisions of title 5:

(1) Chapter 84 (relating to the Federal Employees' Retirement System).

(2) Chapter 87 (relating to life insurance).

(3) Chapter 89 (relating to health insurance).

(c) Definitions

As used in this section—

(1) the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term ''intern'' means, with respect to a Member of the House of Representatives, an individual who serves in the office of the Member for not more than 120 days in a 12-month period and whose service is primarily for the educational experience of the individual;

(3) the term ''part-time employee'' means, with respect to a Member of the House of Representatives, an individual who is employed by the Member and whose normally assigned work schedule is not more than the equivalent of 15 full working days per month;

(4) the term ''temporary employee'' means, with respect to a Member of the House of Representatives, an individual who is employed for a specific purpose or task and who is employed for not more than 90 days in a 12-month period, except that the term of such employment may be extended with the written approval of the Committee on House Oversight; and

(5) the term ''shared employee'' means an employee who is paid by more than one employing authority of the House of Representatives.

(d) Regulations

The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(Pub. L. 104–186, title I, § 104, Aug. 20, 1996, 110 Stat. 1720; Pub. L. 105–55, title I, § 104(a), Oct. 7, 1997, 111 Stat. 1183; Pub. L. 106–57, title I, § 103(b), Sept. 29, 1999, 113 Stat. 416.)

CODIFICATION

Section is comprised of section 104 of Pub. L. 104–186. Subsec. (e)(1) of section 104 of Pub. L. 104–186 repealed former section 92 of this title. Subsec. (e)(2) and (3) of section 104 of Pub. L. 104–186 repealed provisions formerly set out as notes below.

PRIOR PROVISIONS

A prior section 92, acts Jan. 25, 1923, ch. 43, 42 Stat. 1217; July 25, 1939, ch. 352, § 1, 53 Stat. 1080; Aug. 5, 1955, ch. 568, § 11(b), 69 Stat. 509; Aug. 3, 1956, ch. 938, § 1(b), 70 Stat. 990, related to payment of appropriations for clerk hire for Members of House of Representatives, Delegates, and Resident Commissioners, prior to repeal by Pub. L. 104–186, title I, § 104(e)(1), Aug. 20, 1996, 110 Stat. 1721.

AMENDMENTS

1999—Pub. L. 106–57, § 103(b)(2), struck out ''Clerk hire'' before ''Employees'' in section catchline.

Subsec. (a). Pub. L. 106–57, § 103(b)(1), struck out ''clerk hire'' before ''employees'' in two places in introductory provisions.

1997—Subsec. (c)(2). Pub. L. 105–55 struck out ''in the District of Columbia'' after ''office of the Member''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106–57 applicable with respect to the first session of the One Hundred Sixth Congress and each succeeding session of Congress, see section 103(c) of Pub. L. 106–57, set out as a note under section 57 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 104(b) of Pub. L. 105–55 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal years beginning on or after October 1, 1997.''

EMPLOYMENT OF PERMANENT CLERKS

House Resolution No. 359, Ninety-sixth Congress, July 20, 1979, as enacted into permanent law by H.R. 7593, as passed the House of Representatives on July 21, 1980, and enacted into permanent law by Pub. L. 96–536, § 101(c), Dec. 16, 1980, 94 Stat. 3167, which related to the employment of employees by Members of House of Representatives, Delegates, and Resident Commissioners, was repealed by Pub. L. 104–186, title I, § 104(e)(2), Aug. 20, 1996, 110 Stat. 1721.

House Resolution No. 357, Ninety-first Congress, June 25, 1969, as enacted into permanent law by Pub. L. 91–145, § 103, Dec. 12, 1969, 83 Stat. 359, which increased base Clerk Hire allowance of Members of House of Representatives and Resident Commissioner from Puerto Rico and authorized them to employ one additional clerk each, was repealed by Pub. L. 104–186, title I, § 104(e)(3), Aug. 20, 1996, 110 Stat. 1721.

§ 92–1. Repealed. Pub. L. 104–186, title II, § 204(43), Aug. 20, 1996, 110 Stat. 1736

Section, based on H. Res. No. 294, § 2, Eighty-eighth Congress, Aug. 14, 1964, as continued by H. Res. No. 7, Eighty-ninth Congress, Jan. 4, 1965, which was enacted into permanent law by Pub. L. 89–90, § 103, July 27, 1965, 79 Stat. 281, related to place of performance of services for which clerk hire allowances were paid.

§ 92a. Pay of clerical assistants as affected by death of Senator or Representative

When a Senator or Member of the House of Representatives or Delegate or Resident Commissioner dies during his term of office the clerical assistants appointed by him, and then borne upon the pay rolls of the Senate or House of Representatives, shall be continued on such pay rolls in their respective positions and be paid for a period not longer than one month: *Provided*, That this shall not apply to clerical assistants of standing committees of the Senate or House of Representatives, when their service otherwise would continue beyond such period.

(Feb. 23, 1927, ch. 168, § 1, 44 Stat. 1148.)

EMPLOYEES OF SENATE

Pub. L. 98–473, title I, § 123A(a), Oct. 12, 1984, 98 Stat. 1969, provided that this section shall not apply to any employee of Senate.

§ 92b. Pay of clerical assistants as affected by death or resignation of Member of House

Notwithstanding the provisions of section 92a of this title, in case of the death or resignation of a Member of the House during his term of office, the clerical assistants designated by him and borne upon the clerk hire pay rolls of the House of Representatives on the date of such death or resignation shall be continued upon such pay rolls at their respective salaries until the successor to such Member of the House is elected to fill the vacancy.

(Aug. 21, 1935, ch. 600, § 1, 49 Stat. 679; Apr. 24, 1950, ch. 96, 64 Stat. 82; July 15, 1952, ch. 759, § 1, 66 Stat. 662; Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 657.)

AMENDMENTS

1966—Pub. L. 89–554 struck out sentence which related to retirement service credit.

1952—Joint Res. July 15, 1952, provided retirement credit to employees for time they were separated from employment following death or resignation of a Member and before election of his successor.

1950—Joint Res. Apr. 24, 1950, struck out second sentence which limited continuance of clerical assistants of deceased or resigned House Members on pay roll to six months.

EFFECTIVE DATE

Section 4 of act Aug. 21, 1935, provided that: ''This joint resolution [enacting sections 92b to 92d of this title] shall be effective as of the beginning of the Seventy-fourth Congress, January 3, 1935.''

§ 92b–1. Termination of service of Members of House

(a) Until otherwise provided by law, for purposes of sections 92b, 92c, and 92d of this title, any termination of service during a term of office of a Member of the House that is not described in section 92b of this title shall be treated as if such termination were described in such section.

(b) The Clerk of the House shall take such action as may be necessary to apply the principles of section 92c of this title in the carrying out of sections 92b–1 to 92b–3 of this title.

(Pub. L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959.)

CODIFICATION

Section is based on section 1 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97–51.

§ 92b–2. Authority to prescribe regulations

The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations for the carrying out of sections 92b–1 to 92b–3 of this title.

(Pub. L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959; Pub. L. 104–186, title II, § 204(44), Aug. 20, 1996, 110 Stat. 1736.)

CODIFICATION

Section is based on section 2 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97–51.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight of the House of Representatives'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 92b–3. Vouchers

Payments under sections 92b–1 to 92b–3 of this title shall be made on vouchers approved by the Committee on House Oversight of the House of Representatives and signed by the chairman of such committee.

(Pub. L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959; Pub. L. 104–186, title II, § 204(44), Aug. 20, 1996, 110 Stat. 1736.)

CODIFICATION

Section is based on section 3 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97–51.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight of the House of Representatives'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 92c. Performance of duties by clerical assistants of dead or resigned Member of House

Any clerical assistants who continue on the House pay rolls under the provisions of section 92b of this title shall, while so continued, perform their duties under the direction of the Clerk of the House, and he is authorized and directed to remove from such pay rolls any such clerks who are not attending to the duties for which their services are continued.

(Aug. 21, 1935, ch. 600, § 2, 49 Stat. 680.)

EFFECTIVE DATE

Section effective Jan. 3, 1935, see section 4 of act Aug. 21, 1935, set out as a note under section 92b of this title.

§ 92d. "Member of the House" defined

As used in section 92b of this title the phrase ''Member of the House'' shall mean a Representative, Representative-elect, Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect.

(Aug. 21, 1935, ch. 600, § 3, 49 Stat. 680.)

EFFECTIVE DATE

Section effective Jan. 3, 1935, see section 4 of act Aug. 21, 1935, set out as a note under section 92b of this title.

§ 92e. Repealed. Pub. L. 98–473, title I, § 123A(b), Oct. 12, 1984, 98 Stat. 1969

Section, acts June 28, 1943, ch. 173, title I, 57 Stat. 223; June 26, 1944, ch. 277, title I, 58 Stat. 337; June 13, 1945,

ch. 189, 59 Stat. 241; July 1, 1946, ch. 530, 60 Stat. 390, provided for continuation of salaries of clerical assistants to Senators upon death of that Senator in office.

§§ 93, 94. Omitted

CODIFICATION

Section 93, act June 28, 1886, No. 15, 24 Stat. 342, related to time of beginning of compensation of committee clerks. See section 72a of this title and Rules of House of Representatives.

Section 94, acts Mar. 4, 1925, ch. 549, §1, 43 Stat. 1291; May 13, 1926, ch. 294, §1, 44 Stat. 542; Feb. 23, 1927, ch. 168, §1, 44 Stat. 1152; May 14, 1928, ch. 551, §1, 45 Stat. 522; Feb. 28, 1929, ch. 367, §1, 45 Stat. 1392; June 6, 1930, ch. 407, §1, 46 Stat. 509; Feb. 20, 1931, ch. 234, §1, 46 Stat. 1180; June 30, 1932, ch. 314, §1, 47 Stat. 388; Feb. 28, 1933, ch. 134, §1, 47 Stat. 1356, related to appointment and removal of janitors, and was limited to the appropriation acts of which it was a part.

§ 95. Omitted

CODIFICATION

Section was based on provisions of acts Oct. 2, 1888, ch. 1069, 25 Stat. 546; Mar. 4, 1911, ch. 240, 36 Stat. 1318; Aug. 2, 1946, ch. 753, §121, 60 Stat. 822; Dec. 27, 1974, Pub. L. 93–554, title I, 88 Stat. 1776; Aug. 20, 1996, Pub. L. 104–186, title I, §105(c), 110 Stat. 1722, relating to payments from contingent fund of House of Representatives prior to being struck out by Pub. L. 104–186. See section 95–1 of this title. Provisions of act Oct. 2, 1888, relating to payments from contingent fund of the Senate are classified to section 68 of this title.

§ 95–1. Payments from applicable accounts of House of Representatives

(a) In general

No payment may be made from the applicable accounts of the House of Representatives (as determined by the Committee on House Oversight of the House of Representatives), unless sanctioned by that Committee. Payments on vouchers approved in the manner directed by that Committee shall be deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government.

(b) Definitions

As used in this section—

(1) the term ''applicable accounts of the House of Representatives'' means accounts for salaries and expenses of committees (other than the Committee on Appropriations), the computer support organization of the House of Representatives, and allowances and expenses of Members of the House of Representatives, officers of the House of Representatives, and administrative and support offices of the House of Representatives; and

(2) the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(Pub. L. 104–186, title I, §105, Aug. 20, 1996, 110 Stat. 1721.)

CODIFICATION

Section is comprised of section 105 of Pub. L. 104–186. Subsec. (c) of section 105 of Pub. L. 104–186 amended section 95 of this title.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 95 of this title prior to amendment by Pub. L. 104–186, §105(c).

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 95a. Appropriations for expenses of House; restrictions

Appropriations made for expenses of the House of Representatives shall not be used for the payment of personal services except upon the express and specific authorization of the House in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of the House of Representatives, and the Government Accountability Office shall apply the provisions of this section in the settlement of the accounts of expenditures from said appropriations incurred for services or materials.

(Feb. 14, 1902, ch. 17, §1, 32 Stat. 26; June 10, 1921, ch. 18, title III, §304, 42 Stat. 24; Pub. L. 104–186, title II, §204(45), Aug. 20, 1996, 110 Stat. 1737; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

Section is based on provisions of proviso on 32 Stat. 26, act of Feb. 14, 1902, ch. 17, the Urgent Deficiency Appropriation Act for the fiscal year 1902, relating to appropriations for contingent expenses of House of Representatives. Provisions of proviso relating to appropriations for expenses of Senate are classified to section 68–2 of this title.

Section was formerly classified to section 671 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''expenses of the House'' for ''contingent expenses of the House''.

TRANSFER OF FUNCTIONS

''Government Accountability Office'' substituted in text for ''General Accounting Office'' pursuant to section 8 of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance, which redesignated the General Accounting Office and any references thereto as the Government Accountability Office. Previously, ''General Accounting Office'' substituted in text for ''accounting officers of the Treasury'' pursuant to act June 10, 1921, which transferred powers and duties of Comptroller, six auditors, and certain other employees of the Treasury to General Accounting Office. See section 701 et seq. of Title 31.

§ 95b. Transfers of amounts appropriated for House

(a) Transfers among categories of allowances and expenses

Amounts appropriated for any fiscal year for the House of Representatives under the heading ''ALLOWANCES AND EXPENSES'' may be transferred among the various categories of allowances and expenses under such heading, effective upon the expiration of the 21-day period (or such alternative period that may be imposed by the Committee on Appropriations of the House of Representatives) which begins on the date such Committee has been notified of the transfer.

(b) Transfers among offices and activities

Amounts appropriated for any fiscal year for the House of Representatives under the heading

''SALARIES, OFFICERS AND EMPLOYEES'' may be transferred among the various offices and activities under such heading, effective upon the expiration of the 21-day period (or such alternative period that may be imposed by the Committee on Appropriations of the House of Representatives) which begins on the date such Committee has been notified of the transfer.

(c) Transfers among various appropriations headings

(1) Amounts appropriated for any fiscal year for the House of Representatives under the headings specified in paragraph (2) may be transferred among such headings, effective upon the expiration of the 21-day period (or such alternative period that may be imposed by the Committee on Appropriations of the House of Representatives) which begins on the date such Committee has been notified of the transfer.

(2) The headings referred to in paragraph (1) are ''HOUSE LEADERSHIP OFFICES'', ''MEMBERS' CLERK HIRE'', ''COMMITTEE EMPLOYEES'', ''STANDING COMMITTEES, SPECIAL AND SELECT'', ''HOUSE INFORMATION SYSTEMS'', ''ALLOWANCES AND EXPENSES'', ''OFFICIAL MAIL COSTS'', and ''SALARIES, OFFICERS AND EMPLOYEES''.

(Pub. L. 102–392, title I, § 101, Oct. 6, 1992, 106 Stat. 1709; Pub. L. 108–7, div. H, title I, § 109(a), Feb. 20, 2003, 117 Stat. 355.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1993, which is title I of the Legislative Branch Appropriations Act, 1993.

AMENDMENTS

2003—Subsecs. (a), (b), (c)(1). Pub. L. 108–7 substituted ''effective upon the expiration of the 21-day period (or such alternative period that may be imposed by the Committee on Appropriations of the House of Representatives) which begins on the date such Committee has been notified of the transfer'' for ''upon approval of the Committee on Appropriations of the House of Representatives''.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 109(b), Feb. 20, 2003, 117 Stat. 355, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal year 2003 and each succeeding fiscal year.''

CATEGORIES OF ALLOWANCES AND EXPENSES

Pub. L. 105–55, title I, § 102, Oct. 7, 1997, 111 Stat. 1183, provided that: ''The funds and accounts specified in section 107(b) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 123b note) shall be treated as categories of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).''

§ 95c. Advance payments

(a) Authorization

For fiscal year 1998 and each succeeding fiscal year, the Chief Administrative Officer of the House of Representatives is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31.

(b) Regulations

An advance payment authorized by subsection (a) of this section shall be made in accordance with regulations issued by the Committee on House Oversight of the House of Representatives.

(c) Effective date

The authority granted by subsection (a) of this section shall not take effect until regulations are issued pursuant to subsection (b) of this section.

(Pub. L. 105–55, title I, § 108, Oct. 7, 1997, 111 Stat. 1184.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1998, which is title I of the Legislative Branch Appropriations Act, 1998.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 95d. Account in House of Representatives for Employees' Compensation Fund

(a) Establishment

There is hereby established an account in the House of Representatives for purposes of making payments of the House of Representatives to the Employees' Compensation Fund under section 8147 of title 5.

(b) Payments made from account

Notwithstanding any other provision of law, payments may be made from the account established under subsection (a) of this section at any time after October 7, 1997, without regard to the fiscal year for which the obligation to make such payments is incurred.

(c) Category of allowances and expenses

The account established under subsection (a) of this section shall be treated as a category of allowances and expenses for purposes of section 95b(a) of this title.

(Pub. L. 105–55, title I, § 109, Oct. 7, 1997, 111 Stat. 1184.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1998, which is title I of the Legislative Branch Appropriations Act, 1998.

§ 95e. House of Representatives Revolving Fund

(a) Establishment

There is established in the House of Representatives a fund to be known as the ''House of Representatives Revolving Fund'', consisting of the following amounts:

(1) Amounts appropriated to the Fund.
(2) Amounts donated to the Fund.
(3) Interest on the balance of the Fund.

(b) Expenditures

Amounts in the Fund shall be expended at the direction of the Chief Administrative Officer of the House of Representatives, upon notification provided by the Chief Administrative Officer to the Committee on Appropriations of the House of Representatives, and shall remain available until expended.

(c) Applicability

This section shall apply with respect to fiscal year 2004 and each succeeding fiscal year.

(Pub. L. 108–199, div. H, § 156, Jan. 23, 2004, 118 Stat. 450.)

CODIFICATION

Section is from the Miscellaneous Appropriations and Offsets Act, 2004, which is division H of the Consolidated Appropriations Act, 2004.

§§ 96 to 100. Repealed. Pub. L. 104–186, title II, § 204(46)–(51), Aug. 20, 1996, 110 Stat. 1737

Section 96, acts July 16, 1914, ch. 141, § 1, 38 Stat. 462; Mar. 3, 1926, ch. 44, § 1, 44 Stat. 163, related to payment of certain bills from moneys of House.

Section 96a, Pub. L. 103–69, title III, § 311, Aug. 11, 1993, 107 Stat. 712, related to transfer of responsibility for legislative service organization financial activity to Clerk of House.

Section 97, act Mar. 2, 1895, ch. 177, § 1, 28 Stat. 768, related to temporary committee on accounts of House.

Section 98, act Mar. 3, 1885, ch. 360, 23 Stat. 512, related to contracts for horses for service of House of Representatives.

Section 99, act Mar. 3, 1891, ch. 541, § 1, 26 Stat. 914, related to contracts for horses and mail wagons for House of Representatives.

Section 100, act Mar. 3, 1901, ch. 830, § 1, 31 Stat. 967, related to contracts for packing boxes for House.

§ 101. Subletting duties of employees of Senate or House

No employee of Congress, either in the Senate or House, shall sublet to, or hire, another to do or perform any part of the duties or work attached to the position to which he was appointed.

(Mar. 2, 1895, ch. 177, § 1, 28 Stat. 771.)

§ 102. Repealed. Pub. L. 104–186, title II, § 204(52), Aug. 20, 1996, 110 Stat. 1737

Section, R.S. §§ 60, 61; Pub. L. 86–628, § 105(c), July 12, 1960, 74 Stat. 461, required submission by Secretary of Senate and Clerk of House to two Houses of statements as to persons employed and as to expenditures and balances on hand and providing for printing of such reports as Senate and House documents. See sections 104a and 104b of this title.

§ 102a. Withdrawal of unexpended balances of appropriations

Notwithstanding the provisions of any other law, the unexpended balances of appropriations for the fiscal year 1955 and succeeding fiscal years which are subject to disbursement by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives shall be withdrawn as of June 30 of the second fiscal year following the year for which provided, except that the unexpended balances of such appropriations for the period commencing on July 1, 1976, and ending on September 30, 1976, and for each fiscal year beginning on or after October 1, 1976, shall be withdrawn as of September 30 of the second fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(Pub. L. 85–58, ch. XI, June 21, 1957, 71 Stat. 190; Pub. L. 94–303, title I, § 118(a), June 1, 1976, 90 Stat. 615; Pub. L. 104–186, title II, § 204(53), Aug. 20, 1996, 110 Stat. 1737.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

1976—Pub. L. 94–303 provided that unexpended balances for period commencing July 1, 1976, and ending Sept. 30, 1976, and for each fiscal year beginning on or after Oct. 1, 1976, be withdrawn as of Sept. 30 of second fiscal year following period or year for which provided.

§§ 103, 104. Omitted

CODIFICATION

Section 103, R.S. § 62, authorized Secretary of Senate and Clerk of House to require disbursing officers subject to their authority to return analytical statements and receipts for expenditures and to communicate such returns annually to Congress. See sections 104a and 104b of this title.

Section 104, R.S. § 63, required that all expenditures of Senate and House be made up to end of each fiscal year and reported to Congress at beginning of each regular session. See sections 104a and 104b of this title.

§ 104a. Semiannual statements of expenditures by Secretary of Senate and Chief Administrative Officer of House

(1) Commencing with the semiannual period beginning on July 1, 1964, and ending on December 31, 1964, and for each semiannual period thereafter, the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives shall compile, and, not later than sixty days following the close of the semiannual period, submit to the Senate and House of Representatives, respectively, and make available to the public, in lieu of the reports and information required by sections 102, 103, and 104[1] of this title, and S. Res. 139, Eighty-sixth Congress, a report containing a detailed statement, by items, of the manner in which appropriations and other funds available for disbursement by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as the case may be, have been expended during the semiannual period covered by the report, including (1) the name of every person to whom any part of such appropriation has been paid, (2) if for anything furnished, the quantity and price thereof, (3) if for services rendered, the nature of the services, the time employed, and the name, title, and specific amount paid to each person, and (4) a complete statement of all amounts appropriated, received, or expended, and any unexpended balances. Such reports shall include the information contained in statements of accountability and supporting vouchers submitted to the Government Accountability Office pursuant to the provisions of section 3523(a) of title 31. Notwithstanding the foregoing provisions of this section, in any case in which the voucher or vouchers covering payment to any person for attendance as a witness before any committee of the Senate or House of Representatives, or any subcommittee thereof, during any semiannual period, indicate that all appearances of such person covered by such

[1] See References in Text note below.

voucher or vouchers were as a witness in executive session of the committee or subcommittee, information regarding such payment, except for date of payment, voucher number, and amount paid, shall not be included in the report compiled pursuant to this subsection for such semiannual period. Any information excluded from a report for any semiannual period by reason of the foregoing sentence shall be included in the report compiled pursuant to this section for the succeeding semiannual period. Reports required to be submitted to the Senate and the House of Representatives under this section shall be printed as Senate and House documents, respectively.

(2) The report by the Secretary of the Senate under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period shall be treated as closing on September 30, 1976. Thereafter, the report by the Secretary of the Senate under paragraph (1) shall be for the semiannual periods beginning on October 1 and ending on March 31 and beginning on April 1 and ending on September 30 of each year.

(3) The report requirement relating to quantity, as contained in subparagraph (2) of paragraph (1), does not apply with respect to the Senate.

(4) Each report by the Secretary of the Senate required by paragraph (1) shall contain a separate summary of Senate accounts statement for each office of the Senate authorized to obligate appropriated funds, including each Senator's office, each officer of the Senate, and each committee of the Senate. The summary of Senate accounts statement shall include—

(A) the total amount of appropriations made available or allocated to the office;

(B) any supplemental appropriation, transfer of funds, or rescission and the effect of such action on the appropriation or allocation to the office;

(C) total expenses incurred for salary and office expenses; and

(D) the unexpended balance.

(5)(A) Notwithstanding the requirements of paragraph (1) relating to the level of detail of statement and itemization, each report by the Secretary of the Senate required under such paragraph shall be compiled at a summary level for each office of the Senate authorized to obligate appropriated funds.

(B) Subparagraph (A) shall not apply to the reporting of expenditures relating to personnel compensation, travel and transportation of persons, other contractual services, and acquisition of assets.

(C) In carrying out this paragraph the Secretary of the Senate shall apply the Standard Federal Object Classification of Expenses as the Secretary determines appropriate.

(Pub. L. 88–454, § 105(a), Aug. 20, 1964, 78 Stat. 550; Pub. L. 88–656, Oct. 13, 1964, 78 Stat. 1088; Pub. L. 94–303, title I, § 118(b)(1), June 1, 1976, 90 Stat. 615; Pub. L. 102–392, title I, § 6, Oct. 6, 1992, 106 Stat. 1707; Pub. L. 103–283, title I, § 3(a), July 22, 1994, 108 Stat. 1426; Pub. L. 104–186, title II, § 204(54), Aug. 20, 1996, 110 Stat. 1738; Pub. L. 106–554, § 1(a)(2) [title I, § 1(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–95; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

INAPPLICABILITY OF SECTION TO HOUSE OF REPRESENTATIVES

Provisions of this section requiring submission and printing of statements and reports not applicable to the House of Representatives, see section 104b(e) of this title.

REFERENCES IN TEXT

Section 102 of this title, referred to in par. (1), was repealed by Pub. L. 104–186, title II, § 204(52), Aug. 20, 1996, 110 Stat. 1737.

Sections 103 and 104 of this title, referred to in par. (1), were omitted from the Code.

CODIFICATION

In par. (1), ''section 3523(a) of title 31'' substituted for ''section 117(a) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67(a))'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section is based on the first paragraph of section 105 (a) of Pub. L. 88–454. Remainder of section 105(a) was classified to section 67 of former Title 31, which was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, and reenacted as section 3523 of Title 31, Money and Finance.

AMENDMENTS

2004—Par. (1). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

2000—Par. (5). Pub. L. 106–554 added par. (5).

1996—Par. (1). Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk'' in two places.

1994—Pub. L. 103–283 added par. (4).

1992—Pub. L. 102–392 added par. (3).

1976—Pub. L. 94–303 designated existing provisions as par. (1) and added par. (2).

1964—Pub. L. 88–656 provided that information regarding persons paid by voucher for appearances as a witness before any committee of Congress in executive session shall not be included in semiannual report except for date of payment, voucher number, and amount paid, however, any information so excluded shall be included in next succeeding semiannual period.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–554, § 1(a)(2) [title I, § 1(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–96, provided that:

''(1) IN GENERAL.—Subject to paragraph (2), the amendment made by this section [amending this section] shall take effect on the date of enactment of this Act [Dec. 21, 2000].

''(2) FIRST REPORT AFTER ENACTMENT.—The Secretary of the Senate may elect to compile and submit the report for the semiannual period during which the date of enactment of this section occurs, as if the amendment made by this section had not been enacted.''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–283 effective with respect to reports and statements covering periods beginning on and after Oct. 1, 1994, and appropriations made and obligations incurred on and after such date, see section 3(c) of Pub. L. 103–283, set out as a note under section 59f of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the report required by this section is listed on page 1), see section 3003 of

Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 104b. Report of disbursements for House of Representatives

(a) In general

Not later than 60 days after the last day of each semiannual period, the Chief Administrative Officer of the House of Representatives shall submit to the House of Representatives, with respect to that period, a detailed, itemized report of the disbursements for the operations of the House of Representatives.

(b) Contents

The report required by subsection (a) of this section shall include—

(1) the name of each person who receives a payment from the House of Representatives;

(2) the quantity and price of any item furnished to the House of Representatives;

(3) a description of any service rendered to the House of Representatives, together with a statement of the time required for the service, and the name, title, and amount paid to each person who renders the service;

(4) a statement of all amounts appropriated to, or received, or expended by the House of Representatives, and any unexpended balances of such amounts;

(5) the information submitted to the Comptroller General under section 3523(a) of title 31; and

(6) such additional information as may be required by regulation of the Committee on House Oversight of the House of Representatives.

(c) Exclusion

Notwithstanding subsection (b) of this section, if a voucher is for payment to an individual for attendance as a witness before a committee of the Congress in executive session, the report for the semiannual period in which the appearance occurs shall show only the date of payment, voucher number, and amount paid. Any information excluded from a report under the preceding sentence shall be included in the report for the next period.

(d) House document

Each report under this section shall be printed as a House document.

(e) Conforming provision

The provisions of—

(1) sections 102, 103, and 104[1] of this title; and

(2) section 104a of this title;

that require submission and printing of statements and reports are not applicable to the House of Representatives.

(f) Effective date

This section shall apply to the semiannual periods of January 1 through June 30 and July 1 through December 31 of each year, beginning with the semiannual period in which this section is enacted.

(Pub. L. 104–186, title I, § 106, Aug. 20, 1996, 110 Stat. 1722.)

[1] See References in Text note below.

REFERENCES IN TEXT

Section 102 of this title, referred to in subsec. (e)(1), was repealed by Pub. L. 104–186, title II, § 204(52), Aug. 20, 1996, 110 Stat. 1737.

Sections 103 and 104 of this title, referred to in subsec. (e)(1), were omitted from the Code.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SIMILAR PROVISIONS

Provisions similar to those in this section are contained in section 104a of this title, but were made inapplicable to the House of Representatives by subsec. (e) of this section.

REPORTING PAYMENTS MADE TO WITNESSES BEFORE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Pub. L. 105–275, title I, § 105, Oct. 21, 1998, 112 Stat. 2439, provided that: ''Notwithstanding any other provision of law or any other rule or regulation, any information on payments made by the Committee on Standards of Official Conduct of the House of Representatives to an individual for attendance as a witness before the Committee in executive session during a Congress shall be reported not later than the second semiannual report filed under section 106 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 104b) in the following Congress.''

§ 104c. Preservation of reports, statements, or documents filed with Clerk of House

(a) If the Clerk of the House of Representatives is required under any law, rule, or regulation to make available for public inspection a report, statement, or other document filed with the Office of the Clerk, the Clerk shall preserve the report, statement, or document—

(1) for a period of 6 years from the date on which the document is filed; or

(2) if the law, rule, or regulation so provides, the period required under such law, rule, or regulation.

(b) Subsection (a) of this section shall apply with respect to reports, statements, and documents filed before, on, or after December 8, 2004.

(Pub. L. 108–447, div. G, title I, § 106, Dec. 8, 2004, 118 Stat. 3176.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 105. Preparation and contents of statement of appropriations

The statement of all appropriations made during each session of Congress shall be prepared under the direction of the Committees on Appropriations of the Senate and House of Representatives, and said statement shall contain a chronological history of the regular appropriation bills passed during the session for which it is prepared. The statement shall indicate the amount of contracts authorized by appropriation Acts in addition to appropriations made therein, and shall also contain specific reference to all indefinite appropriations made each session and shall contain such additional informa-

tion concerning estimates and appropriations as the committees may deem necessary.

(Oct. 19, 1888, ch. 1210, § 1, 25 Stat. 587; July 19, 1897, ch. 9, 30 Stat. 136; June 7, 1924, ch. 303, § 1, 43 Stat. 586.)

§ 106. Stationery for Senate; advertisements for

The Secretary of the Senate shall annually advertise, once a week for at least four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate during the next session of Congress with the necessary stationery. The advertisement must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance.

(R.S. §§ 65, 66; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 316; Pub. L. 104–186, title II, § 204(55), Aug. 20, 1996, 110 Stat. 1738.)

CODIFICATION

R.S. §§ 65, 66 derived from Res. Mar. 3, 1815, No. 11, 3 Stat. 249.

First sentence of section is based on R.S. § 65; second sentence of section is based on R.S. § 66.

AMENDMENTS

1996—Pub. L. 104–186 struck out ''and Clerk of the House of Representatives'' after ''Secretary of the Senate'' and ''and House of Representatives, respectively,'' after ''supplying the Senate''.

§ 107. Opening bids for Senate and House stationery; awarding contracts

All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract price in case of failure; and in case the lowest bidder shall fail to enter into such contract and give such security, within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract, and give such security. And in case of failure by the person entering into such contract to perform the same, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States.

(R.S. § 67; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 316.)

CODIFICATION

R.S. § 67 derived from Res. Mar. 3, 1815, No. 11, 3 Stat. 249.

§ 108. Contracts for separate parts of Senate stationery

Sections 106 and 107 of this title shall not prevent the Secretary from contracting for separate parts of the supplies of stationery required to be furnished.

(R.S. § 68; Pub. L. 104–186, title II, § 204(56), Aug. 20, 1996, 110 Stat. 1738.)

CODIFICATION

R.S. § 68 derived from Res. Mar. 3, 1815, No. 11, 3 Stat. 249.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''the Secretary'' for ''either the Secretary or the Clerk''.

§ 109. American goods to be preferred in purchases for Senate and House

The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives shall, in disbursing the public moneys for the use of the two Houses, respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture.

(R.S. § 69; Pub. L. 104–186, title II, § 204(57), Aug. 20, 1996, 110 Stat. 1738.)

CODIFICATION

R.S. § 69 derived from act June 17, 1844, ch. 105, § 1, 5 Stat. 681.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

§ 110. Purchase of paper, envelopes, etc., for stationery rooms of Senate and House

Paper, envelopes, and blank books required by the stationery rooms of the Senate and House of Representatives for sale to Senators and Members for official use may be purchased from the Public Printer at actual cost thereof and payment therefor shall be made before delivery.

(June 5, 1920, ch. 253, § 1, 41 Stat. 1036.)

CHANGE OF NAME

Stationery room of House of Representatives redesignated Office Supply Service.

§ 111. Purchase of supplies for Senate and House

Supplies for use of the Senate and the House of Representatives may be purchased in accordance with the schedule of contract articles and prices of the Administrator of General Services.

(June 5, 1920, ch. 253, § 1, 41 Stat. 1036; Ex. Ord. No. 6166, June 10, 1933, § 1; June 30, 1949, ch. 288, title I, § 102, 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Bureau of Federal Supply and its functions and duties transferred to Administrator of General Services by act June 30, 1949.

Effective Jan. 1, 1947, Procurement Division of Treasury Department changed to Bureau of Federal Supply by former regulation § 5.7 of subpart A of Part 5 of Title 41, Public Contracts, 11 F.R. 13638, issued by the Secretary of the Treasury.

Ex. Ord. No. 6166, abolished General Supply Committee of Treasury Department and vested it in Procurement Division. Public Buildings Branch of Procurement Division was in turn changed to Public Buildings Administration to be within Federal Works Agency by Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427.

§ 111a. Receipts from sales of items by Sergeant at Arms and Doorkeeper of Senate, to Senators, etc., to be credited to appropriation from which purchased

In any case in which appropriated funds are used by a Senator or a committee or office of

the Senate to purchase from the Sergeant at Arms and Doorkeeper of the Senate items which were purchased by him from the appropriation for ''miscellaneous items'' under ''Contingent Expenses of the Senate'' in any appropriation Act, the amounts received by the Sergeant at Arms and Doorkeeper shall be deposited in the Treasury of the United States for credit to such appropriation. This section does not apply to amounts received from the sale of used or surplus furniture and equipment.

(Pub. L. 96–214, Mar. 24, 1980, 94 Stat. 122.)

§ 111b. Contracts to furnish property, supplies, or services to Congress; terms varying from those offered other entities of Federal Government

Notwithstanding any provision to the contrary in any contract which is entered into by any person and either the Administrator of General Services or a contracting officer of any executive agency and under which such person agrees to sell or lease to the Federal Government (or any one or more entities thereof) any unit of property, supplies, or services at a specified price or under specified terms and conditions (or both), such person may sell or lease to the Congress the same type of such property, supplies, or services at a unit price or under terms and conditions (or both) which are different from those specified in such contract; and any such sale or lease of any unit or units of such property, supplies, or services to the Congress shall not be taken into account for the purpose of determining the price at which, or the terms and conditions under which, such person is obligated under such contract to sell or lease any unit of such property, supplies, or services to any entity of the Federal Government other than the Congress. For purposes of the preceding sentence, any sale or lease of property, supplies, or services to the Senate (or any office or instrumentality thereof) or to the House of Representatives (or any office or instrumentality thereof) shall be deemed to be a sale or lease of such property, supplies, or services to the Congress.

(Pub. L. 98–63, title I, § 903(a), July 30, 1983, 97 Stat. 336.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1983.

EFFECTIVE DATE

Section 903(b) of Pub. L. 98–63 provided that: ''The provisions of this section [enacting this section] shall take effect with respect to sales or leases of property, supplies, or services to the Congress after the date of enactment of this section [July 30, 1983].''

SALE OR LEASE OF PROPERTY, SUPPLIES, OR SERVICES TO CONGRESSIONAL BUDGET OFFICE DEEMED SALE OR LEASE TO CONGRESS

Sale or lease of property, supplies, or services to the Congressional Budget Office deemed a sale or lease of such property, supplies, or services to the Congress, see section 605 of this title.

§ 112. Purchases of stationery and materials for folding

Purchases of stationery and materials for folding shall be made in accordance with sections 106 to 109 of this title.

All contracts and bonds for purchases made under the authority of this section shall be filed with the Committee on Rules and Administration of the Senate.

(Mar. 3, 1887, ch. 392, § 1, 24 Stat. 596; Aug. 2, 1946 ch. 753, § 102, 60 Stat. 814; Pub. L. 104–186, title II, § 204(58), Aug. 20, 1996, 110 Stat. 1738.)

AMENDMENTS

1996—Pub. L. 104–186 struck out ''or the Committee on Accounts of the House of Representatives respectively'' before period at end.

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for the ''Committee to Audit and Control the Contingent Expenses''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that the amendment made by that act is effective Jan. 2, 1947.

§§ 112a to 112d. Repealed. Pub. L. 91–139, § 2(a), Dec. 5, 1969, 83 Stat. 291

For subject matter of former sections 112a to 112d of this title, see section 112e of this title.

Section 112a, acts Mar. 25, 1953, ch. 10, § 1, 67 Stat. 7; Mar. 25, 1955, ch. 15, §§ 1, 2, 69 Stat. 13; Feb. 25, 1956, ch. 72, § 1, 70 Stat. 30; July 26, 1961, Pub. L. 87–107, § 1, 75 Stat. 221; Aug. 13, 1965, Pub. L. 89–122, 79 Stat. 517; Nov. 8, 1965, Pub. L. 89–342, 79 Stat. 1302, authorized electrical and mechanical office equipment for House Members, officers, and committees.

Section 112a–1, act Mar. 25, 1953, ch. 10, § 2, as added Feb. 25, 1956, ch. 72, § 2, 70 Stat. 31; amended July 26, 1961, Pub. L. 87–107, § 2, 75 Stat. 221; Oct. 9, 1965, Pub. L. 89–248, 79 Stat. 968; Oct. 24, 1967, Pub. L. 90–116, 81 Stat. 337, related to supply of additional typewriters.

Section 112a–2, act Mar. 25, 1953, ch. 10, § 3, as added Feb. 25, 1956, ch. 72, § 2, 70 Stat. 31, provided for payment for equipment supplied.

Section 112b, act Mar. 25, 1953, ch. 10, § 4, formerly § 2, 67 Stat. 8, renumbered § 4, Feb. 25, 1956, ch. 72, § 2, 70 Stat. 31, provided for registration and ownership of equipment supplied.

Section 112c, act Mar. 25, 1953, ch. 10, § 6, formerly § 4, 67 Stat. 8, renumbered § 6, Feb. 25, 1956, ch. 72, § 2, 70 Stat. 31, defined ''Member''.

Section 112d, act Mar. 25, 1953, ch. 10, § 7, formerly § 5, 67 Stat. 8, renumbered § 7, Feb. 25, 1956, ch. 72, § 2, 70 Stat. 31, related to the issuance of rules and regulations.

EFFECTIVE DATE OF REPEAL

Repeal effective at beginning of first calendar month which commenced on or after Dec. 5, 1969, see section 3 of Pub. L. 91–139, set out as an Effective Date note under section 112e of this title.

SAVINGS PROVISION

Section 2(b) of Pub. L. 91–139 provided that: ''The repeal by subsection (a) of this section of the joint resolution of March 25, 1953 [sections 112a to 112d of this title], does not deprive any Member, officer, or committee of the House of Representatives, or the Resident Commissioner from Puerto Rico, of entitlement to the continued possession and use of office equipment furnished, under any provision of that joint resolution, to that Member, officer, committee, or the Resident Commissioner from Puerto Rico, and in use on the effective date of this Act [see Effective Date note set out under section 112e of this title]. However, the total value (less

allowance for depreciation) of that equipment furnished to a Member or the Resident Commissioner under the first section and section 2 of the joint resolution of March 25, 1953, while in use by that Member or the Resident Commissioner on and after the effective date of this Act shall be taken into account for the purpose of determining the total value of equipment in use at any one time in the office of the Member or the Resident Commissioner under the regulations prescribed by the Committee on House Administration under the first section of this Act [section 112e of this title].''

§ 112e. Office equipment for House Members, officers, and committees

(a) Authority of Chief Administrative Officer

At the request of any Member, officer, or committee of the House of Representatives, or the Resident Commissioner from Puerto Rico, and with the approval of the Committee on House Oversight, but subject to the limitations prescribed by this Act, the Chief Administrative Officer of the House of Representatives shall furnish office equipment for use in the office of that Member, Resident Commissioner, officer, or committee. Office equipment so furnished is limited to equipment of those types and categories which the Committee on House Oversight shall prescribe.

(b) Registration and ownership

Office equipment furnished under this section shall be registered in the office of the Chief Administrative Officer of the House of Representatives and shall remain the property of the House of Representatives.

(c) Payment

The cost of office equipment furnished under this section shall be paid from the applicable accounts of the House of Representatives.

(d) Rules and regulations

The Committee on House Oversight shall prescribe such regulations as it considers necessary to carry out the purposes of this section.

(Pub. L. 91–139, § 1, Dec. 5, 1969, 83 Stat. 291; Pub. L. 104–186, title II, § 204(59), Aug. 20, 1996, 110 Stat. 1738.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 91–139, Dec. 5, 1969, 83 Stat. 291, which is classified generally to this section. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186, § 204(59)(A)(i), (B)(i), substituted ''House Oversight'' for ''House Administration'' in two places and ''Chief Administrative Officer of the House of Representatives shall furnish'' for ''Clerk of the House shall furnish electrical and mechanical''.

Subsec. (b). Pub. L. 104–186, § 204(59)(A)(ii), substituted ''Chief Administrative Officer'' for ''Clerk''.

Subsec. (c). Pub. L. 104–186, § 204(59)(B)(ii), substituted ''applicable accounts'' for ''contingent fund''.

Subsec. (d). Pub. L. 104–186, § 204(59)(B)(i), (iii), substituted ''House Oversight'' for ''House Administration'' and struck out at end ''The regulations shall limit, on such basis as the committee considers appropriate, the total value of office equipment, with allowance for equipment depreciation, which may be in use at any one time in the office of a Member or the Resident Commissioner.''

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section 3 of Pub. L. 91–139 provided that: ''This Act [enacting this section and provisions set out as notes under this section and sections 112a to 112d of this title, and repealing sections 112a to 112d of this title] shall become effective at the beginning of the first calendar month which commences on or after the date of enactment of this Act [Dec. 5, 1969].''

§ 112f. Incidental use of equipment and supplies

(a) Notwithstanding any other provision of law, the Committee on House Oversight may prescribe by regulation appropriate conditions for the incidental use, for other than official business, of equipment and supplies owned or leased by, or the cost of which is reimbursed by, the House of Representatives.

(b) The authority of the Committee on House Oversight to prescribe regulations pursuant to subsection (a) of this section shall apply with respect to fiscal year 1999 and each succeeding fiscal year.

(Pub. L. 105–275, title I, § 106, Oct. 21, 1998, 112 Stat. 2439.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1999, which is title I of the Legislative Branch Appropriations Act, 1999.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 112g. Net Expenses of Equipment Revolving Fund

(a) Establishment

There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the Net Expenses of Equipment Revolving Fund (hereafter in this section referred to as the ''Revolving Fund''), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from amounts provided by offices of the House of Representatives to purchase, lease, obtain, and maintain the equipment located in such offices, and amounts provided by Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress) to purchase, lease, obtain, and maintain furniture for their district offices.

(b) Use of funds

Amounts in the Revolving Fund shall be used by the Chief Administrative Officer without fiscal year limitation to purchase, lease, obtain, and maintain equipment for offices of the House of Representatives and furniture for the district offices of Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress).

(c) Treatment

The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 95b(a) of this title.

(d) Applicability to fiscal years

This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year, except that for purposes of making deposits into the Revolving Fund under subsection (a) of this section, the Chief Administrative Officer may deposit amounts provided by offices of the House of Representatives during fiscal year 2002 or any succeeding fiscal year.

(e) Applicability to telecommunications equipment

This section shall not apply with respect to any telecommunications equipment which is subject to coverage under section 112h[1] of this title (relating to the Net Expenses of Telecommunications Revolving Fund).

(Pub. L. 108–7, div. H, title I, § 102, Feb. 20, 2003, 117 Stat. 353; Pub. L. 108–447, div. G, title I, § 102(e), Dec. 8, 2004, 118 Stat. 3174.)

REFERENCES IN TEXT

Section 112h of this title, referred to in subsec. (e), was in the original ''section 103 of the Legislative Branch Appropriations Act, 2005'' and was translated as reading ''section 102'' of that Act, meaning section 102 of div. G of Pub. L. 108–447, to reflect the probable intent of Congress, because section 103 of div. G of Pub. L. 108–447 does not relate to the Net Expenses of Telecommunications Revolving Fund.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of the Consolidated Appropriations Resolution, 2003.

AMENDMENTS

2004—Subsec. (e). Pub. L. 108–447 added subsec. (e).

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–447 applicable with respect to fiscal year 2005 and each succeeding fiscal year, see section 112h(f) of this title.

§ 112h. Net expenses of Telecommunications Revolving Fund

(a) Establishment

There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the Net Expenses of Telecommunications Revolving Fund (hereafter in this section referred to as the ''Revolving Fund''), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from amounts provided by legislative branch offices to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment located in such offices.

(b) Use of amounts in Fund

Amounts in the Revolving Fund shall be used by the Chief Administrative Officer without fiscal year limitation to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment of legislative branch offices.

(c) Transfer authority

The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 95b(a) of this title.

(d), (e) Omitted

(f) Applicability

This section and the amendments made by this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year, except that for purposes of making deposits into the Revolving Fund under subsection (a) of this section, the Chief Administrative Officer may deposit amounts provided by legislative branch offices during fiscal year 2004 or any succeeding fiscal year.

(Pub. L. 108–447, div. G, title I, § 102, Dec. 8, 2004, 118 Stat. 3174.)

CODIFICATION

Section is comprised of section 102 of div. G of Pub. L. 108–447. Subsecs. (d) and (e) of section 102 of div. G of Pub. L. 108–447 amended sections 117f and 112g of this title, respectively.

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 113. Detailed reports of receipts and expenditures by Secretary of Senate and Chief Administrative Officer of House

The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives, respectively, shall report to Congress on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers.

(R.S. § 70; Pub. L. 104–186, title II, § 204(60), Aug. 20, 1996, 110 Stat. 1738.)

CODIFICATION

R.S. § 70 derived from act July 15, 1870, ch. 302, § 1, 16 Stat. 365.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

§ 114. Fees for copies from Senate journals

The Secretary of the Senate is entitled, for transcribing and certifying extracts from the journal of the Senate or the executive Journal of the Senate when the injunction of secrecy has been removed, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the persons for whom such transcripts are prepared the sum of 10 cents for each sheet containing one hundred words.

(R.S. § 71; Pub. L. 104–186, title II, § 204(61), Aug. 20, 1996, 110 Stat. 1738.)

[1] See References in Text note below.

CODIFICATION

R.S. § 71 derived from acts Sept. 15, 1789, ch. 14, § 6, 1 Stat. 69; Aug. 8, 1846, ch. 107, § 2, 9 Stat. 80; and Apr. 23, 1856, ch. 20, 11 Stat. 5.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Secretary of the Senate is'' for ''Secretary of the Senate and the Clerk of the House of Representatives, respectively, are'' and struck out ''or from the journal of the House of Representatives,'' after ''has been removed,''.

§ 115. Index to House daily calendar

The index to the daily calendar of business of the House of Representatives shall be printed only on Monday of each week.

(Mar. 1, 1921, ch. 89, § 1, 41 Stat. 1181.)

§ 116. Repealed. May 29, 1928, ch. 901, § 1, 45 Stat. 995

Section, R.S. § 72, related to accounting by the Secretaries, Clerks, Sergeant at Arms, Postmasters, and Doorkeepers of Senate and House for property of the Government in their possession.

§ 117. Sale of waste paper and condemned furniture

It shall be the duty of the Secretary and Sergeant at Arms of the Senate to cause to be sold all waste paper and useless documents and condemned furniture that may accumulate, in their respective departments or offices, under the direction of the Committee on Rules and Administration of the Senate and cover the proceeds thereof into the Treasury.

(Aug. 7, 1882, ch. 433, § 1, 22 Stat. 337; May 29, 1928, ch. 901, § 1(122), 45 Stat. 995; Pub. L. 104–186, title II, § 204(62), Aug. 20, 1996, 110 Stat. 1739.)

AMENDMENTS

1996—Pub. L. 104–186 struck out ''Clerk and Doorkeeper of the House of Representatives and the'' before ''Secretary and'' and substituted ''direction of the Committee on Rules and Administration of the Senate and cover'' for ''direction of the Committee on Accounts of their respective houses and cover''.

REPORT ON SALES DISCONTINUED

Par. 122 of act May 29, 1928, provided for the discontinuance of reports on waste paper, etc., as follows: ''122. Reports by the Clerk and Doorkeeper of the House and the Secretary and Sergeant at Arms of the Senate of the sales of waste paper and useless documents and condemned furniture, and so forth.''

§ 117a. Omitted

CODIFICATION

Section, acts July 1, 1941, ch. 268, 55 Stat. 454; June 8, 1942, ch. 396, 56 Stat. 338; June 28, 1943, ch. 173, title I, 57 Stat. 228; June 26, 1944, ch. 277, title I, 58 Stat. 343; June 13, 1945, ch. 189, 59 Stat. 248; July 1, 1946, ch. 530, 60 Stat. 397, related to depositing in Treasury sums received from sale of transcripts of House committee hearings, and applied only to fiscal years covered by such acts. Permanent provisions were enacted by act July 17, 1947, ch. 262, 61 Stat. 365, and classified to section 84b of this title.

§ 117b. Disposal of used or surplus furniture and equipment by Sergeant at Arms and Doorkeeper of Senate; procedure; deposit of receipts

Effective October 1, 1981, the Sergeant at Arms and Doorkeeper of the Senate is authorized to dispose of used or surplus furniture and equipment by trade-in or by sale directly or through the General Services Administration. Receipts from the sale of such furniture and equipment shall be deposited in the United States Treasury for credit to the appropriation for ''Miscellaneous Items'' under the heading ''Contingent Expenses of the Senate''.

(Pub. L. 95–94, title I, § 103, Aug. 5, 1977, 91 Stat. 660; Pub. L. 97–51, § 118, Oct. 1, 1981, 95 Stat. 964.)

CODIFICATION

Section was formerly classified to section 59c of this title.

Section is from the Congressional Operations Appropriation Act, 1978, which is title I of the Legislative Branch Appropriation Act, 1978.

AMENDMENTS

1981—Pub. L. 97–51 substituted ''Effective October 1, 1981'' for ''Effective October 1, 1977'' and struck out provisions requiring that all receipts from the sale of furniture and equipment, other than such furniture and equipment as was replaced in kind, be deposited in the United States Treasury as miscellaneous receipts.

§ 117b–1. Receipts from sale of used or surplus furniture and furnishings of Senate

On and after October 1, 1982, receipts from the sale of used or surplus furniture and furnishings shall be deposited in the United States Treasury for credit to the appropriation for ''Senate Office Buildings'' under the heading ''Architect of the Capitol.''

(Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.)

CODIFICATION

Section is based on title I (2d proviso under ''Senate Office Buildings'') of S. 2939, as reported Sept. 22, 1982, which was enacted into law by Pub. L. 97–276.

Section was formerly classified to section 170a of former Title 40, Public Buildings, Property, and Works.

§ 117b–2. Transfer of excess or surplus educationally useful equipment to public schools

(a) Authorization

The Sergeant at Arms and Doorkeeper of the Senate may directly, or through the General Services Administration, transfer title to excess or surplus educationally useful equipment to a public school. Any such transfer shall be completed at the lowest possible cost to the public school and the Senate.

(b) Regulations

The Committee on Rules and Administration of the Senate shall prescribe regulations to carry out the provisions of this section.

(c) Deposit of receipts

Receipts from reimbursements for the costs of transfer of excess or surplus educationally useful equipment under this section,[1] shall be deposited in the United States Treasury for credit to the account for the ''Sergeant at Arms and Doorkeeper of the Senate'' within the contingent fund of the Senate.

(d) Definitions

For the purposes of this section:

[1] So in original. Comma probably should not appear.

(1) The term ''public school'' means a public elementary or secondary school as such terms are defined in section 7801 of title 20.

(2) The term ''educationally useful equipment'' means computers and related peripheral tools, including printers, modems, routers, servers, computer keyboards, scanners, and other telecommunications and research equipment, that are appropriate for use in public school education.

(e) Effective date

This section shall take effect beginning with fiscal year 1997 and shall be effective each fiscal year thereafter.

(Pub. L. 104–197, title I, § 5, Sept. 16, 1996, 110 Stat. 2397; Pub. L. 107–110, title X, § 1076(a), Jan. 8, 2002, 115 Stat. 2091.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1997, which is title I of the Legislative Branch Appropriations Act, 1997.

AMENDMENTS

2002—Subsec. (d)(1). Pub. L. 107–110 substituted ''7801'' for ''8801''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

§ 117c. Disposal of used or surplus automobiles and trucks by Sergeant at Arms and Doorkeeper of Senate; procedure; deposit of receipts

On and after October 1, 1982, the Sergeant at Arms and Doorkeeper of the Senate is authorized to dispose of used or surplus automobiles and trucks by trade-in or by sale through the General Services Administration. Receipts from the sale of such automobiles and trucks shall be deposited in the United States Treasury for credit to the appropriation for ''Automobiles and Maintenance'' under the heading ''Contingent Expenses of the Senate''.

(Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.)

CODIFICATION

Section is based on section 102 of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97–276, to be effective as if enacted into law.

§ 117d. Reimbursements to Sergeant at Arms and Doorkeeper of Senate for equipment provided to Senators, etc., which has been lost, stolen, damaged, or otherwise unaccounted for; deposit of receipts

The Sergeant at Arms and Doorkeeper of the Senate shall deposit in the United States Treasury for credit to the appropriation account, within the contingent fund of the Senate, for the ''Sergeant at Arms and Doorkeeper of the Senate'', all moneys received by him as reimbursement for equipment provided to Senators, committee chairmen, and other officers and employees of the Senate, which has been lost, stolen, damaged, or otherwise unaccounted for.

(Pub. L. 98–367, title I, § 5, July 17, 1984, 98 Stat. 475.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1985, which is title I of the Legislative Branch Appropriations Act, 1985.

§ 117d–1. Compensation for lost or damaged property

(a) In general

Any amounts received by the Sergeant at Arms and Doorkeeper of the Senate (in this section referred to as the ''Sergeant at Arms'') for compensation for damage to, loss of, or loss of use of property of the Sergeant at Arms that was procured using amounts available to the Sergeant at Arms in the account for Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate, shall be credited to that account or, if applicable, to any subaccount of that account.

(b) Availability

Amounts credited to any account or subaccount under subsection (a) of this section shall be merged with amounts in that account or subaccount and shall be available to the same extent, and subject to the same terms and conditions, as amounts in that account or subaccount.

(c) Effective date

This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108–447, div. G, title I, § 8, Dec. 8, 2004, 118 Stat. 3170.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 117e. Disposal of used or surplus furniture and equipment by Chief Administrative Officer of House; procedure; deposit of receipts

(1) The Chief Administrative Officer of the House of Representatives may dispose of used equipment of the House of Representatives, by trade-in or sale, directly or through the General Services Administration. Any direct disposal under the preceding sentence shall be in accordance with normal business practice and shall be at fair market value. Receipts from disposals under the first sentence of this section (together with receipts from sale of transcripts, waste paper and other items provided by law, and receipts for missing or damaged equipment) shall be deposited in the Treasury for credit to the appropriate account of the House of Representatives, and shall be available for expenditure in accordance with applicable law. For purposes of the previous sentence, in the case of receipts from the sale or disposal of any audio or video transcripts prepared by the House Recording Studio, the ''appropriate account of the House of Representatives'' shall be the account of the Chief Administrative Officer of the House of Representatives.

(2) If disposal in accordance with paragraph (1) is not feasible because of age, location, condition, or any other relevant factor, the Chief Ad-

ministrative Officer may donate the equipment to the government of a State, to a local government, or to an organization that is described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of title 26. Except as provided in paragraph (3), a donation under this paragraph—

(A) shall be at no cost to the Government; and

(B) may be made only if the used equipment has no recoverable value because disposal in accordance with paragraph (1), under the most favorable terms available to the Government, would result in a loss to the Government.

(3)(A) In the case of computer-related equipment, during fiscal year 1998 the Chief Administrative Officer may donate directly the equipment to a public elementary or secondary school of the District of Columbia without regard to whether the donation meets the requirements of the second sentence of paragraph (2), except that the total number of workstations donated as a result of this paragraph may not exceed 1,000.

(B) In this paragraph—

(i) the term ''computer-related equipment'' includes desktops, laptops, printers, file servers, and peripherals which are appropriate for use in public school education;

(ii) the terms ''public elementary school'' and ''public secondary school'' have the meaning given such terms in section 7801 of title 20; and

(iii) the term ''workstation'' includes desktops and peripherals, file servers and peripherals, laptops and peripherals, printers and peripherals, and workstations and peripherals.

(C) The Committee on House Oversight shall have authority to issue regulations to carry out this paragraph.

(4) The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this subsection.

(5) As used in this section—

(A) the term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

(B) the term ''used equipment'' means such used or surplus equipment (including furniture and motor vehicles) as the Committee on House Oversight of the House of Representatives may prescribe by regulation.

(Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287; Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425; Pub. L. 101–163, title I, § 103(a), Nov. 21, 1989, 103 Stat. 1049; Pub. L. 104–186, title II, § 204(63), Aug. 20, 1996, 110 Stat. 1739; Pub. L. 105–55, title I, § 106, Oct. 7, 1997, 111 Stat. 1184; Pub. L. 107–68, title I, § 114(a), Nov. 12, 2001, 115 Stat. 572; Pub. L. 107–110, title X, § 1076(b), Jan. 8, 2002, 115 Stat. 2091.)

CODIFICATION

Section is based on section 104(a) of title I of H.R. 5203 (see House Report 99–805 as filed in the House on Aug. 15, 1986), as incorporated by reference in section 101(j) of Pub. L. 99–500 and 99–591, as amended by Pub. L. 100–71, to be effective as if enacted into law.

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

AMENDMENTS

2002—Par. (3)(B)(ii). Pub. L. 107–110 substituted ''7801'' for ''8801''.

2001—Par. (1). Pub. L. 107–68, in third sentence, substituted ''for credit to the appropriate account of the House of Representatives, and shall be available for expenditure in accordance with applicable law. For purposes of the previous sentence, in the case of receipts from the sale or disposal of any audio or video transcripts prepared by the House Recording Studio, the 'appropriate account of the House of Representatives' shall be the account of the Chief Administrative Officer of the House of Representatives'' for ''for credit to the appropriate account under the appropriation for 'ALLOWANCES AND EXPENSES' under the heading 'CONTINGENT EXPENSES OF THE HOUSE', and shall be available for expenditure in accordance with applicable law''.

1997—Par. (2). Pub. L. 105–55, § 106(1), substituted ''Except as provided in paragraph (3), a donation'' for ''A donation'' in second sentence of introductory provisions.

Pars. (3) to (5). Pub. L. 105–55, § 106(2), (3), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

1996—Pars. (1), (2). Pub. L. 104–186, § 204(63)(A), substituted ''Chief Administrative Officer'' for ''Clerk''.

Pars. (3), (4)(B). Pub. L. 104–186, § 204(63)(B), substituted ''House Oversight'' for ''House Administration''.

1989—Par. (1). Pub. L. 101–163, § 103(a)(1), (2), designated existing provisions as par. (1) and struck out at end ''As used in this section, the term 'used equipment' means such used or surplus equipment (including furniture and motor vehicles) as the Committee on House Administration of the House of Representatives may prescribe by regulation.''

Pars. (2) to (4). Pub. L. 101–163, § 103(a)(3), added pars. (2) to (4).

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, § 114(b), Nov. 12, 2001, 115 Stat. 572, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal year 2002 and each succeeding fiscal year.''

EFFECTIVE DATE OF 1989 AMENDMENT

Section 103(c) of Pub. L. 101–163 provided that: ''The amendments made by subsection (a) [amending this section] and the repeal made by subsection (b) [repealing section 59a of this title] shall take effect on October 1, 1989.''

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100–71 provided that the amendment made by Pub. L. 100–71 is effective Oct. 18, 1986.

EFFECTIVE DATE

Section 104(c) of title I of H.R. 5203 (see House Report 99–805 as filed in the House on Aug. 15, 1986), as incorporated by reference in section 101(j) of Pub. L. 99–500 and 99–591, as amended by Pub. L. 100–71, to be effective as if enacted into law, provided that: ''This section and

the amendment made by this section [enacting section 117e of this title and amending section 84b of this title] shall take effect on October 1, 1986.''

SIMILAR PROVISIONS

Provisions similar to those in par. (1) of this section relating to disposition of receipts from sales of copies of transcripts were contained in former section 84b of this title.

§ 117f. Commissions and charges for public telephone or telecommunications services; deposit of receipts

(a) Authority of Chief Administrative Officer to receive commissions for providing public telephone service in House occupied areas

Effective October 1, 1988, the Chief Administrative Officer of the House of Representatives is authorized to receive commissions for providing public telephone service in space occupied by the United States House of Representatives.

(b) Deposit of receipts; availability for expenditure

Receipts from the commissions and charges set forth in subsection (a) of this section shall be deposited in the United States Treasury for credit to the appropriation for ''Salaries and Expenses of the United States House of Representatives'', and shall be available for expenditure upon the approval of the Committee on Appropriations of the House of Representatives.

(Pub. L. 100–458, title III, § 306, Oct. 1, 1988, 102 Stat. 2182; Pub. L. 104–186, title II, § 204(64), Aug. 20, 1996, 110 Stat. 1739; Pub. L. 108–447, div. G, title I, § 102(d), Dec. 8, 2004, 118 Stat. 3174.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1989.

AMENDMENTS

2004—Subsecs. (b), (c). Pub. L. 108–447 redesignated subsec. (c) as (b), substituted ''subsection (a)'' for ''subsections (a) and (b)'', and struck out heading and text of former subsec. (b). Text read as follows: ''The Chief Administrative Officer is authorized to receive for deposit, amounts charged to any legislative branch entity, including the Congressional Budget Office and the Architect of the Capitol, for the provision of telephone or telecommunications services, except that no amount charged to the Members' Representational Allowance shall be deposited in accordance with this section.''

1996—Subsec. (a). Pub. L. 104–186, § 204(64)(A), substituted ''Chief Administrative Officer'' for ''Clerk''.

Subsec. (b). Pub. L. 104–186, § 204(64)(B), substituted ''Chief Administrative Officer'' for ''Clerk'', struck out ''but not limited to Legislative Service Organizations,'' after ''entity, including'', and substituted '', except that no amount charged to the Members' Representational Allowance'' for '': *Provided*, That no amounts charged to the official expense allowances of Members of the House''.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–447 applicable with respect to fiscal year 2005 and each succeeding fiscal year, see section 112h(f) of this title.

§ 117g. Monies received by Attending Physician from sale of prescription drugs or other sources; deposit of receipts

On November 21, 1989, the Office of the Attending Physician Revolving Fund established by the first undesignated paragraph under the center heading ''OFFICE OF THE ATTENDING PHYSICIAN REVOLVING FUND'' in title III of the Legislative Branch Appropriation Act, 1976 (89 Stat. 283) is abolished and all monies in the Fund on such date or subsequently received by the Attending Physician from the sale of prescription drugs or from any other source shall be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 101–163, title I, Nov. 21, 1989, 103 Stat. 1051.)

REFERENCES IN TEXT

The first undesignated paragraph under the center heading ''OFFICE OF THE ATTENDING PHYSICIAN REVOLVING FUND'' in title III of the Legislative Branch Appropriation Act, 1976 [Pub. L. 94–59], referred to in text, is not classified to the Code.

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1990, which is title I of the Legislative Branch Appropriations Act, 1990.

§ 117h. Deposit of fees for services by Office of Attending Physician; availability of amounts deposited

(a) There is established a subaccount in the appropriation account for salaries and expenses of the House of Representatives for the deposit of fees received from Members and officers of the House of Representatives for services provided to such Members and officers by the Office of the Attending Physician. The amounts so deposited shall be available, subject to appropriation, for the operations of the Office of the Attending Physician.

(b) This section shall take effect at the beginning of the first month after October 1992.

(Pub. L. 102–392, title I, § 104, Oct. 6, 1992, 106 Stat. 1710.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1993, which is title I of the Legislative Branch Appropriations Act, 1993.

§ 117i. Revolving fund for House gymnasium; deposit of receipts; availability for expenditure

There is established in the Treasury a revolving fund for the House of Representatives gymnasium. The Architect of the Capitol shall deposit in the fund such amounts as the Architect may receive as gymnasium dues or assessments from Members of the House of Representatives and other authorized users of the gymnasium. The amounts so deposited shall be available for obligation by the Architect for expenses of the gymnasium.

(Pub. L. 102–392, title I, § 106, Oct. 6, 1992, 106 Stat. 1715.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1993, which is title I of the Legislative Branch Appropriations Act, 1993.

§ 117j. Fees for internal delivery in House of Representatives of nonpostage mail from outside sources

Effective with respect to fiscal years beginning with fiscal year 1995, in the case of mail

from outside sources presented to the Chief Administrative Officer of the House of Representatives (other than mail through the Postal Service and mail with postage otherwise paid) for internal delivery in the House of Representatives, the Chief Administrative Officer is authorized to collect fees equal to the applicable postage. Amounts received by the Chief Administrative Officer as fees under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 104–53, title I, § 101, Nov. 19, 1995, 109 Stat. 520.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1996, which is title I of the Legislative Branch Appropriations Act, 1996.

§ 117j–1. Regulations for safe handling of mail matter

(a) In general

Subject to the approval of the Committee on House Administration, the Chief Administrative Officer of the House of Representatives shall implement regulations under which the Chief Administrative Officer shall be authorized to handle any mail matter delivered by the United States Postal Service or any other carrier to the House of Representatives, or to any other entity with whom the Chief Administrative Officer has entered into an agreement to receive mail matter delivered to the entity, in such manner as the Chief Administrative Officer deems necessary to ensure the safety of any individuals who may come into contact with, or otherwise be exposed to, such mail matter.

(b) Civil or criminal liability

No action taken under the regulations implemented pursuant to this section may serve as a basis for civil or criminal liability of any individual or entity.

(c) Definition

As used in this section, the term ''handle'' includes but is not limited to collecting, isolating, testing, opening, disposing, and destroying.

(d) Effective date

This section shall apply with respect to fiscal year 2004 and each succeeding fiscal year.

(Pub. L. 108–447, div. G, title I, § 108, Dec. 8, 2004, 118 Stat. 3177.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 117k. Rebates under Government Travel Charge Card Program

Effective with respect to fiscal years beginning with fiscal year 1995, amounts received by the Chief Administrative Officer of the House of Representatives from the Administrator of General Services for rebates under the Government Travel Charge Card Program shall be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 104–53, title I, § 102, Nov. 19, 1995, 109 Stat. 520.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1996, which is title I of the Legislative Branch Appropriations Act, 1996.

§ 117*l*. Deposit of House Information Resources reimbursements for services

Effective with respect to fiscal year 2003 and each succeeding fiscal year, any amount received by House Information Resources from any office of the House of Representatives as reimbursement for services provided shall be deposited in the Treasury for credit to the account of the Office of the Chief Administrative Officer of the House of Representatives.

(Pub. L. 108–7, div. H, title I, § 103, Feb. 20, 2003, 117 Stat. 354.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of the Consolidated Appropriations Resolution, 2003.

§ 117m. House Services Revolving Fund

(a) Establishment of House Services Revolving Fund

There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the ''House Services Revolving Fund'' (hereafter in this section referred to as the ''Revolving Fund''), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from all amounts received by the House of Representatives with respect to the following activities:

(1) The operation of the House Barber Shop.

(2) The operation of the House Beauty Shop.

(3) The operation of the House Restaurant System (including vending operations).

(4) The provision of mail services to entities which are not part of the House of Representatives.

(5) The payment of fees for the use of the exercise facility described in section 103(a).

(b) Use of amounts in Fund

Amounts in the Revolving Funds[1] shall be used for any purpose designated by the Chief Administrative Officer which is approved by the Committee on Appropriations of the House of Representatives.

(c) Transfer authority

The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 95b(a) of this title.

(d) Termination and transfer of existing funds and accounts

(1) In general

Each fund and account specified in paragraph (2) is hereby terminated, and the balance of each such fund and account is hereby transferred to the Revolving Fund.

(2) Funds and accounts specified

The funds and accounts referred to in paragraph (1) are as follows:

[1] So in original. Probably should be ''Fund''.

(A) The revolving fund for the House Barber Shop, established by the paragraph under the heading ''HOUSE BARBER SHOPS REVOLVING FUND'' in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93–554; 88 Stat. 1776).

(B) The revolving funds for the House Beauty Shop, established by the matter under the heading ''HOUSE BEAUTY SHOP'' in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriations Act, 1970 (Public Law 91–145; 83 Stat. 347).

(C) The special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, or any successor fund or account established for the receipt of revenues of the House Restaurant System.

(e) Effective date

This section shall take effect October 1, 2004, and shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108–447, div. G, title I, § 105, Dec. 8, 2004, 118 Stat. 3175; Pub. L. 109–13, div. A, title III, § 3401(b), May 11, 2005, 119 Stat. 272.)

REFERENCES IN TEXT

Section 103(a), referred to in subsec. (a)(5), means section 103(a) of Pub. L. 108–447, div. G, title I, Dec. 8, 2004, 118 Stat. 3174, which is not classified to the Code.

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in subsec. (d)(2)(C), means section 208 of act Oct. 9, 1940, ch. 780, title II, 54 Stat. 1056, which was classified to section 174k of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 104–186, title II, § 221(3)(B), Aug. 20, 1996, 110 Stat. 1748.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

AMENDMENTS

2005—Subsec. (a)(5). Pub. L. 109–13 added par. (5).

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–13, div. A, title III, § 3401(c), May 11, 2005, 119 Stat. 272, provided that: ''The amendments made by this section [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2005 [Pub. L. 108–447, div. G].''

§ 118. Actions against officers for official acts

In any action brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty, in executing any order of such House, the United States attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section of the Act of July 28, 1866, entitled ''An Act to protect the revenue, and for other purposes'', and also all provisions of the sections of former Acts therein referred to, so far as the same relate to the removal of suits, the withholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney General.

(Mar. 3, 1875, ch. 130, § 8, 18 Stat. 401; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

REFERENCES IN TEXT

The provisions of section 8 of act July 28, 1866, ch. 298, 14 Stat. 329, referred to in text, were contained generally in R.S. § 643, which was incorporated in the former Judicial Code, § 33, and was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992. See sections 1442, 1446, and 1447 of Title 28, Judiciary and Judicial Procedure. Other provisions referred to were contained in R.S. §§ 771, 989, which were also repealed by act June 25, 1948. See sections 509, 547, and 2006, respectively, of Title 28.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted ''United States attorney'' for ''district attorney''. See section 541 of Title 28, Judiciary and Judicial Procedure.

§ 118a. Officers of Senate

Section 118 of this title shall not apply to officers of the Senate.

(Pub. L. 95–521, title VII, § 714(d), Oct. 26, 1978, 92 Stat. 1884.)

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95–521, set out as a note under section 288 of this title.

§ 119. Stationery rooms of House and Senate; specification of classes of articles purchasable

The Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, respectively, shall make and issue regulations specifying the classes of articles which may be purchased by or through the stationery rooms of the House and Senate.

(May 13, 1926, ch. 294, § 2, 44 Stat. 552; Aug. 2, 1946, ch. 753, title I, § 102, 60 Stat. 814; Pub. L. 104–186, title II, § 204(65), Aug. 20, 1996, 110 Stat. 1739.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Committee on House Oversight'' for ''Committee on Accounts''.

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee to Audit and Control the Contingent Expenses''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

Stationery room of House of Representatives redesignated Office Supply Service.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that the amendment made by that act is effective Jan. 2, 1947.

§ 119a. Repealed. Pub. L. 90–620, § 3, Oct. 22, 1968, 82 Stat. 1309

Section, act July 2, 1954, ch. 455, 68 Stat. 397, provided that on and after July 2, 1954, the Senate Folding Room shall be known as the Senate Service Department. See section 740 of Title 44, Public Printing and Documents.

§ 120. Omitted

CODIFICATION

Section, act Feb. 23, 1927, ch. 168, § 1, 44 Stat. 1150, changed the name of ''clerk to Speaker's table'' to ''parliamentarian'' and was omitted as executed.

§ 121. Senate restaurant deficit fund; deposit of proceeds from surcharge on orders

The Committee on Rules and Administration of the United States Senate is authorized and directed hereafter to add a minimum of 10 per centum to each order in excess of 10 cents served in the Senate restaurants and 20 per centum to all orders served outside of said restaurants, and the proceeds accruing therefrom shall be placed in a fund to be used in the payment of any deficit incurred in the management of such kitchens and restaurants.

(May 18, 1937, ch. 223, § 1, 50 Stat. 173; Aug. 2, 1946, ch. 753, title I, § 102, 60 Stat. 814.)

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee on Rules''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that the amendment made by that act is effective Jan. 2, 1947.

§ 121a. Repealed. Pub. L. 105–275, title I, § 6(h)(1), Oct. 21, 1998, 112 Stat. 2434

Section, Pub. L. 94–440, title I, § 106, Oct. 1, 1976, 90 Stat. 1444; Pub. L. 95–26, title I, § 107(a), May 4, 1977, 91 Stat. 85; Pub. L. 100–458, title I, § 10(b), Oct. 1, 1988, 102 Stat. 2162, related to Senate Barber and Beauty Shops Revolving Fund.

EFFECTIVE DATE OF REPEAL

Repeal effective 30 days after Oct. 21, 1998, see section 121b–1(i) of this title.

§ 121b. Senate Beauty Shop

(a) Repealed. Pub. L. 105–275, title I, § 6(h)(2), Oct. 21, 1998, 112 Stat. 2434

(b) Omitted

(c) Creditable civilian service in Senate Building Beauty Shop for basic annuity

Any individual who, on October 1, 1988, is an employee of the Senate Building Beauty Shop and who, after having been employed by the Sergeant at Arms and Doorkeeper pursuant to subsection (a) of this section, attains 5 years of civilian service creditable under section 8411 of title 5, other than service credited pursuant to subsection (d) of this section, may be credited under such section for any service as an employee of the Senate Building Beauty Shop prior to October 1, 1988, if such employee makes a payment of the amount, determined by the Office of Personnel Management, that would have been deducted and withheld from the basic pay of such employee under section 8422 of title 5 for such period so credited, together with interest thereon.

(d) Creditable civilian service in Senate Building Beauty Shop for survivor annuities and disability benefits

Notwithstanding any other provision of this section, any service performed by an individual in the Senate Building Beauty Shop prior to October 1, 1988, is deemed to be civilian service creditable under section 8411 of title 5 for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of title 5, if such individual—

(1) on October 1, 1988, is an employee of the Senate Building Beauty Shop;

(2) on or after October 1, 1988, is employed by the Sergeant at Arms and Doorkeeper pursuant to subsection (a) of this section; and

(3) payment is made of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such employee under section 8422 of title 5 for such period so credited, together with interest thereon.

(e) Certification concerning creditable service; acceptance by Office of Personnel Management

The Office of Personnel Management shall accept the certification of the Secretary of the Senate concerning creditable service for the purpose of this section.

(f) Effective date

The foregoing provisions of this section shall take effect on October 1, 1988.

(Pub. L. 100–458, title I, § 10, Oct. 1, 1988, 102 Stat. 2162; Pub. L. 105–275, title I, § 6(h)(2), Oct. 21, 1998, 112 Stat. 2434.)

CODIFICATION

Section is comprised of section 10 of Pub. L. 100–458. Subsec. (b) of section 10 amended former section 121a of this title.

Section is from the Congressional Operations Appropriations Act, 1989, which is title I of the Legislative Branch Appropriations Act, 1989.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–275 struck out subsec. (a) which read as follows: ''The Sergeant at Arms and Doorkeeper of the Senate is authorized to employ, and fix the compensation of such employees as he determines necessary to operate the Senate Beauty Shop.''

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–275 effective 30 days after Oct. 21, 1998, see section 121b–1(i) of this title.

§ 121b–1. Senate Hair Care Services

(a) Appointment and compensation of personnel

The Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint and fix the compensation of such employees as may be necessary to operate Senate Hair Care Services.

(b) Establishment of revolving fund

There is established in the Treasury of the United States within the contingent fund of the Senate a revolving fund to be known as the Senate Hair Care Services Revolving Fund (here-

after in this section referred to as the ''revolving fund'').

(c) Deposit and availability of moneys

(1) All moneys received by Senate Hair Care Services from fees for services or from any other source shall be deposited in the revolving fund.

(2) Moneys in the revolving fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate—

(A) for the payment of salaries of employees of Senate Hair Care Services; and

(B) for necessary supplies, equipment, and other expenses of Senate Hair Care Services.

(3) The provisions of section 5104(c) of title 40, except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to approval of such activities by the Committee on Rules and Administration.

(3)[1] Agency contributions for employees of Senate Hair Care Services shall be paid from the appropriations account for ''SALARIES, OFFICERS AND EMPLOYEES''.

(d) Disbursements upon vouchers

Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

(e) Excess moneys

At the direction of the Committee on Rules and Administration, the Secretary of the Senate shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Committee may determine are in excess of the current and reasonably foreseeable needs of Senate Hair Care Services.

(f) Regulations

The Sergeant at Arms and Doorkeeper of the Senate are authorized to prescribe such regulations as may be necessary to carry out the provisions of this section, subject to the approval of the Committee on Rules and Administration.

(g) Transfer of unobligated balances

There is transferred to the revolving fund established by this section any unobligated balance in the fund established by section 121a of this title on the effective date of this section.

(h) Omitted

(i) Effective date

This section shall be effective on and after October 1, 1998, or 30 days after the date of enactment of this Act [October 21, 1998], whichever is later.

(Pub. L. 105–275, title I, § 6, Oct. 21, 1998, 112 Stat. 2434; Pub. L. 106–57, title I, § 4, Sept. 29, 1999, 113 Stat. 412; Pub. L. 106–554, § 1(a)(2) [title I, § 3(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–96.)

REFERENCES IN TEXT

Section 121a of this title, referred to in subsec. (g), was repealed by Pub. L. 105–275, title I, § 6(h)(1), Oct. 21, 1998, 112 Stat. 2434.

[1] So in original. Probably should be ''(4)''.

CODIFICATION

Section is comprised of section 6 of Pub. L. 105–275. Subsec. (h) of section 6 of Pub. L. 105–275 amended section 121b of this title and repealed section 121a of this title.

Section is from the Congressional Operations Appropriations Act, 1999, which is title I of the Legislative Branch Appropriations Act, 1999.

In subsec. (c), in the first par. (3), ''section 5104(c) of title 40'' substituted for ''section 4 of the Act of July 31, 1946 (40 U.S.C. 193d)'' on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2000—Subsec. (c)(2)(A). Pub. L. 106–554, § 1(a)(2) [title I, § 3(a)(1)], struck out ''and agency contributions'' after ''salaries''.

Subsec. (c)(3). Pub. L. 106–554, § 1(a)(2) [title I, § 3(a)(2)], added par. (3) relating to agency contributions.

1999—Subsec. (c)(3). Pub. L. 106–57 added par. (3).

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–554, § 1(a)(2) [title I, § 3(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–96, provided that: ''This section [amending this section] shall apply to pay periods beginning on or after October 1, 2000.''

§ 121c. Office of Senate Health Promotion

(a) Establishment

The Sergeant at Arms and Doorkeeper of the Senate is authorized to establish an Office of Senate Health Promotion.

(b) Fees, assessments, and charges

(1) In carrying out this section, the Sergeant at Arms and Doorkeeper of the Senate is authorized to establish, or provide for the establishment of, exercise classes and other health services and activities on a continuing and regular basis. In providing for such classes, services, and activities, the Sergeant at Arms and Doorkeeper of the Senate is authorized to impose and collect fees, assessments, and other charges to defray the costs involved in promoting the health of Members, officers, and employees of the Senate. For purposes of this section, the term ''employees of the Senate'' shall have such meaning as the Sergeant at Arms, by regulation, may prescribe.

(2) All fees, assessments, and charges imposed and collected by the Sergeant at Arms pursuant to paragraph (1) shall be deposited in the revolving fund established pursuant to subsection (c) of this section and shall be available for purposes of this section.

(c) Senate Health Promotion Revolving Fund

There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Health Promotion Revolving Fund (hereinafter referred to in this section as the ''fund''). The fund shall consist of all amounts collected or received by the Sergeant at Arms and Doorkeeper of the Senate as fees, assessments, and other charges for activities and services to carry out the provisions of this section. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for promoting the health of Mem-

bers, officers, and employees of the Senate. On or before December 31 of each year, the Secretary of the Senate shall withdraw from the fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of $5,000 in the fund at the close of the preceding fiscal year.

(d) Vouchers

Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate.

(e) Inapplicability of provisions prohibiting sales, advertisements, or solicitations in Capitol grounds

The provisions of section 5104(c) of title 40 shall not be applicable to any class, service, or other activity carried out pursuant to the provisions of this section.

(f) Regulations

The provisions of this section shall be carried out in accordance with regulations which shall be promulgated by the Sergeant at Arms and Doorkeeper of the Senate and subject to approval at the beginning of each Congress by the Committee on Rules and Administration of the Senate.

(Pub. L. 101–163, title I, § 4, Nov. 21, 1989, 103 Stat. 1044; Pub. L. 102–90, title I, § 2, Aug. 14, 1991, 105 Stat. 450.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1990, which is title I of the Legislative Branch Appropriations Act, 1990.

In subsec. (e), ''section 5104(c) of title 40'' substituted for ''section 4 of the Act of July 31, 1946 (40 U.S.C. 193d)'' on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

1991—Subsec. (c). Pub. L. 102–90 inserted at end ''On or before December 31 of each year, the Secretary of the Senate shall withdraw from the fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of $5,000 in the fund at the close of the preceding fiscal year.''

§ 121d. Senate Gift Shop

(a) Establishment

The Secretary of the Senate is authorized to establish a Senate Gift Shop for the purpose of providing for the sale of gift items to Members of the Senate, staff, and the general public.

(b) Deposit of receipts

All moneys received from sales and other services by the Senate Gift Shop shall be deposited in the revolving fund established by subsection (c) of this section and shall be available for purposes of this section.

(c) Revolving fund

(1) There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Gift Shop Revolving Fund (hereafter referred to in this section as the ''fund''). The fund shall consist of all amounts collected or received by the Secretary of the Senate from sales and services by the Senate Gift Shop. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate in connection with the operation of the Senate Gift Shop, including supplies, equipment, and other expenses. In addition, such moneys may be used by the Secretary of the Senate to reimburse the Senate appropriations account, appropriated under the heading ''SALARIES, OFFICERS AND EMPLOYEES'' and ''OFFICE OF THE SECRETARY'', for amounts used from such account to pay the salaries of employees of the Senate Gift Shop.

(2) The Secretary of the Senate may transfer from the fund to the Capitol Preservation Fund the net profits (as determined by the Secretary) from sales of items by the Senate Gift Shop which are intended to benefit the Capitol Visitor Center.

(d) Exception to prohibition of sale or solicitation on Capitol Grounds

The provisions of section 5104(c) of title 40 shall not be applicable to any activity carried out pursuant to this section.

(e) Transfer of moneys from Stationery Revolving Fund

To provide capital for the fund, the Secretary of the Senate is authorized to transfer, from moneys in the Stationery Revolving Fund in the contingent fund of the Senate, to the fund such sum as he may determine necessary, not to exceed $300,000.

(f) Authorization to expend from appropriations account for initial expenses

For the purpose of acquiring supplies, equipment, and meeting other initial expenses in implementing subsection (a) of this section, the Secretary of the Senate is authorized, upon October 6, 1992, to expend, from moneys appropriated to the appropriations account, within the contingent fund of the Senate, for expenses of the Secretary of the Senate, by the Legislative Branch Appropriations Act, 1991, such amounts as may be necessary to carry out this section.

(g) Disbursement on approved voucher

Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.

(h) Regulations

The Secretary of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(Pub. L. 102–392, title I, § 2, Oct. 6, 1992, 106 Stat. 1706; Pub. L. 107–68, title I, § 107(a), Nov. 12, 2001, 115 Stat. 568.)

REFERENCES IN TEXT

The Legislative Branch Appropriations Act, 1991, referred to in subsec. (f), is Pub. L. 101–520, Nov. 5, 1990, 104 Stat. 2254. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1993, which is title I of the Legislative Branch Appropriations Act, 1993.

In subsec. (d), ''section 5104(c) of title 40'' substituted for ''section 4 of the Act of July 31, 1946 (40 U.S.C.

193d)'' on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2001—Subsec. (c). Pub. L. 107–68 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, § 107(b), Nov. 12, 2001, 115 Stat. 569, provided that: ''The amendments made by this section [amending this section] shall apply to fiscal years beginning before, on, or after the date of enactment of this Act [Nov. 12, 2001].''

ADDITIONAL CAPITALIZATION

Pub. L. 103–283, title I, § 1, July 22, 1994, 108 Stat. 1426, provided that: ''Effective on and after the date of enactment of this Act [July 22, 1994], the Secretary of the Senate, subject to the approval of the Committee on Appropriations of the Senate, is authorized to transfer up to $300,000 from any Senate appropriations account with respect to which the Secretary has disbursing authority to the revolving fund established under section 2(c) under the subheading 'ADMINISTRATIVE PROVISIONS' under the heading 'SENATE' in Public Law 102–392 (2 U.S.C. 121d(c)) to provide additional capitalization for such revolving fund. Any moneys so transferred shall be available for use in the same manner and to the same extent as the moneys otherwise in such revolving fund.''

§ 121e. Payment of fees for services of Attending Physician and for use of Senate health and fitness facilities

(a) Regulations

The Senate Committee on Rules and Administration shall promulgate regulations—

(1) pertaining to the services provided by the Attending Physician and the operation and use of the Senate health and fitness facilities; and

(2) requiring the payment of fees for services received from the Attending Physician and for the use of the Senate health and fitness facilities pursuant to such regulations.

(b) Withholding of fees from salary

The Secretary of the Senate is authorized to withhold fees from the salary of an individual authorized by such regulations to receive such services from the Attending Physician and to use the Senate health and fitness facilities.

(c) Deposit in General Fund

The Secretary of the Senate shall remit all fees required by subsection (a)(2) of this section that are collected pursuant to subsection (b) of this section or by direct payment to the General Fund of the Treasury as miscellaneous receipts unless otherwise provided by law.

(d) Effective date

The provision[1] of this section shall take effect on April 9, 1992.

(Pub. L. 102–392, title III, § 314, Oct. 6, 1992, 106 Stat. 1723.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1993.

[1] So in original. Probably should be ''provisions''.

§ 121f. Senate Staff Health and Fitness Facility Revolving Fund

(a) Establishment

There is established in the Treasury of the United States a revolving fund to be known as the Senate Staff Health and Fitness Facility Revolving Fund (''the revolving fund'').

(b) Deposit of receipts

The Architect of the Capitol shall deposit in the revolving fund—

(1) any amounts received as dues or other assessments for use of the Senate Staff Health and Fitness Facility, and

(2) any amounts received from the operation of the Senate waste recycling program.

(c) Availability of funds

Subject to the approval of the Committee on Appropriations of the Senate, amounts in the revolving fund shall be available to the Architect of the Capitol, without fiscal year limitation, for payment of costs of the Senate Staff Health and Fitness Facility.

(d) Withdrawal of excess amounts

The Architect of the Capitol shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Architect determines are in excess of the current and reasonably foreseeable needs of the Senate Staff Health and Fitness Facility.

(e) Regulations

The Committee on Rules and Administration of the Senate shall promulgate regulations pertaining to the operation and use of the Senate Staff Health and Fitness Facility.

(Pub. L. 106–554, § 1(a)(2) [title I, § 4], Dec. 21, 2000, 114 Stat. 2763, 2763A–96; Pub. L. 108–7, div. H, title I, § 1207, Feb. 20, 2003, 117 Stat. 375.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2001, which is title I of the Legislative Branch Appropriations Act, 2001.

AMENDMENTS

2003—Subsecs. (a), (b)(1). Pub. L. 108–7, § 1207(1), (2), inserted ''Staff'' after ''Senate''.

Subsec. (c). Pub. L. 108–7, § 1207(3), inserted ''Staff'' after ''costs of the Senate''.

Subsec. (d). Pub. L. 108–7, § 1207(4), inserted ''Staff'' after ''Senate''.

Subsec. (e). Pub. L. 108–7, § 1207(5), added subsec. (e) and struck out former subsec. (e) which read as follows: ''Subject to the approval of the Committee on Rules and Administration of the Senate, the Architect of the Capitol may issue such regulations as may be necessary to carry out the provisions of this section.''

§ 121g. Authority of Attending Physician in response to medical contingencies or public health emergencies at Capitol

(a) In general

The Attending Physician to Congress shall have the authority and responsibility for overseeing and coordinating the use of medical assets in response to a bioterrorism event and other medical contingencies or public health emergencies occurring within the Capitol Build-

ings or the United States Capitol Grounds. This shall include the authority to enact quarantine and to declare death. These actions will be carried out in close cooperation and communication with the Commissioner of Public Health, Chief Medical Examiner, and other Public Health Officials of the District of Columbia government.

(b) Definitions

In this section—

(1) the term ''Capitol Buildings'' has the meaning given such term in section 5101 of title 40; and

(2) the term ''United States Capitol Grounds'' has the meaning given such term in section 5102(a) of title 40.

(c) Effective date

Subsection (a) of this section shall take effect on January 23, 2004, and shall apply during any fiscal year occurring on or after January 23, 2004.

(Pub. L. 108–199, div. H, § 151, Jan. 23, 2004, 118 Stat. 448.)

§ 122. Repealed. Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777

Section, acts July 2, 1954, ch. 455, title I, 68 Stat. 403; Sept. 7, 1957, Pub. L. 85–301, § 1, 71 Stat. 622; Sept. 29, 1965, Pub. L. 89–211, § 1(a), 79 Stat. 857, provided for office space in the home districts of House Members and the Resident Commissioner from Puerto Rico.

The repeal of this section is based on section 6(b) of House Resolution No. 687, Ninety-fifth Congress, Sept. 20, 1977, which was enacted into permanent law by Pub. L. 95–391.

Similar provisions were contained in the following prior appropriation acts:

Aug. 1, 1953, ch. 304, title I, 67 Stat. 325.

July 9, 1952, ch. 598, 66 Stat. 470.

EFFECTIVE DATE OF REPEAL

Section 6(b) of House Resolution No. 687, Ninety-fifth Congress, Sept. 20, 1977, provided that the repeal of this section is applicable beginning on Jan. 3, 1978, upon the enactment of House Resolution No. 687 as permanent law, which was effected by Pub. L. 95–391, § 111.

§ 122a. Repealed. Pub. L. 104–186, title II, § 204(66), Aug. 20, 1996, 110 Stat. 1740

Section, acts July 2, 1954, ch. 455, title I, 68 Stat. 403; June 13, 1957, Pub. L. 85–54, 71 Stat. 82; H. Res. No. 831, Eighty-eighth Congress, Aug. 14, 1964, enacted into permanent law by act July 27, 1965, Pub. L. 89–90, § 103, 79 Stat. 281, related to reimbursement of House Members for office expenses outside District of Columbia.

REIMBURSEMENT OF EXPENSES OF HOUSE MEMBERS; MEMBER OF HOUSE OF REPRESENTATIVES AND MEMBER DEFINED

Section 302(a), (b), and (d) of H. Res. No. 287, Ninety-fifth Congress, Mar. 2, 1977, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, which related to reimbursement to Members of House of Representatives for official expenses incurred in United States, was repealed by Pub. L. 104–186, title II, § 203(20)(B), Aug. 20, 1996, 110 Stat. 1728.

§§ 122b to 122g. Repealed. Pub. L. 104–186, title II, § 204(67), Aug. 20, 1996, 110 Stat. 1740

Section 122b, based on H. Res. No. 687, § 1, Ninety-fifth Congress, Sept. 20, 1977, enacted into permanent law by Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777, related to leasing of office space in home districts of House Members.

Section 122c, based on H. Res. No. 687, § 2, Ninety-fifth Congress, Sept. 20, 1977, enacted into permanent law by Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777, related to determination of annual amount which could be disbursed on behalf of each Member under former sections 122b to 122g of this title.

Section 122d, based on H. Res. No. 687, § 3, Ninety-fifth Congress, Sept. 20, 1977, enacted into permanent law by Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777, related to authorization by Committee on House Administration of disbursements under former sections 122b to 122g of this title.

Section 122e, based on H. Res. No. 687, § 4, Ninety-fifth Congress, Sept. 20, 1977, enacted into permanent law by Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777, related to furnishing office equipment, carpeting, and draperies.

Section 122f, based on H. Res. No. 687, § 5, Ninety-fifth Congress, Sept. 20, 1977, enacted into permanent law by Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777, authorized Committee on House Administration to prescribe rules and regulations to carry out former sections 122b to 122g of this title.

Section 122g, based on H. Res. No. 687, § 7, Ninety-fifth Congress, Sept. 20, 1977, enacted into permanent law by Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777, defined terms for purposes of former sections 122b to 122g of this title.

§ 123. Repealed. June 27, 1956, ch. 453, § 105(m), 70 Stat. 372

Section, act Aug. 7, 1953, ch. 341, 67 Stat. 439, established a joint Senate and House Recording Facility revolving fund, provided for the disposition of monies, and required the coordinator of the Facility to give a penal bond. See section 123b(m) of this title.

§ 123a. Omitted

CODIFICATION

Section, act Aug. 5, 1955, ch. 568, § 1, 69 Stat. 500, which established the basic annual compensation of the coordinator, Joint Recording Facility, has been omitted because of section 123b(*l*) of this title which abolished the Joint Recording Facility positions and salaries established pursuant to the Legislative Branch Appropriation Act, 1948, and all subsequent acts.

§ 123b. House Recording Studio; Senate Recording Studio and Senate Photographic Studio

(a) Establishment

There is established the House Recording Studio, the Senate Recording Studio, and the Senate Photographic Studio.

(b) Assistance in making disk, film, and tape recordings; exclusiveness of use

The House Recording Studio shall assist Members of the House of Representatives in making disk, film, and tape recordings, and in performing such other functions and duties in connection with the making of such recordings as may be necessary. The Senate Recording Studio and the Senate Photographic Studio shall assist Members of the Senate and committees of the Senate in making disk, film, and tape recordings, and in performing such other functions and duties in connection with the making of such recordings as may be necessary. The House Recording Studio shall be for the exclusive use of Members of the House of Representatives (including the Delegates and the Resident Commissioner from Puerto Rico); the Senate Recording

Studio and the Senate Photographic Studio shall be for the exclusive use of Members of the Senate, the Vice President, committees of the Senate, the Secretary of the Senate, and the Sergeant at Arms of the Senate.

(c) Operation of studios

The House Recording Studio shall be operated by the Chief Administrative Officer of the House of Representatives under the direction and control of a committee which is created (hereinafter referred to as the committee) composed of three Members of the House. Two members of the committee shall be from the majority party and one member shall be from the minority party, to be appointed by the Speaker. The committee is authorized to issue such rules and regulations relating to operation of the House Recording Studio as it may deem necessary.

The Senate Recording Studio and the Senate Photographic Studio shall be operated by the Sergeant at Arms of the Senate under the direction and control of the Committee on Rules and Administration of the Senate. The Committee on Rules and Administration is authorized to issue such rules and regulations relating to operation of the Senate Recording Studio and the Senate Photographic Studio as it may deem necessary.

(d) Prices of disk, film, and tape recordings; collection of moneys

The Chief Administrative Officer of the House of Representatives shall, subject to the approval of the committee, set the price of making disk, film, and tape recordings, and collect all moneys owed the House Recording Studio. The Committee on Rules and Administration of the Senate shall set the price of making disk, film, and tape recordings and all moneys owed the Senate Recording Studio and the Senate Photographic Studio shall be collected by the Sergeant at Arms of the Senate.

(e) Restrictions on expenditures

No moneys shall be expended or obligated for the House Recording Studio except as shall be pursuant to such regulations as the committee may approve. No moneys shall be expended or obligated by the Director of the Senate Recording Studio or the Director of the Senate Photographic Studio until approval therefor has been obtained from the Sergeant at Arms of the Senate.

(f) Appointment of Director and other employees of House Recording Studio

The Chief Administrative Officer of the House of Representatives is authorized, subject to the approval of the committee, to appoint a Director of the House Recording Studio and such other employees as are deemed necessary to the operation of the House Recording Studio.

(g) Revolving funds

There is established in the Treasury of the United States, a revolving fund for the House Recording Studio for the purposes of administering the duties of that studio. There is also established in the Treasury of the United States a revolving fund, within the contingent fund of the Senate, which shall be known as the ''Senate Photographic Studio Revolving Fund'', for the purpose of administering the duties of the Senate Photographic Studio; and there is established in the Treasury of the United States, a revolving fund, within the contingent fund of the Senate, which shall be known as the ''Senate Recording Studio Revolving Fund'', for the purpose of administering the duties of the Senate Recording Studio.

(h) Deposits in funds; availability of funds

All moneys received by the House Recording Studio from Members of the House of Representatives for disk, film, or tape recordings, or from any other source, shall be deposited by the Chief Administrative Officer of the House of Representatives in the revolving fund established for the House Recording Studio by subsection (g) of this section; moneys in such fund shall be available for disbursement therefrom by the Chief Administrative Officer of the House of Representatives for the care, maintenance, operation, and other expenses of the studio upon vouchers signed and approved in such manner as the committee shall prescribe. All moneys received by the Senate Recording Studio shall be deposited in the Senate Recording Studio Revolving Fund established by subsection (g) of this section and all funds received by the Senate Photographic Studio shall be deposited in the Senate Photographic Studio Revolving Fund established by such subsection; moneys in the Senate Recording Studio Revolving Fund shall be available for disbursement therefrom upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate for the care, maintenance, operation, and other expenses of the Senate Recording Studio, and moneys in the Senate Photographic Studio Revolving Fund shall be available for disbursement therefrom upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate for the care, maintenance, operation, and other expenses of the Senate Photographic Studio.

(i) Distribution of equity of Joint Senate and House Recording Facility Revolving Fund; assignment of existing studio facilities, equipment, materials and supplies; transfer of accounts; reserve fund; distribution of balance

(1) As soon as practicable after June 27, 1956, but no later than September 30, 1956, the equity of the Joint Senate and House Recording Facility Revolving Fund shall be distributed equally to the Senate and House of Representatives on the basis of an audit to be made by the General Accounting Office.

(2) The Sergeant at Arms of the Senate and the Clerk of the House of Representatives shall, subject to the approval of the committees mentioned in subsection (c) of this section, determine the assignment of existing studio facilities to the Senate and the House of Representatives, and also the existing equipment, materials and supplies to be transferred to the respective studios. The evaluation of equipment, materials and supplies transferred to each studio shall be on the basis of market value. Any other equipment, materials and supplies determined to be obsolete or not needed for the operation of the respective studio shall be disposed of to the best interest of the Government and the proceeds

thereof deposited in the Joint Senate and House Recording Facility Revolving Fund.

(3) Accounts receivable, which on the effective date of liquidation, are due from Members and committees of the Senate shall be transferred to the Senate Studio, and those due from Members and committees of the House of Representatives shall be transferred to the House Studio.

(4) A sufficient reserve shall be set aside from the Joint Senate and House Recording Facility Revolving Fund to liquidate any outstanding accounts payable.

(5) After appropriate adjustments for the value of assets assigned or transferred to the Senate and House of Representatives, respectively, the balance in the Joint Senate and House Recording Facility Revolving Fund shall be distributed equally to the Senate and House of Representatives for deposit to the respective revolving funds authorized by this section.

(j) Availability of existing services and facilities

Pending acquisition of the stock, supplies, materials, and equipment necessary to properly equip both studios, the present services and facilities shall be made available to both studios in order that each studio may carry out its duty.

(k) Restrictions on employment

No person shall be an officer or employee of the House Recording Studio, Senate Recording Studio, or Senate Photographic Studio while he is engaged in any other business, profession, occupation, or employment which involves the performance of duties which are similar to those which would be performed by him as such an officer or employee of such studio unless approved in writing by the committee in the case of the House Recording Studio and the Senate Committee on Rules and Administration in the case of the Senate Recording Studio and the Senate Photographic Studio.

(*l*) Abolition of Joint Recording Facility positions and salaries

The Joint Recording Facility positions and salaries established pursuant to the Legislative Branch Appropriation Act, 1948, and all subsequent Acts are abolished.

(m) Repeals

Effective with the completion of the transfer provided for by subsection (i) of this section the joint resolution entitled ''Joint resolution establishing in the Treasury of the United States a revolving fund within the contingent fund of the House of Representatives'', approved August 7, 1953, is repealed.

(n) Repealed. Pub. L. 92–310, title II, § 220(j), June 6, 1972, 86 Stat. 205

(*o*) Authorization of appropriations

Such sums as may be necessary to carry out the provisions of this section are authorized to be appropriated.

(June 27, 1956, ch. 453, § 105, 70 Stat. 370; Pub. L. 88–652, § 16(a), Oct. 13, 1964, 78 Stat. 1084; Pub. L. 92–310, title II, § 220(j), June 6, 1972, 86 Stat. 205; Pub. L. 96–304, title I, § 108(a), July 8, 1980, 94 Stat. 890; Pub. L. 97–257, title I, § 102, Sept. 10, 1982, 96 Stat. 849; Pub. L. 101–520, title I, § 7(a), (c), (d), Nov. 5, 1990, 104 Stat. 2258, 2259; Pub. L. 104–186, title II, § 204(68), Aug. 20, 1996, 110 Stat. 1740.)

AMENDMENTS

1996—Subsecs. (c), (d), (f). Pub. L. 104–186, § 204(68)(A), substituted ''Chief Administrative Officer'' for ''Clerk''.

Subsec. (g). Pub. L. 104–186, § 204(68)(B), struck out ''within the contingent fund of the House of Representatives'' before ''for the House Recording Studio''.

Subsec. (h). Pub. L. 104–186, § 204(68)(A), substituted ''Chief Administrative Officer'' for ''Clerk'' in two places.

1990—Subsec. (g). Pub. L. 101–520, § 7(a), amended second sentence generally. Prior to amendment, second sentence read as follows: ''There is also established in the Treasury of the United States, a revolving fund within the contingent fund of the Senate for the Senate Recording and Photographic Studios for the purposes of administering the duties of that studio.''

Subsec. (h). Pub. L. 101–520, § 7(c), amended second sentence generally. Prior to amendment, second sentence read as follows: ''All moneys received by the Senate Recording and Photographic Studios for disk, film, or tape recordings or from any other source, shall be deposited in the revolving fund established for the Senate Recording and Photographic Studios by subsection (g) of this section; moneys in such fund shall be available for disbursement therefrom upon vouchers signed and approved by the Sergeant at Arms for the care, maintenance, operation, and other expenses of the Senate Recording and Photographic Studios.''

1982—Subsec. (b). Pub. L. 97–257 inserted reference to Secretary of Senate and Sergeant at Arms of Senate.

1972—Subsec. (n). Pub. L. 92–310 repealed subsec. (n) which required Directors of House and Senate Recording Studios to give bonds in sum of $20,000 each.

1964—Subsec. (f). Pub. L. 88–652 struck out ''and fix the compensation of'' after ''to appoint''.

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office by section 8 of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 7(b) of Pub. L. 101–520 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on April 1, 1991, and, of the monies in the revolving fund within the contingent fund of the Senate for the Recording and Photographic Studios, as such fund was in existence immediately prior to the amendment made by subsection (a), $100,000 shall be deposited in the Senate Photographic Studio Revolving Fund (as established by the amendment made by subsection (a)) and the remainder shall be deposited into the Senate Recording Studio Revolving Fund (as so established).''

Section 7(c) of Pub. L. 101–520 provided that the amendment made by that section is effective Apr. 1, 1991.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–652 effective Jan. 1, 1965, see section 17 of Pub. L. 88–652, set out as an Effective Date note under section 291 of this title.

TRANSFER OF FUNCTIONS

References to Senate Recording Studio and Senate Photographic Studio substituted for ''Senate Recording and Photographic Studios'' wherever appearing in text pursuant to section 108(a) of Pub. L. 96–304, as amended by section 7(d) of Pub. L. 101–520, which is classified to section 123b–1(a) of this title, and which abolished entity known as Senate Recording and Photographic Studios, established instead Senate Recording Studio and

Senate Photographic Studio, and made corresponding transfer of functions. Previously, ''Senate Recording and Photographic Studios'' had been substituted in text for ''Senate Recording Studio'' pursuant to section 108(a) of Pub. L. 96–304.

APPROPRIATIONS ACTS AS DETERMINING EXTENT OF AVAILABILITY OF FUNDS AND ACCOUNTS

Pub. L. 104–53, title I, § 107, Nov. 19, 1995, 109 Stat. 522, provided that:

''(a) Each fund and account specified in subsection (b) shall be available only to the extent provided in appropriations Acts.

''(b) The funds and accounts referred to in subsection (a) are—

''(1) the revolving fund for the House Barber Shops, established by the paragraph under the heading 'HOUSE BARBER SHOPS REVOLVING FUND' in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93–554; 88 Stat. 1776);

''(2) the revolving fund for the House Beauty Shop, established by the matter under the heading 'HOUSE BEAUTY SHOP' in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriation Act, 1970 (Public Law 91–145; 83 Stat. 347);

''(3) the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note) [former 40 U.S.C. 174k]; and

''(4) the revolving fund established for the House Recording Studio by section 105(g) of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b(g)).

''(c) This section shall take effect on October 1, 1995, and shall apply with respect to fiscal years beginning on or after that date.''

§ 123b–1. Senate Recording Studio and Senate Photographic Studio as successors to Senate Recording and Photographic Studios; rules, regulations, and fees for photographs and photographic services

(a) The entity, in the Senate, known (prior to April 1, 1991) as the ''Senate Recording and Photographic Studios'' is abolished, and there is established in its stead the following two entities: the ''Senate Recording Studio'', and the ''Senate Photographic Studio''; and there are transferred, from the entity known (prior to April 1, 1991) as the ''Senate Recording and Photographic Studios'' to the Senate Recording Studio all personnel, equipment, supplies, and funds which are available for, relate to, or are utilized in connection with, recording, and to the Senate Photographic Studio all personnel, equipment, supplies, and funds which are available for, relate to, or are utilized in connection with, photography.

(b)(1) The Sergeant at Arms and Doorkeeper of the Senate shall, subject to the approval of the majority and minority leaders, promulgate rules and regulations, and establish fees, for the provision of photographs and photographic services to be furnished by the Photographic Studio.

(2) Omitted.

(Pub. L. 96–304, title I, § 108, July 8, 1980, 94 Stat. 890; Pub. L. 101–520, title I, § 7(d), Nov. 5, 1990, 104 Stat. 2259.)

CODIFICATION

Words ''prior to April 1, 1991'', referred to in subsec. (a), were in the original ''prior to this amendment'' which was translated as meaning prior to the effective date of section 7(d) of Pub. L. 101–520, which amended subsec. (a) generally, to reflect the probable intent of Congress.

Subsec. (b)(2), which authorized the Sergeant at Arms and Doorkeeper of the Senate to appoint and fix the compensation of not more than 15 employees to carry out the functions of the Photographic Studio and provided that the Secretary of the Senate make payments of compensation, etc., of such personnel from certain funds appropriated for the Senate, was omitted in view of section 61f–7 of this title which abolished all statutory positions in the Office of the Sergeant at Arms and Doorkeeper of the Senate, with specified exceptions, effective Oct. 1, 1981, and authorized the Sergeant at Arms and Doorkeeper of the Senate to appoint and fix the compensation of such employees as appropriate.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–520 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Senate Recording Studio hereafter shall be known as the Senate Recording and Photographic Studios. Subject to subsection (b) of this section, all references to the Senate Recording Studio (including the revolving fund) in any law, resolution, or regulation shall be considered as referring to the Senate Recording and Photographic Studios, and any provision of any law, resolution, or regulation which is applicable to the Senate Recording Studio shall be deemed to apply to the Senate Recording and Photographic Studios.''

EFFECTIVE DATE OF 1990 AMENDMENT

Section 7(d) of Pub. L. 101–520 provided that the amendment made by that section is effective Apr. 1, 1991.

§ 123c. Data processing equipment, software, and services

Notwithstanding any other provision of law, the Sergeant at Arms, subject to the approval of the Committee on Rules and Administration, is hereafter authorized to enter into multi-year contracts for data processing equipment, software, and services.

(Pub. L. 94–32, title I, June 12, 1975, 89 Stat. 182; Pub. L. 95–26, title I, § 103, May 4, 1977, 91 Stat. 82.)

CODIFICATION

Section is from the Second Supplemental Appropriations Act, 1975.

AMENDMENTS

1977—Pub. L. 95–26 substituted ''multi-year contracts for data processing equipment, software, and services'' for ''multi-year leases for automatic data processing equipment''.

EFFECTIVE DATE

Title I of Pub. L. 94–32 provided that this section is effective June 12, 1975.

§ 123c–1. Advance payments for computer programing services

Notwithstanding any other provision of law, the Sergeant at Arms and Doorkeeper of the Senate, subject to the approval of the Committee on Rules and Administration, is on and after July 6, 1981, authorized to enter into contracts which provide for the making of advance payments for computer programing services.

(Pub. L. 97–20, July 6, 1981, 95 Stat. 104.)

§ 123d. Senate Computer Center

(a) Senate Computer Center Revolving Fund

(1) There is hereby established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Computer Center Revolving Fund (hereafter in this section referred to as the ''revolving fund'').

(2) The revolving fund shall be available only for paying the salaries of personnel employed under subsection (c) of this section, and agency contributions attributable thereto, and for paying refunds under contracts entered into under subsection (b) of this section.

(3) Within 90 days after the end of each fiscal year, the Secretary of the Senate shall withdraw all amounts in the revolving fund in excess of $100,000, other than amounts required to make refunds under subsection (b)(2)(B) of this section, and shall deposit the amounts withdrawn in the Treasury of the United States as miscellaneous receipts.

(b) Contracts for use of Senate computer; approval; terms

(1) Subject to the provisions of paragraph (2), the Sergeant at Arms and Doorkeeper of the Senate is authorized to enter into contracts with any agency or instrumentality of the legislative branch for the use of any available time on the Senate computer.

(2) No contract may be entered into under paragraph (1) unless it has been approved by the Committee on Rules and Administration of the Senate, and no such contract may extend beyond the end of the fiscal year in which it is entered into. Each contract entered into under paragraph (1) shall contain—

(A) a provision requiring full advance payment for the amount of time contracted for, and

(B) a provision requiring refund of a proportionate amount of such advance payment if the total amount of time contracted for is not used.

Notwithstanding any other provision of law, any agency or instrumentality of the legislative branch is authorized to make advance payments under a contract entered into under paragraph (1).

(c) Additional personnel

To the extent that the personnel of the Senate Computer Center are unable to carry out the contracts entered into under subsection (b) of this section according to their terms and conditions, the Sergeant at Arms and Doorkeeper of the Senate is authorized to employ such additional personnel for the Senate Computer Center as may be necessary to carry out such contracts, and to pay the salaries of such additional personnel, and agency contributions attributable thereto, from the revolving fund. Such additional personnel may temporarily be assigned to perform the regular functions of the Senate Computer Center when their services are not needed to carry out such contracts.

(d) Disbursements

Disbursements from the revolving fund under subsections (b) and (c) of this section shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

(Pub. L. 94–303, title I, § 116, June 1, 1976, 90 Stat. 614.)

§ 123e. Senate legislative information system

(a) Development and implementation by Secretary of Senate

The Secretary of the Senate, with the oversight and approval of the Committee on Rules and Administration of the Senate, shall oversee the development and implementation of a comprehensive Senate legislative information system.

(b) Cooperative effort

In carrying out this section, the Secretary of the Senate shall consult and work with officers and employees of the House of Representatives. Legislative branch agencies and departments and agencies of the executive branch shall provide cooperation, consultation, and assistance as requested by the Secretary of the Senate to carry out this section.

(c) Funding

Any funds that were appropriated under the heading ''Secretary of the Senate'' for expenses of the Office of the Secretary of the Senate by the Legislative Branch Appropriations Act, 1995, to remain available until September 30, 1998, and that the Secretary determines are not needed for development of a financial management system for the Senate may, with the approval of the Committee on Appropriations of the Senate, be used to carry out the provisions of this section, and such funds shall be available through September 30, 2000.

(d) Regulations

The Committee on Rules and Administration of the Senate may prescribe such regulations as may be necessary to carry out the provisions of this section.

(e) Effective date

This section shall be effective for fiscal years beginning on or after October 1, 1996.

(Pub. L. 104–197, title I, § 8, Sept. 16, 1996, 110 Stat. 2398.)

REFERENCES IN TEXT

The Legislative Branch Appropriations Act, 1995, referred to in subsec. (c), is Pub. L. 103–283, July 22, 1994, 108 Stat. 1423, as amended. Provisions under the heading ''Secretary of the Senate'' in Pub. L. 103–283 appear at 108 Stat. 1425, and are not classified to the Code.

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1997, which is title I of the Legislative Branch Appropriations Act, 1997.

§ 124. Arrangements for attendance at funeral of deceased House Members; payment of funeral expenses and expenses of attending funeral rites

Notwithstanding any other provision of law, the Sergeant at Arms of the House is authorized

and directed on and after October 2, 1962, to make such arrangements as may be necessary for any committee of Members of the Senate and House of Representatives duly appointed to attend the funeral of a deceased Member of the House. Notwithstanding any other provision of law, there shall be paid out of the applicable accounts of the House of Representatives, under such rules and regulations as the Committee on House Oversight may prescribe, such sums as may be necessary to defray the funeral expenses of the deceased Member and to defray the expenses of such committee, the Sergeant at Arms of the House or a representative of his office, and the widow (or widower) or minor children, or both, of the deceased Member incurred in attending the funeral rites and burial of such Member.

(Pub. L. 87–730, § 101, Oct. 2, 1962, 76 Stat. 686; Pub. L. 104–186, title II, § 204(69), Aug. 20, 1996, 110 Stat. 1740.)

CODIFICATION

Section is from the Legislative Branch Appropriation Act, 1963.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:
Aug. 5, 1955, ch. 568, 69 Stat. 513.
July 2, 1954, ch. 455, title I, 68 Stat. 403.
Aug. 1, 1953, ch. 304, title I, 67 Stat. 325.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts of the House of Representatives'' for ''contingent fund of the House'' and ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 125. Gratuities for survivors of deceased House employees; computation

The Chief Administrative Officer of the House of Representatives is on and after July 2, 1954, authorized to pay, from the applicable accounts of the House of Representatives, a gratuity to the widow, widower, or heirs-at-law, of each deceased employee of the House an amount equal to one month's salary for each year or part of year of the first six years service of such employee plus one-half of one month's salary for each year or part of year of such service in excess of six years to and including the eighteenth year of such service. Service computed hereunder shall include all Federal civilian employment, and military service where such service interrupted Federal civilian employment.

(July 2, 1954, ch. 455, title I, 68 Stat. 403; Pub. L. 104–186, title II, § 204(70), Aug. 20, 1996, 110 Stat. 1740.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Chief Administrative Officer of the House of Representatives'' for ''Clerk of the House'' and ''applicable accounts of the House of Representatives'' for ''contingent fund of the House''.

§ 125a. Death gratuity payments as gifts

Any death gratuity payment at any time specifically appropriated by any Act of Congress or at any time made out of the applicable accounts of the House of Representatives or the contingent fund of the Senate shall be held to have been a gift.

(June 5, 1952, ch. 369, Ch. I, 66 Stat. 101; Pub. L. 104–186, title II, § 203(6), Aug. 20, 1996, 110 Stat. 1725.)

CODIFICATION

Section is also set out as section 38b of this title.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts of the House of Representatives or the contingent fund'' for ''contingent fund of the House of Representatives or''.

§ 126. Repealed. Pub. L. 89–554, § 8, Sept. 6, 1966, 80 Stat. 658

Section, act Sept. 1, 1954, ch. 1208, title VI, § 603, 68 Stat. 1116, provided that official reporters of Senate proceedings and their employees be considered officers or employees of the legislative branch within section 2091(a) of former Title 5. See section 8701(a)(3) of Title 5, Government Organization and Employees.

§ 126–1. Omitted

CODIFICATION

Section, Pub. L. 89–90, July 27, 1965, 79 Stat. 265; Pub. L. 90–239, ch. IV, Jan. 2, 1968, 81 Stat. 774; Pub. L. 94–59, title I, July 25, 1975, 89 Stat. 270; Pub. L. 96–38, title I, § 105(1), July 25, 1979, 93 Stat. 112, which authorized Secretary of Senate to employ one chief reporter of debates, seven reporters of debates, one assistant reporter of debates, two clerks, and six expert transcribers, was omitted because of section 61a–11 of this title which abolished all statutory positions in the Office of the Secretary of the Senate, with specified exceptions, effective Oct. 1, 1981, and authorized Secretary of Senate to appoint and fix compensation of such employees as appropriate.

§ 126–2. Designation of reporters

The reporters of debates in the office of the Secretary of the Senate are hereby designated the official reporters of debates of the Senate.

(Pub. L. 89–545, Aug. 27, 1966, 80 Stat. 354.)

§ 126a. Omitted

CODIFICATION

Section, Pub. L. 86–628, July 12, 1960, 74 Stat. 447, related to appointment of reporters, transcribers and other employees by Official Reporter of Debates of Senate. See section 61a–11 of this title.

§ 126b. Substitute reporters of debates and expert transcribers; temporary reporters of debates and expert transcribers; payments from Senate contingent fund

The Secretary of the Senate is on and after June 5, 1981, authorized to employ, by contract or otherwise, substitute reporters of debates and expert transcribers at daily rates of compensation, or temporary reporters of debates and expert transcribers at annual rates of compensation; no temporary reporters of debates or expert transcribers may be employed under au-

thority of this provision for more than ninety days in any fiscal year; and payments made under authority of this section shall be made from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate.

(Pub. L. 89–90, July 27, 1965, 79 Stat. 266; Pub. L. 97–12, title I, § 105, June 5, 1981, 95 Stat. 61.)

CODIFICATION

''On and after June 5, 1981'' substituted in text for ''hereafter'', which probably meant after the date of enactment of Pub. L. 97–12 rather than the date of enactment of Pub. L. 89–90.

AMENDMENTS

1981—Pub. L. 97–12 amended section generally, substituting ''authorized to employ, by contract or otherwise, substitute reporters of debates and expert transcribers at daily rates of compensation, or temporary reporters of debates and expert transcribers at annual rates of compensation; no temporary reporters of debates or expert transcribers may be employed under authority of this provision for more than ninety days in any fiscal year; and payments made under authority of this section shall be made from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate'' for ''authorized to obtain by contract or otherwise, emergency reporters and transcribers as may be necessary, payments therefor to be made form the contingent fund of the Senate''.

§ 127. Repealed. Pub. L. 92–51, July 9, 1971, 85 Stat. 129

Section, Pub. L. 87–130, Aug. 10, 1961, 75 Stat. 323; Pub. L. 89–90, July 27, 1965, 79 Stat. 269; Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 343, provided for reimbursement of transportation expenses of employees in Senator's office, authorizing eight round trips in any fiscal year and two additional mileage payments when office of Senator is from a State having a population of ten million or more inhabitants and requiring voucher certification of travel as being in line of official duty.

Similar provisions were contained in the following prior appropriation acts:

Act June 27, 1956, ch. 453, 70 Stat. 360, as amended by acts July 12, 1960, Pub. L. 86–628, 74 Stat. 449; Mar. 31, 1961, Pub. L. 87–14, title I, 75 Stat. 29.

Act Aug. 5, 1955, ch. 568, 69 Stat. 504.

EFFECTIVE DATE OF REPEAL

Pub. L. 92–51 provided that the repeal is effective July 1, 1971.

§ 127a. Reimbursement of transportation expenses for employees in office of House Member

The applicable accounts of the House of Representatives is[1] made available after August 28, 1965, for reimbursement of transportation expenses incurred by not to exceed two employees in the office of a Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) for one round trip each, or incurred by not to exceed one employee for two round trips, in any calendar year between Washington, District of Columbia, and the place of residence of the Member representing the congressional district involved. Such payment shall be made only upon vouchers approved by the Member containing a certification by him that such travel was performed in line of official duty, but the mileage allowed for any such trip shall not exceed the round trip mileage by the nearest usual route between Washington, District of Columbia, and the Member's place of residence in the congressional district involved. The Committee on House Oversight of the House of Representatives shall make such rules and regulations as may be necessary to carry out this section.

(Pub. L. 89–147, § 3, Aug. 28, 1965, 79 Stat. 583; Pub. L. 104–186, title II, § 204(71), Aug. 20, 1996, 110 Stat. 1740.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts'' for ''contingent fund'' and ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 127b. Reimbursement of residential telecommunications expenses for House Members, officers, and employees

(a) Notwithstanding any other provision of law, official resources may be used during a fiscal year (beginning with fiscal year 1999), in accordance with regulations of the Committee on House Oversight, to reimburse a Member, officer, or employee of the House of Representatives for the ordinary and necessary expenses related to the official use of telecommunications lines in the residence of the Member, officer, or employee.

(b) The Committee on House Oversight shall promulgate such regulations as are necessary to implement this section.

(Pub. L. 105–275, title I, § 109, Oct. 21, 1998, 112 Stat. 2439.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1999, which is title I of the Legislative Branch Appropriations Act, 1999.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§§ 128, 129. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 658, 659

Section 128, act Aug. 5, 1955, ch. 568, 69 Stat. 513, authorized contributions for group life insurance of House employees from House contingent fund. See section 8708 of Title 5, Government Organization and Employees.

Section 129, Pub. L. 85–75, July 1, 1957, 71 Stat. 248, authorized contributions to retirement and disability fund from House contingent fund. See section 8334 of Title 5.

§ 130. Repealed. Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777

Section, Pub. L. 87–730, § 103, Oct. 2, 1962, 76 Stat. 693; H. Res. 163, Mar. 19, 1975; Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, authorized payment of expenses of participation by House in interparliamentary institutions. See section 130–1 of this title.

[1] So in original. Probably should be ''are''.

The repeal of this section is based on a part of section 2 of House Resolution No. 1047, Ninety-fifth Congress, Apr. 4, 1978, which was enacted into permanent law by Pub. L. 95–391.

EFFECTIVE DATE OF REPEAL

Section 2 of House Resolution No. 1047, Ninety-fifth Congress, which was enacted into permanent law by Pub. L. 95–391, provided that the repeal is effective upon the enactment of House Resolution No. 1047 as permanent law, which was effected by Pub. L. 95–391, § 111, effective Sept. 30, 1978.

NINETY-FIFTH CONGRESS

Section 2 of House Resolution No. 1047, Ninety-fifth Congress, Apr. 4, 1978, enacted into permanent law by Pub. L. 95–391, provided that this section would not be effective in the Ninety-fifth Congress upon the adoption of H. Res. 1047.

AUTHORIZATION FOR PAYMENT OF EXPENSES FROM CONTINGENT FUND OF HOUSE OF REPRESENTATIVES FOR PARTICIPATORY ACTIVITIES

Section 1 of House Resolution No. 434, Ninety-fifth Congress, Mar. 31, 1977, enacted into permanent law by Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, which provided that, until otherwise provided by law, there was to have been paid out of the contingent fund of the House of Representatives such sums as may have been necessary, but not to exceed $15,000 in any calendar year, for the payment of expenses incurred in carrying out this section, was repealed by section 2 of H. Res. 1047, Ninety-fifth Congress, Apr. 4, 1978, which was enacted into permanent law by section 111 of Pub. L. 95–391, effective Sept. 30, 1978.

§ 130–1. Participation by House in interparliamentary institutions; reception of members of foreign legislative bodies and foreign officials; meetings with Government officials

(a) It is the purpose of this section to enable the House of Representatives more properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions, to facilitate the interchange and reception in the United States of members of foreign legislative bodies and permanent officials of foreign governments, and to enable the House of Representatives to host meetings with senior United States Government officials and other dignitaries in order to discuss matters relevant to United States relations with other countries.

(b) For payment of expenses incurred in carrying out subsection (a) of this section, there shall be paid out of the applicable accounts of the House of Representatives, until otherwise provided by law, such sums as may be necessary but not to exceed $40,000 in any calendar year. Such payments shall be made on vouchers signed by the chairman of the Committee on Foreign Affairs and approved by the Committee on House Oversight.

(Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777; Pub. L. 103–437, § 2(b), Nov. 2, 1994, 108 Stat. 4581; Pub. L. 104–186, title II, § 204(72), Aug. 20, 1996, 110 Stat. 1741; Pub. L. 105–275, title I, § 102, Oct. 21, 1998, 112 Stat. 2438; Pub. L. 108–83, title I, § 103(e), Sept. 30, 2003, 117 Stat. 1017.)

CODIFICATION

Section is based on section 1 of House Resolution No. 1047, Ninety-fifth Congress, Apr. 4, 1978, which was enacted into permanent law by Pub. L. 95–391.

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–83 substituted ''$40,000'' for ''$80,000''.

1998—Subsec. (b). Pub. L. 105–275 substituted ''$80,000'' for ''$55,000''.

1996—Subsec. (b). Pub. L. 104–186 substituted ''applicable accounts of the House of Representatives'' for ''contingent fund of the House'' and ''House Oversight'' for ''House Administration''.

1994—Subsec. (b). Pub. L. 103–437 substituted ''Committee on Foreign Affairs'' for ''Committee on International Relations''.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of this title.

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 130–2. Office of Interparliamentary Affairs

(a) Establishment

There is hereby established in the House of Representatives an office to be known as the ''Office of Interparliamentary Affairs'' (hereafter in this section referred to as the ''Office'').

(b) Duties

The duties of the Office are as follows:

(1) To receive and respond to inquiries from foreign parliamentarians or foreign legislative bodies regarding official visits to the House of Representatives.

(2) To coordinate official visits to the House of Representatives by parliamentarians, officers, or employees of foreign legislative bodies.

(3) To coordinate with the Sergeant at Arms, the Clerk, and other officers of the House of Representatives in providing services for delegations of Members on official visits to foreign nations.

(4) To carry out other activities to—

(A) discharge and coordinate the activities and responsibilities of the House of Representatives in connection with participation in various interparliamentary exchanges and organizations;

(B) facilitate the interchange and reception in the United States of members of foreign legislative bodies and permanent officials of foreign governments; and

(C) enable the House to host meetings with senior government officials and other dignitaries in order to discuss matters relevant to United States relations with other nations.

(c) Director

(1) Appointment

The Office shall be headed by the Director of Interparliamentary Affairs of the House of Representatives (hereafter in this section referred to as the ''Director''), who shall be appointed by the Speaker without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

(2) Compensation

The Director shall be paid at an annual rate determined by the Speaker.

(d) Other staff

(1) In general

With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Director may appoint and set the pay of such other employees as may be necessary to carry out the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Director with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(2) Compensation

Any employee of the Office appointed under this subsection shall be paid at an annual rate determined by the Director with the approval of the Speaker or in accordance with policies approved by the Speaker.

(e) Omitted

(f) Authorization of appropriations

There are authorized to be appropriated for fiscal year 2003 and each succeeding fiscal year such sums as may be necessary to carry out this section.

(g) Effective date

This section shall take effect on September 30, 2003.

(Pub. L. 108–83, title I, § 103, Sept. 30, 2003, 117 Stat. 1016.)

CODIFICATION

Section is comprised of section 103 of Pub. L. 108–83. Subsec. (e) of section 103 of Pub. L. 108–83 amended section 130–1 of this title.

Section is from the Legislative Branch Appropriations Act, 2004.

§ 130a. Nonpay status for Congressional employees studying under Congressional staff fellowships

(a) With respect to each employee of the Senate or House of Representatives—

(1) whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, and

(2) who, on or after January 1, 1963 shall have been separated from employment with the Senate or House of Representatives in order to pursue certain studies under a congressional staff fellowship awarded by the American Political Science Association,

the period of time covered by such fellowship shall be held and considered to be service (in a nonpay status) in employment with the Senate or House of Representatives, as the case may be, at the rate of compensation received immediately prior to separation (including any increases in compensation provided by law during the period covered by such fellowship) for the purposes of the provisions of law specified in subsection (b) of this section, if the award of such fellowship to such employee is certified to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate, by the appointing authority concerned or, in the event of the death or disability of such appointing authority, is established to the satisfaction of the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives by records or other evidence.

(b) The provisions of law referred to in subsection (a) of this section are—

(1) subchapter III (relating to civil service retirement) of chapter 83 of title 5;

(2) chapter 87 (relating to Federal employees group life insurance) of title 5; and

(3) chapter 89 (relating to Federal employees group health insurance) of title 5.

(Pub. L. 89–379, Mar. 30, 1966, 80 Stat. 94; Pub. L. 104–186, title II, § 204(73), Aug. 20, 1996, 110 Stat. 1741.)

AMENDMENTS

1996—Pub. L. 104–186 designated existing provisions as subsec. (a), in par. (1) substituted ''Chief Administrative Officer'' for ''Clerk'', in provisions following par. (2) substituted ''the purposes of the provisions of law specified in subsection (b) of this section, if the award'' for ''the purposes of—

''(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5,

''(B) chapter 87 (relating to Federal employees group life insurance) of title 5, and

''(C) chapter 89 (relating to Federal employees group health insurance) of title 5,

if the award'', ''Chief Administrative Officer of the House of Representatives, as appropriate'' for ''Clerk of the House of Representatives, as appropriate'', and ''Chief Administrative Officer of the House of Representatives by records'' for ''Clerk of the House by records'', and added subsec. (b).

§ 130b. Jury and witness service by Senate and House employees

(a) Definitions

For purposes of this section—

(1) ''employee'' means any individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

(2) ''court of the United States'' has the meaning given it by section 451 of title 28 and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.

(b) Service as juror or witness in connection with a judicial proceeding; prohibition against reduction of pay

The pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned (and permitted to respond to such summons by the appropriate authority of the House of the Congress disbursing his pay), in connection with a judicial proceeding by a court or authority responsible for the conduct of that proceeding, to serve—

(1) as a juror; or

(2) other than as provided in subsection (c) of this section, as a witness on behalf of any

party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For purposes of this subsection, ''judicial proceeding'' means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

(c) Official duty

An employee is performing official duty during the period with respect to which he is summoned (and is authorized to respond to such summons by the House of the Congress disbursing his pay), or is assigned by such House, to—

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(d) Prohibition on receipt of jury or witness fees

(1) An employee may not receive fees for service—

(A) as juror in a court of the United States or the District of Columbia; or

(B) as a witness on behalf of the United States or the District of Columbia.

(2) If an employee receives an amount (other than travel expenses) for service as a juror or witness during a period in which his pay may not be reduced under subsection (b) of this section, or for which he is performing official duty under subsection (c) of this section, the employee shall remit such amount to the officer who disburses the pay of the employee, which amount shall be covered into the general fund of the Treasury as miscellaneous receipts.

(e) Travel expenses

(1) An employee summoned (and authorized to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify or produce official records on behalf of the United States is entitled to travel expenses. If the case involves an activity in connection with which he is employed, the travel expenses shall be paid from funds otherwise available for the payment of travel expenses of such House in accordance with travel regulations of that House. If the case does not involve such an activity, the department, agency, or independent establishment of the United States on whose behalf he is so testifying or producing records shall pay to the employee his travel expenses out of appropriations otherwise available, and in accordance with regulation applicable, to that department, agency, or independent establishment for the payment of travel expenses.

(2) An employee summoned (and permitted to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify in his official capacity or produce official records on behalf of a party other than the United States, is entitled to travel expenses, unless any travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

(f) Rules and regulations

The Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives are authorized to prescribe, for employees of their respective Houses, such rules and regulations as may be necessary to carry out the provisions of this section.

(g) Congressional consent not conferred for production of official records or to testimony concerning activities related to employment

No provision of this section shall be construed to confer the consent of either House of the Congress to the production of official records of that House or to testimony by an employee of that House concerning activities related to his employment.

(Pub. L. 91–563, § 6, Dec. 19, 1970, 84 Stat. 1478; Pub. L. 94–310, § 2, June 15, 1976, 90 Stat. 687; Pub. L. 104–186, title II, § 204(74), (75), Aug. 20, 1996, 110 Stat. 1741.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (b), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–186, § 204(74), substituted ''Chief Administrative Officer'' for ''Clerk''.

Subsec. (f). Pub. L. 104–186, § 204(75), substituted ''House Oversight'' for ''House Administration''.

1976—Subsec. (b)(2). Pub. L. 94–310 substituted ''other than as provided in subsection (c) of this section, as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party'' for ''as a witness on behalf of a party other than the United States, the District of Columbia, or a private party''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 4 of Pub. L. 94–310 provided that: ''The amendments made by this Act [amending this section and sections 6322 and 8906 of Title 5, Government Organization and Employees] shall take effect on October 1, 1976, or on the date of the enactment of this Act [June 15, 1976], whichever date is later.''

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

TERMINATION OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE CANAL ZONE

For termination of the United States District Court for the District of the Canal Zone at end of the ''transition period'', being the 30 month period beginning Oct. 1, 1979, and ending midnight Mar. 31, 1982, see Para-

graph 5 of Article XI of the Panama Canal Treaty of 1977 and sections 2101 and 2201 to 2203(a) of Pub. L. 96–70, title II, Sept. 27, 1979, 93 Stat. 493, formerly classified to sections 3831 and 3841 to 3843, respectively, of Title 22, Foreign Relations and Intercourse.

§ 130c. Waiver by Secretary of Senate of claims of United States arising out of erroneous payments to Vice President, Senator, or Senate employee paid by Secretary of Senate

(a) Waiver of claim for erroneous payment of pay or allowances

A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, on or after July 25, 1974, to the Vice President, a Senator, or to an officer or employee whose pay is disbursed by the Secretary of the Senate, the collection of which would be against equity and good conscience and not in the best interests of the United States, may be waived in whole or in part by the Secretary of the Senate. An application for waiver shall be investigated by the Financial Clerk of the Senate who shall submit a written report of his investigation to the Secretary of the Senate. An application for waiver of a claim in an amount aggregating more than $1,500 may also be investigated by the Comptroller General of the United States who shall submit a written report of his investigation to the Secretary of the Senate.

(b) Prohibition of waiver

The Secretary of the Senate may not exercise his authority under this section to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the Vice President, the Senator, the officer or employee, or any other person having an interest in obtaining a waiver of the claim; or

(2) if the application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment of pay or allowances was discovered.

(c) Credit for waiver

In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

(d) Effect of waiver

An erroneous payment, the collection of which is waived under this section, is deemed a valid payment for all purposes.

(e) Construction with other laws

This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(f) Rules and regulations

The Secretary of the Senate shall promulgate rules and regulations to carry out the provisions of this section.

(Pub. L. 93–359, § 2, July 25, 1974, 88 Stat. 394; Pub. L. 103–69, title III, § 315, Aug. 11, 1993, 107 Stat. 713; Pub. L. 104–316, title I, § 102(b), Oct. 19, 1996, 110 Stat. 3828.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–316 in first sentence struck out ", if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official" after "in part by the Secretary of the Senate", and in third sentence substituted "$1,500 may also" for "$1,500 shall also".

1993—Subsec. (a). Pub. L. 103–69 substituted "$1,500" for "$500".

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(e) of title I of Pub. L. 104–316 provided that:

"(1) IN GENERAL.—Except as provided in paragraph (2), this title [see Tables for classification] shall take effect on the date of enactment of this Act [Oct. 19, 1996].

"(2) EXCEPTIONS.—Sections 103(d), 105(b), and 116 [amending section 5584 of Title 5, Government Organization and Employees, section 2774 of Title 10, Armed Forces, and section 716 of Title 32, National Guard] shall take effect 60 days after the date of enactment of this Act."

§ 130d. Waiver by Speaker of House of claims of United States arising out of erroneous payments to officers or employees paid by Chief Administrative Officer of House

(a) Waiver of claim for erroneous payment of pay or allowances

A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, on or after July 25, 1974, to an officer or employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives, the collection of which would be against equity and good conscience and not in the best interests of the United States, may be waived in whole or in part by the Speaker of the House.

(b) Investigation and report

An application for waiver of a claim shall be investigated by the Chief Administrative Officer of the House of Representatives who shall submit a written report of his investigation to the Speaker of the House.

(c) Prohibition of waiver

The Speaker of the House may not exercise his authority under this section to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the officer or employee or any other person having an interest in obtaining a waiver of the claim; or

(2) if the application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment of pay or allowances was discovered.

(d) Credit for waiver

In the audit and settlement of the accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

(e) Effect of waiver

An erroneous payment, the collection of which is waived under this section, is deemed a valid payment for all purposes.

(f) Construction with other laws

This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(g) Rules and regulations

The Speaker of the House shall prescribe rules and regulations to carry out the provisions of this section.

(Pub. L. 93–359, § 3, July 25, 1974, 88 Stat. 395; Pub. L. 104–186, title II, § 204(76), Aug. 20, 1996, 110 Stat. 1742; Pub. L. 104–316, title I, § 102(c), Oct. 19, 1996, 110 Stat. 3828.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–316 struck out ", if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official" before period at end.

Pub. L. 104–186 substituted "Chief Administrative Officer" for "Clerk".

Subsec. (b). Pub. L. 104–186 substituted "Chief Administrative Officer" for "Clerk".

§ 130e. Special Services Office

There is established, as a joint office of Congress, the Special Services Office, which (under the supervision and control of a board, to be known as the Special Services Board, comprised of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, and the Architect of the Capitol) shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.

(Pub. L. 101–163, title III, § 310, Nov. 21, 1989, 103 Stat. 1065; Pub. L. 104–53, title I, § 112, Nov. 19, 1995, 109 Stat. 525.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1990.

AMENDMENTS

1995—Pub. L. 104–53 substituted "Sergeant at Arms" for "Clerk" after "comprised of the" and "Architect of the Capitol" for "Librarian of Congress".

§ 130f. Office of General Counsel of House; administrative provisions

(a) Compliance with admission requirements

The General Counsel of the House of Representatives and any other counsel in the Office of the General Counsel of the House of Representatives, including any counsel specially retained by the Office of General Counsel, shall be entitled, for the purpose of performing the counsel's functions, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(b) Notification by Attorney General

The Attorney General shall notify the General Counsel of the House of Representatives as required by section 530D of title 28.

(c) General Counsel definition

In this section, the term "General Counsel of the House of Representatives" means—

(1) the head of the Office of General Counsel established and operating under clause 8 of rule II of the Rules of the House of Representatives;

(2) the head of any successor office to the Office of General Counsel which is established after September 29, 1999; and

(3) any other person authorized and directed in accordance with the Rules of the House of Representatives to provide legal assistance and representation to the House in connection with the matters described in this section.

(d) Effective date

The provisions of this section shall become effective beginning with September 29, 1999.

(Pub. L. 106–57, title I, § 101, Sept. 29, 1999, 113 Stat. 414; Pub. L. 107–273, div. A, title II, § 202(b)(5), Nov. 2, 2002, 116 Stat. 1775; Pub. L. 108–7, div. H, title I, § 110(a), Feb. 20, 2003, 117 Stat. 355.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2000, which is title I of the Legislative Branch Appropriations Act, 2000.

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–7 amended Pub. L. 107–273. See 2002 Amendment note below.

2002—Pub. L. 107–273, as amended by Pub. L. 108–7, substituted "as required by section 530D of title 28" for "with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the House to direct the General Counsel to intervene as a party in such proceeding pursuant to applicable rules of the House of Representatives".

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 110(c), Feb. 20, 2003, 117 Stat. 355, provided that: "The amendments made by this section [amending this section and section 288k of this title] shall take effect as if included in the enactment of the 21st Century Department of Justice Appropriations Authorization Act [Pub. L. 107–273]."

§ 130g. Support services for Senate during emergency; memorandum of understanding with an executive agency

(a) Authorization

Notwithstanding any other provision of law—

(1) subject to subsection (b) of this section, the Sergeant at Arms of the Senate and the head of an executive agency (as defined in section 105 of title 5) may enter into a memorandum of understanding under which the agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the Senate during an emergency situation; and

(2) the Sergeant at Arms of the Senate and the head of the agency may take any action

necessary to carry out the terms of the memorandum of understanding.

(b) Consistency with Senate Procurement Regulations

The Sergeant at Arms of the Senate may enter into a memorandum of understanding described in subsection (a)(1) of this section consistent with the Senate Procurement Regulations.

(c) Applicability

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–117, div. B, § 902, Jan. 10, 2002, 115 Stat. 2316.)

CODIFICATION

Section is from the Emergency Supplemental Act, 2002, which is div. B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002.

§ 130h. Support services for House during emergency; memorandum of understanding with an executive agency

(a) Authorization

Notwithstanding any other provision of law—

(1) subject to subsection (b) of this section, the Chief Administrative Officer of the House of Representatives and the head of an executive agency (as defined in section 105 of title 5) may enter into a memorandum of understanding under which the agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the House of Representatives during an emergency situation; and

(2) the Chief Administrative Officer and the head of the agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) Approval of Speaker required

The Chief Administrative Officer of the House of Representatives may not enter into a memorandum of understanding described in subsection (a)(1) of this section without the approval of the Speaker of the House of Representatives.

(c) Applicability

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–117, div. B, § 904, Jan. 10, 2002, 115 Stat. 2318.)

CODIFICATION

Section is from the Emergency Supplemental Act, 2002, which is div. B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002.

§ 130i. House of Representatives Office of Emergency Planning, Preparedness, and Operations

(a) Establishment

There is established in the House of Representatives an office to be known as the House of Representatives Office of Emergency Planning, Preparedness, and Operations. The Office shall be responsible for mitigation and preparedness operations, crisis management and response, resource services, and recovery operations.

(b) Duties of Speaker

The Speaker, in consultation with the minority leader—

(1) shall provide policy direction for, and oversight of, the Office;

(2) shall appoint and set the annual rate of pay for employees of the Office, including a Director, who shall be the head of the Office;

(3) shall exercise, with respect to any employee of the Office, the authority referred to in section 8344(k)(2)(B) of title 5 and the authority referred to in section 8468(h)(2)(B) of title 5;

(4) shall approve procurement of services of experts and consultants by the Office or by committees or other entities of the House of Representatives for assignment to the Office; and

(5) may request the head of any Federal department or agency to detail to the Office, on a reimbursable basis, any of the personnel of the department or agency.

(c) Duties of Director; House of Representatives Continuity of Operations Board

The day-to-day operations of the Office shall be carried out by the Director, under the supervision of a Board, to be known as the House of Representatives Continuity of Operations Board, comprised of the Clerk, the Sergeant at Arms, and the Chief Administrative Officer of the House of Representatives. The Clerk shall be the Chairman of the Board.

(d) Availability of funds

Until otherwise provided by law, funds shall be available for the Office from amounts appropriated for the operations of the House of Representatives.

(e) Effective date; applicability

This section shall take effect on January 10, 2002, and shall apply to fiscal years beginning with fiscal year 2002.

(Pub. L. 107–117, div. B, § 905, Jan. 10, 2002, 115 Stat. 2318.)

CODIFICATION

Section is from the Emergency Supplemental Act, 2002, which is div. B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002.

§ 130j. Program to increase employment opportunities in House of Representatives for individuals with disabilities

(a) In general

In order to promote an increase in opportunities for individuals with disabilities to provide services to the House of Representatives, the Chief Administrative Officer of the House of Representatives is authorized to—

(1) enter into 1 or more contracts with nongovernmental entities to provide for the performance of services for offices of the House of

Representatives by individuals with disabilities who are employees of, or under contract with, such entities; and

(2) provide reasonable accommodations, including assistive technology devices and assistive technology services, to enable such individuals to perform such services under such contracts.

(b) Elements of program

The Chief Administrative Officer of the House of Representatives, in entering into any contract under subsection (a) of this section, shall seek to ensure that—

(1) traditional and nontraditional outreach efforts are used to attract individuals with disabilities for educational benefit and employment opportunities in the House;

(2) the non-governmental entity provides adequate education and training for individuals with disabilities to enhance such employment opportunities; and

(3) efforts are made to educate employing offices in the House about opportunities to employ individuals with disabilities.

(c) Funding

There are authorized to be appropriated from the applicable accounts of the House of Representatives $500,000 to carry out this section for each of the fiscal years 2003 through 2007.

(Pub. L. 108–7, div. H, title I, § 106, Feb. 20, 2003, 117 Stat. 354.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of the Consolidated Appropriations Resolution, 2003.

§ 130k. Emergency expenditures for meals, refreshments, and other support and maintenance

(a) At any time on or after February 20, 2003, the Chief Administrative Officer of the House of Representatives may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for Members, officers, and employees of the House of Representatives when, in the judgment of the Chief Administrative Officer, such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.

(b) Nothing in this section may be construed to affect any other authority of the Chief Administrative Officer to incur obligations and make expenditures for the items and services described in subsection (a) of this section for Members, officers, and employees of the House of Representatives.

(Pub. L. 108–7, div. H, title I, § 107, Feb. 20, 2003, 117 Stat. 355.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of the Consolidated Appropriations Resolution, 2003.

CHAPTER 5—LIBRARY OF CONGRESS

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142h. Biomedical Ethics Board; disbursement of funds, computation and disbursement of basic pay, and provision of financial management services and support by Library of Congress.

Sec.
142i. United States Capitol Preservation Commission; provision of financial management services and support by Library of Congress.
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183. Written history of the House of Representatives.
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184. Incorporation of digital collections into educational curricula.
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§ 131. Collections composing Library; location

The Library of Congress, composed of the books, maps, and other publications which on December 1, 1873, remained in existence, from the collections theretofore united under authority of law and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, acquisition of

material under the copyright law, and otherwise, shall be preserved in the Library Building.

(R.S. § 80; Feb. 19, 1897, ch. 265, § 1, 29 Stat. 545, 546; Pub. L. 94–553, title I, § 105(g), Oct. 19, 1976, 90 Stat. 2599; Pub. L. 100–202, § 101(i) [title III, § 310], Dec. 22, 1987, 101 Stat. 1329–290, 1329–310.)

CODIFICATION

R.S. § 80 derived from act Jan. 26, 1802, ch. 2, 2 Stat. 128; Res. Oct. 21, 1814, No. 3, 3 Stat. 246; act Jan. 30, 1815, ch. 27, 3 Stat. 195; act June 25, 1864, ch. 147, § 1, 13 Stat. 148; Res. July 25, 1866, No. 77, 14 Stat. 365; and act Mar. 2, 1867, ch. 167, § 1, 14 Stat. 464.

AMENDMENTS

1987—Pub. L. 100–202 struck out after first sentence ''The law library shall be preserved in the Capitol in the rooms which were on July 4, 1872, appropriated to its use, and in such others as may hereafter be assigned thereto.''

1976—Pub. L. 94–553 substituted ''acquisition of material under the copyright law'' for ''deposit to secure copyright''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–553 effective Jan. 1, 1978, see section 102 of Pub. L. 94–553 set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

TRANSFER TO LIBRARY BUILDING

Provisions for the removal of the Library to the Library Building, erected pursuant to act Apr. 15, 1886, ch. 50, 24 Stat. 12, and for the custody, care, and maintenance of that building, were made by act Feb. 19, 1897.

ORGANIZING AND MICROFILMING OF PRESIDENTIAL PAPERS; APPROPRIATION

Pub. L. 85–147, Aug. 16, 1957, 71 Stat. 368, as amended by Pub. L. 87–263, Sept. 21, 1961, 75 Stat. 544; Pub. L. 88–299, Apr. 27, 1964, 78 Stat. 183, provided: ''That the Librarian of Congress is authorized and directed to arrange, index and microfilm the papers of the Presidents of the United States in the collections of the Library of Congress, in order to preserve their contents against destruction by war or other calamity and for the purpose of making them more readily available for study and research to the fullest possible extent consistent with any existing limitations that may have been imposed on the use of or the access to such papers by their donors or by those placing them on deposit with the Library of Congress. Neither the United States nor any officer or employee of the United States shall be liable for damages for infringement of literary property rights by reason of any activity authorized by this Act.

''SEC. 2. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.''

§ 132. Departments of Library

The Library of Congress shall be arranged in two departments, a general library and a law library.

(R.S. § 81.)

CODIFICATION

R.S. § 81 derived from act July 14, 1832, ch. 221, § 1, 4 Stat. 579.

§ 132a. Appropriations for increase of general library

The unexpended balance of any sums appropriated by Congress for the increase of the general library, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of the Joint Committee of Congress on the Library.

(R.S. § 82; Feb. 7, 1902, No. 5, 32 Stat. 735; Aug. 2, 1946, ch. 753, title II, § 223, 60 Stat. 838.)

CODIFICATION

R.S. § 82 derived from acts Apr. 24, 1800, ch. 37, § 5, 2 Stat. 56, and Jan. 26, 1802, ch. 2, § 6, 2 Stat. 129.

AMENDMENTS

1946—Act Aug. 2, 1946, changed composition of Joint Committee. See section 132b of this title.

EFFECTIVE DATE OF 1946 AMENDMENT

Amendment by act Aug. 2, 1946, effective Jan. 3, 1947, see section 245 of that act, set out as a note under section 72a of this title.

§ 132a–1. Obligations for reimbursable and revolving fund activities; limitation

Effective for fiscal years beginning with fiscal year 1995, obligations for any reimbursable and revolving fund activities performed by the Library of Congress are limited to the total amounts provided (1) in the annual regular appropriations Act making appropriations for the legislative branch, or (2) in a supplemental appropriations Act that makes appropriations for the legislative branch.

(Pub. L. 103–69, title II, § 206, Aug. 11, 1993, 107 Stat. 706.)

§ 132a–2. Furniture, furnishings, and office and library equipment; transfer of funds

(a) Transfer of funds

In addition to any other transfer authority provided by law, during fiscal year 2001 and fiscal years thereafter, the Librarian of Congress may transfer to and among available accounts of the Library of Congress amounts appropriated to the Librarian from funds for the purchase, installation, maintenance, and repair of furniture, furnishings, and office and library equipment.

(b) Availability of funds

Any amounts transferred pursuant to subsection (a) of this section shall be merged with and be available for the same purpose and for the same period as the appropriation or account to which such amounts are transferred.

(c) Approval of Congress

The Librarian may transfer amounts pursuant to subsection (a) of this section only with the approval of the Committees on Appropriations of the House of Representatives and Senate.

(Pub. L. 106–554, § 1(a)(2) [title II, § 209], Dec. 21, 2000, 114 Stat. 2763, 2763A–114.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2001.

§ 132b. Joint Committee on the Library

The Joint Committee of Congress on the Library shall, on and after January 3, 1947, consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the

Committee on House Oversight of the House of Representatives.

(Aug. 2, 1946, ch. 753, title II, § 223, 60 Stat. 838; Pub. L. 104–186, title II, § 205, Aug. 20, 1996, 110 Stat. 1742.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section effective Jan. 3, 1947, see section 245 of act Aug. 2, 1946, set out as a note under section 72a of this title.

MEMBER OF COMMITTEE WITH RESPECT TO FINANCIAL MANAGEMENT AND BUDGET AND PROGRAM DEVELOPMENT

Pub. L. 106–554, § 1(a)(4) [div. A], Dec. 21, 2000, 114 Stat. 2763, 2763A–195, as amended by Pub. L. 109–13, div. A, title III, § 3402(a), May 11, 2005, 119 Stat. 272, provided: ''That notwithstanding any other provision of law, effective with the One Hundred Seventh Congress and each succeeding Congress the chair of the Committee on Appropriations of the House of Representatives (or another member of such Committee designated by the chair) shall serve as a member of the Joint Committee on the Library with respect to the Library's financial management, organization, budget development and implementation, and program development and administration, as well as any other element of the mission of the Library of Congress which is subject to the requirements of Federal law.''

§ 133. Joint Committee during recess of Congress

The portion of the Joint Committee of Congress on the Library on the part of the Senate remaining in office as Senators shall during the recess of Congress exercise the powers and discharge the duties conferred by law upon the Joint Committee of Congress on the Library.

(Mar. 3, 1883, ch. 141, § 2, 22 Stat. 592; Aug. 2, 1946, ch. 753, title II, § 223, 60 Stat. 838.)

AMENDMENTS

1946—Act Aug. 2, 1946, changed composition of Joint Committee. See section 132b of this title.

EFFECTIVE DATE OF 1946 AMENDMENT

Amendment by act Aug. 2, 1946, effective Jan. 3, 1947, see section 245 of that act, set out as a note under section 72a of this title.

§ 134. Incidental expenses of law library

The incidental expenses of the law library shall be paid out of the appropriations for the Library of Congress.

(R.S. § 83.)

CODIFICATION

R.S. § 83 derived from act July 14, 1832, ch. 221, § 3, 4 Stat. 579.

§ 135. Purchase of books for law library

The Librarian shall make the purchases of books for the law library, under the direction of and pursuant to the catalogue furnished him by the Chief Justice of the Supreme Court.

(R.S. § 84.)

CODIFICATION

R.S. § 84 derived from act July 14, 1832, ch. 221, § 4, 4 Stat. 579.

§ 135a. Books and sound-reproduction records for blind and other physically handicapped residents; annual appropriations; purchases

There is authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, such sums for expenditure under the direction of the Librarian of Congress as may be necessary to provide books published either in raised characters, on sound-reproduction recordings or in any other form, and for purchase, maintenance, and replacement of reproducers for such sound-reproduction recordings, for the use of the blind and for other physically handicapped residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia, all of which books, recordings, and reproducers will remain the property of the Library of Congress but will be loaned to blind and to other physically handicapped readers certified by competent authority as unable to read normal printed material as a result of physical limitations, under regulations prescribed by the Librarian of Congress for this service. In the purchase of books in either raised characters or in sound-reproduction recordings the Librarian of Congress, without reference to the provisions of section 5 of title 41, shall give preference to nonprofit-making institutions or agencies whose activities are primarily concerned with the blind and with other physically handicapped persons, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable.

(Mar. 3, 1931, ch. 400, § 1, 46 Stat. 1487; Mar. 4, 1933, ch. 279, 47 Stat. 1570; June 14, 1935, ch. 242, § 1, 49 Stat. 374; Apr. 23, 1937, ch. 125, § 1, 50 Stat. 72; June 7, 1939, ch. 191, 53 Stat. 812; June 6, 1940, ch. 255, 54 Stat. 245; Oct. 1, 1942, ch. 575, § 1, 56 Stat. 764; June 13, 1944, ch. 246, § 1, 58 Stat. 276; Aug. 8, 1946, ch. 868, § 1, 60 Stat. 908; July 3, 1952, ch. 566, 66 Stat. 326; Pub. L. 85–308, § 1, Sept. 7, 1957, 71 Stat. 630; Pub. L. 89–522, § 1, July 30, 1966, 80 Stat. 330.)

AMENDMENTS

1966—Pub. L. 89–522 amended section generally, extending availability of books and materials under this section by authorizing their loan to other physically handicapped residents, in addition to blind persons, certified by competent authority as unable to read normal printed material as a result of physical limitations.

1957—Pub. L. 85–308 authorized annual appropriation of necessary sums in lieu of provisions which limited annual appropriation to $1,125,000, and struck out limitation of $200,000 on amount of appropriated funds to be expended annually for books in raised characters.

1952—Act July 3, 1952, included children within its provisions as well as adults.

1946—Act Aug. 8, 1946, increased annual appropriation from $500,000 to $1,125,000.

1944—Act June 13, 1944, increased annual appropriation from $370,000 to $500,000, the amount allocated to sound-reproduction records from $250,000 to $400,000, and struck out provision allocating $20,000 to maintenance and replacement of Government-owned reproducers.

1942—Act Oct. 1, 1942, substituted ''$370,000'' for ''$350,000'', and inserted clause at end of first sentence relating to expenditure of not exceeding $20,000 for maintenance and replacement of reproducers for sound-reproduction records.

1940—Act June 6, 1940, substituted ''$350,000'' for ''$275,000'' and ''$250,000'' for ''$175,000''.

1939—Act June 7, 1939, inserted last sentence.

1937—Act Apr. 23, 1937, substituted ''$275,000'' for ''$175,000'' in two places and ''$175,000'' for ''$75,000''.

1935—Act June 14, 1935, substituted ''$175,000'' for ''$100,000'' and inserted provision that $100,000 of the $175,000 annual appropriation be expended for books in raised characters and the balance for sound-reproduction records.

1933—Act Mar. 4, 1933, inserted ''published either in raised characters, on sound-reproduction records, or in any other form''.

EFFECTIVE DATE OF 1957 AMENDMENT

Section 2 of Pub. L. 85–308 provided that: ''This Act [amending this section] shall be applicable with respect to the fiscal year ending June 30, 1958, and for each fiscal year thereafter.''

EFFECTIVE DATE OF 1946 AMENDMENT

Section 2 of act Aug. 8, 1946, provided: ''This Act [amending this section] shall be applicable with respect to the fiscal year ending June 30, 1947, and for each fiscal year thereafter.''

EFFECTIVE DATE OF 1944 AMENDMENT

Section 2 of act June 13, 1944, provided: ''This Act [amending this section] shall be applicable with respect to the fiscal year ending June 30, 1945, and for each fiscal year thereafter.''

EFFECTIVE DATE OF 1942 AMENDMENT

Section 2 of act Oct. 1, 1942, provided: ''This Act [amending this section] shall be applicable with respect to the fiscal year ending June 30, 1943, and for each fiscal year thereafter.''

EFFECTIVE DATE OF 1937 AMENDMENT

Section 2 of act Apr. 23, 1937, provided that: ''This Act [amending this section] shall be applicable with respect to the fiscal year ending June 30, 1938, and for each fiscal year thereafter.''

§ 135a–1. Library of musical scores, instructional texts, and other specialized materials for use of blind persons or other physically handicapped residents; authorization of appropriations

(a) The Librarian of Congress shall establish and maintain a library of musical scores, instructional texts, and other specialized materials for the use of the blind and for other physically handicapped residents of the United States and its possessions in furthering their educational, vocational, and cultural opportunities in the field of music. Such scores, texts, and materials shall be made available on a loan basis under regulations developed by the Librarian or his designee in consultation with persons, organizations, and agencies engaged in work for the blind and for other physically handicapped persons.

(b) There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section.

(Pub. L. 87–765, Oct. 9, 1962, 76 Stat. 763; Pub. L. 89–522, § 2, July 30, 1966, 80 Stat. 331.)

AMENDMENTS

1966—Pub. L. 89–522 made the library of musical scores and materials available to other physically handicapped residents of the United States and added persons, organizations, and agencies engaged in work for physically handicapped persons to the groups with which the Librarian shall consult in making the materials available on a loan basis.

§ 135b. Local and regional centers; preference to blind and other physically handicapped veterans; rules and regulations; authorization of appropriations

(a) The Librarian of Congress may contract or otherwise arrange with such public or other nonprofit libraries, agencies, or organizations as he may deem appropriate to serve as local or regional centers for the circulation of (1) books, recordings, and reproducers referred to in section 135a of this title, and (2) musical scores, instructional texts, and other specialized materials referred to in section 135a–1 of this title, under such conditions and regulations as he may prescribe. In the lending of such books, recordings, reproducers, musical scores, instructional texts, and other specialized materials, preference shall at all times be given to the needs of the blind and of the other physically handicapped persons who have been honorably discharged from the Armed Forces of the United States.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(Mar. 3, 1931, ch. 400, § 2, 46 Stat. 1487; Pub. L. 89–522, § 1, July 30, 1966, 80 Stat. 330.)

AMENDMENTS

1966—Pub. L. 89–522 extended Librarian's authority to arrange for local and regional centers by authorizing him to contract with public or other nonprofit libraries, agencies, or organizations, extended field to include recordings, reproducers, musical scores, instructional texts, and other materials, substituted ''Armed Forces of the United States'' for ''United States military or naval service'', and extended veteran preference to include other physically handicapped individuals in addition to blind persons.

§ 136. Librarian of Congress; appointment; rules and regulations

The Librarian of Congress shall be appointed by the President, by and with the advice and consent of the Senate. He shall make rules and regulations for the government of the Library.

(Feb. 19, 1897, ch. 265, § 1, 29 Stat. 544, 546; Pub. L. 92–310, title II, § 220(f), June 6, 1972, 86 Stat. 204.)

PRIOR PROVISIONS

R.S. §§ 88, 89, 4950, which were repealed by acts Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349; Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428, 1431.

AMENDMENTS

1972—Pub. L. 92–310 struck out provisions which required the Librarian of Congress to give a bond in the sum of $20,000.

§§ 136a, 136a–1. Omitted

CODIFICATION

Sections were superseded by section 136a–2 of this title.

Section 136a, Pub. L. 88–426, title II, § 203(c), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90–206, title II, §§ 219(2), 225(h), Dec. 16, 1967, 81 Stat. 639, 644; Pub. L. 94–82, title II, § 204(b), Aug. 9, 1975, 89 Stat. 421, set compensation of Librarian of Congress at an annual rate equal to rate for positions at level IV of Executive Schedule.

A prior section 136a, acts Mar. 6, 1928, ch. 134, 45 Stat. 197; Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 890, which contained similar provisions, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 647, 655.

Section 136a–1, Pub. L. 88–426, title II, § 203(d), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90–206, title II §§ 219(3), 225(h), Dec. 16, 1967, 81 Stat. 639, 644; Pub. L. 94–82, title II, § 204(b), Aug. 9, 1975, 89 Stat. 421, set compensation of Deputy Librarian of Congress at an annual rate equal to rate for positions at level V of Executive Schedule.

§ 136a–2. Librarian of Congress and Deputy Librarian of Congress; compensation

Notwithstanding any other provision of law—

(1) the Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5; and

(2) the Deputy Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5.

(Pub. L. 98–63, title I, § 904, July 30, 1983, 97 Stat. 336; Pub. L. 106–57, title II, § 209(a), Sept. 29, 1999, 113 Stat. 424.)

AMENDMENTS

1999—Pub. L. 106–57 amended section generally. Prior to amendment, section read as follows:

''(a) Subject to subsection (b) of this section and notwithstanding any other provision of law—

''(1) the compensation of the Librarian of Congress shall be at an annual rate which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5, and

''(2) the compensation of the Deputy Librarian of Congress shall be at an annual rate which is equal to the annual rate of basic pay payable for positions at level IV of the Executive Schedule under section 5315 of title 5.

''(b) The limitations contained in section 306 of S. 2939, Ninety-seventh Congress, as made applicable by section 101(e) of Public Law 97–276 (as amended by section 128(a) of Public Law 97–377) shall, after application of section 128(b) of Public law 97–377, be applicable to the compensation of the Librarian of Congress and the Deputy Librarian of Congress, as fixed by subsection (a) of this section.''

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–57, title II, § 209(c), Sept. 29, 1999, 113 Stat. 424, provided that: ''The amendments made by this section [amending this section and section 166 of this title] shall apply with respect to the first pay period which begins on or after the date of the enactment of this Act [Sept. 29, 1999] and each subsequent pay period.''

EFFECTIVE DATE

Pub. L. 98–63, title I, § 904(c), July 30, 1983, 97 Stat. 337, provided that subsec. (a) of this section was to take effect on the first day of the first applicable pay period commencing on or after July 30, 1983, prior to being omitted in the general amendment of section 904 of Pub. L. 98–63 by section 209(a) of Pub. L. 106–57.

SALARY INCREASES

1987—Salaries of Librarian and Deputy Librarian increased respectively to $89,500 and $82,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

1977—Salaries of Librarian and Deputy Librarian increased respectively to $50,000 and $47,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

1969—Salaries of Librarian and Deputy Librarian increased respectively to $38,000 and $36,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

§ 136b. Omitted

CODIFICATION

Section, act July 17, 1947, ch. 262, 61 Stat. 372, related to maximum salary for any position in the Library. See section 162a of this title.

§ 136c. Authorized additional expenses and services for which Library of Congress salary appropriations are available

From and after October 1, 1983, appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of personnel security and suitability investigations of Library employees; special and temporary services (including employees engaged by day or hour or in piecework); and services as authorized by section 3109 of title 5.

(Pub. L. 98–51, title II, § 201, July 14, 1983, 97 Stat. 276.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 98–51, July 14, 1983, 97 Stat. 263, known as the Legislative Branch Appropriations Act, 1984. For complete classification of this Act to the Code, see Tables.

§ 137. Use and regulation of law library

The justices of the Supreme Court shall have free access to the law library; and they are authorized to make regulations, not inconsistent with law, for the use of the same during the sittings of the court. But such regulations shall not restrict any person authorized to take books from the Library from having access to the law library, or using the books therein in the same manner as he may be entitled to use the books of the general Library.

(R.S. § 95.)

CODIFICATION

R.S. § 95 derived from act July 14, 1832, ch. 221, § 2, 4 Stat. 579.

§§ 137a, 137b. Omitted

CODIFICATION

Section 137a, R.S. § 94, related to persons specially privileged to use library. See last sentence of section 136 of this title, which gives Librarian of Congress power to make rules and regulations for government of library.

Section 137b, act Aug. 28, 1890, No. 41, 26 Stat. 678, which related to Interstate Commerce Commission and Chief of Army Engineering Corps, was omitted from the Code as superseded by the last sentence of section 136 of this title.

JOINT COMMITTEE REPORT

With reference to former section 137a of this title, the Joint Committee on the Library, in an official report March 3, 1897 (54th Cong., 2d Sess., Senate Report 1573) declared:

''Heretofore the Joint Committee on the Library has had authority to approve such rules and regulations as have been made by the Librarian of Congress, but the provision of law under which the Joint Committee has hitherto passed upon said rules and regulations would appear to be repealed by the more recent act (section 136 of this title) which places this power in the hands of the Librarian of Congress.''

§ 137c. Withdrawal of books from Library of Congress

The chief judge and associate judges of the United States Court of Appeals for the District of Columbia and the chief judge and associate judges of the United States District Court for the District of Columbia are authorized to use and take books from the Library of Congress in the same manner and subject to the same regulations as justices of the Supreme Court of the United States.

(Joint Res. No. 9, Jan. 27, 1894, 28 Stat. 577; June 7, 1934, ch. 426, 48 Stat. 926; June 25, 1936, ch. 804, 49 Stat. 1921; June 25, 1948, ch. 646, § 32(a), (b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted ''United States District Court for the District of Columbia'' for ''District Court of the United States for the District of Columbia'', ''chief judge'' for ''chief justice'' and ''associate judges'' for ''associate justices'' wherever appearing.

Act June 25, 1936, substituted ''District Court of the United States for the said District'' for ''Supreme Court for the said District''.

Act June 7, 1934, substituted ''United States Court of Appeals for the District of Columbia'' for ''Court of Appeals of the District of Columbia''.

§ 138. Law library; hours kept open

The law library shall be kept open every day so long as either House of Congress is in session.

(July 11, 1888, ch. 615, § 1, 25 Stat. 262.)

§ 139. Omitted

CODIFICATION

Section, acts Feb. 19, 1897, ch. 265, § 1, 29 Stat. 546; Pub. L. 94–273, § 30, Apr. 21, 1976, 90 Stat. 380, which required the Librarian of Congress to make an annual report to Congress on the affairs of the Library, including copyright business and a detailed statement of receipts and expenditures, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 10 of House Document No. 103–7.

§ 140. Employees; fitness

All persons employed in and about said Library of Congress under the Librarian shall be appointed solely with reference to their fitness for their particular duties.

(Feb. 19, 1897, ch. 265, § 1, 29 Stat. 545; June 29, 1922, ch. 251, § 1, 42 Stat. 715.)

CODIFICATION

Act June 29, 1922, § 1, cited as a credit to this section, which transferred duties of the Superintendent of the Library Building and Grounds to the Architect of the Capitol and the Librarian of Congress and provided for appointment of employees, was amended generally by Pub. L. 108–7, div. H, title I, § 1208(a), Feb. 20, 2003, 117 Stat. 375, and no longer relates to this subject matter.

§ 141. Allocation of responsibilities for Library buildings and grounds

(a) Architect of the Capitol

(1) In general

The Architect of the Capitol shall have charge of all work at the Library of Congress buildings and grounds (as defined in section 167j of this title) that affects—

(A) the structural integrity of the buildings;

(B) buildings systems, including mechanical, electrical, plumbing, and elevators;

(C) the architectural features of the buildings;

(D) compliance with building and fire codes, laws, and regulations with respect to the specific responsibilities set for[1] under this paragraph;

(E) the care and maintenance of Library grounds; and

(F) purchase of all equipment necessary to fulfill the responsibilities set forth under this paragraph.

(2) Employees

The employees required for the performance of the duties under paragraph (1) shall be appointed by the Architect of the Capitol.

(b) Librarian of Congress

The Librarian of Congress shall have charge of all work (other than work under subsection (a) of this section) at the Library of Congress buildings and grounds.

(c) Transfer of funds

The Architect of the Capitol and the Librarian of Congress may enter into agreements with each other to perform work under this section, and, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate and the Joint Committee on the Library, may transfer between themselves appropriations or other available funds to pay the costs therefor.

(June 29, 1922, ch. 251, § 1, 42 Stat. 715; Pub. L. 91–280, June 12, 1970, 84 Stat. 309; Pub. L. 101–520, title II, § 205(b), Nov. 5, 1990, 104 Stat. 2272; Pub. L. 101–562, § 2(a), Nov. 15, 1990, 104 Stat. 2780; Pub. L. 108–7, div. H, title I, § 1208(a), Feb. 20, 2003, 117 Stat. 375.)

AMENDMENTS

2003—Pub. L. 108–7 inserted section catchline and amended text generally. Prior to amendment, text read as follows: ''The Architect of the Capitol shall have charge of all structural work at the Library of Congress buildings and grounds (as defined in section 167j of this title), including all necessary repairs, the operation, maintenance, and repair of the mechanical plant and elevators, the care and maintenance of the grounds, and the purchasing of all equipment other than office equipment. The employees required for the performance of the foregoing duties shall be appointed

[1] So in original. Probably should be ''forth''.

by the Architect of the Capitol. All other duties on June 29, 1922, required to be performed by the Superintendent of the Library Building and Grounds shall be performed under the direction of the Librarian of Congress, who shall appoint the employees necessary therefor. The Librarian of Congress shall provide for the purchase and supply of office equipment and furniture for library purposes.''

1990—Pub. L. 101–520 and Pub. L. 101–562 made substantively identical amendments, substituting reference to the Library of Congress buildings and grounds (as defined in section 167j of this title) for reference to the Library Building and on the grounds.

1970—Pub. L. 91–280 substituted ''purchasing of all equipment other than office equipment'' for ''purchasing and supplying of all furniture and equipment for the building'' in second sentence and inserted sentence at end.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, §1208(b), Feb. 20, 2003, 117 Stat. 376, provided that: ''The amendments made by this section [amending this section and section 142 of this title] shall apply to fiscal year 2003 and each fiscal year thereafter.''

EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by Pub. L. 101–520 and 101–562 effective on date [Nov. 6, 1991] Architect of the Capitol acquires the property and improvements described in Pub. L. 101–520, §205(a), and Pub. L. 101–562, §1, see section 205(e) of Pub. L. 101–520 and former section 2(d) of Pub. L. 101–562, set out as a Special Facilities Center; Acquisition note below.

ACQUISITION OF REAL PROPERTY FOR LIBRARY OF CONGRESS

Pub. L. 105–144, Dec. 15, 1997, 111 Stat. 2667, as amended by Pub. L. 106–554, §1(a)(2) [title II, §207], Dec. 21, 2000, 114 Stat. 2763, 2763A–114; Pub. L. 108–83, title I, §1203(a), Sept. 30, 2003, 117 Stat. 1031, provided that:

''SECTION 1. ACQUISITION OF FACILITY IN CULPEPER, VIRGINIA.

''(a) ACQUISITION.—The Architect of the Capitol may acquire on behalf of the United States Government by transfer of title, without reimbursement or transfer of funds, the following property:

''(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucile Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.

''(2) Improvements to such real property.

''(b) USES.—Effective on the date on which the Architect of the Capitol acquires the property under subsection (a), such property shall be available to the Librarian of Congress for use as a national audiovisual conservation center.

''(c) TRANSFER PAYMENT BY ARCHITECT.—Notwithstanding the limitation on reimbursement or transfer of funds under subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the entity from which the property was acquired by the Architect of the Capitol. Such transfers may not exceed a total of $16,500,000.

''SEC. 2. LIBRARY BUILDINGS AND GROUNDS.

''[Amended section 167j of this title.]

''SEC. 3. ACCEPTANCE OF TRANSFERRED GIFTS OR TRUST FUNDS.

''Gifts or trust funds given to the Library or the Library of Congress Trust Fund Board for the structural and mechanical work and refurbishment of Library buildings and grounds specified in section 1 shall be transferred to the Architect of the Capitol to be spent in accordance with the provisions of the first section of the Act of June 29, 1922 (2 U.S.C. 141).

''SEC. 4. FUND FOR TRANSFERRED FUNDS.

''There is established in the Treasury of the United States a fund consisting of those gifts or trust funds transferred to the Architect of the Capitol under section 3. Upon prior approval of the Committee on House Oversight [now Committee on House Administration] of the House of Representatives and Committee on Rules and Administration of the Senate, amounts in the fund shall be available to the Architect of the Capitol, subject to appropriation, to remain available until expended, for the structural and mechanical work and refurbishment of Library buildings and grounds. Such funds shall be available for expenditure in fiscal year 1998, subject to the prior approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

''SEC. 5. EFFECTIVE DATE.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of the enactment of this Act [Dec. 15, 1997].

''(b) SPECIAL RULE FOR INCLUSION OF PROPERTY WITHIN LIBRARY BUILDINGS AND GROUNDS.—The amendment made by section 2 shall take effect upon the acquisition by the Architect of the Capitol of the property described in section 1.''

TRANSFER OF PROPERTY BY SECRETARY OF ARMY TO PROVIDE FACILITIES TO ACCOMMODATE LONG-TERM STORAGE AND SERVICE NEEDS

Pub. L. 103–110, §122, Oct. 21, 1993, 107 Stat. 1043, provided that:

''(a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1994, without reimbursement or transfer of funds, to the Architect of the Capitol, a portion of the real property, including improvements thereon, consisting of not more than 100 acres located at Fort George G. Meade in Anne Arundel County, Maryland, as determined under subsection (c).

''(b) The Architect of the Capitol shall, upon completion of the survey performed pursuant to subsection (c) and the transfer effected pursuant to subsection (a), utilize the transferred property to provide facilities to accommodate the varied long-term storage and service needs of the Library of Congress and other Legislative Branch agencies.

''(c) The exact acreage and legal description of the property to be transferred under this section shall be determined by a survey satisfactory to the Architect of the Capitol and the Secretary of the Army, and in consultation with officials of Anne Arundel County, Maryland.

''(d) Any real property and improvements thereon transferred pursuant to this section shall be under the jurisdiction of the Architect of the Capitol, subject to the rules and regulations providing for the use of such property as may be approved by the House Office Building Commission and the Senate Committee on Rules and Administration: *Provided*, That any existing improvements made available by the Architect to the Librarian of Congress, under the direction of the Joint Committee on the Library, or hereafter erected upon such real property pursuant to law for the purposes of providing for the long-term storage and service needs of the Library of Congress shall be subject to the provisions of sections 136, 141 and 167 to 167j of title 2, United States Code.

''(e) Portions of the real property and any improvements thereon transferred pursuant to this section that

are not determined to be immediately required for storage or service needs by the Architect are authorized to be leased temporarily to the Secretary of the Army: *Provided*, That nominal lease payments made by the Secretary of the Army shall be credited to the appropriation 'Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, No Year'.

''(f) There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out the provisions of this section.''

SPECIAL FACILITIES CENTER; TEMPORARY RESTRICTION ON EVENING USE

Pub. L. 102–451, § 4, Oct. 23, 1992, 106 Stat. 2253, provided that: ''No evening meetings may be held at the Library of Congress Special Facilities Center until an on-site parking plan for the property is approved by the Joint Committee on the Library.''

SPECIAL FACILITIES CENTER; ACQUISITION

Section 205 of Pub. L. 101–520, as amended by Pub. L. 102–451, §§ 1–3, Oct. 23, 1992, 106 Stat. 2253, provided that:

''(a) The Architect of the Capitol may acquire on behalf of the United States Government by purchase, condemnation, transfer, or otherwise (1) all publicly or privately owned real property in lot 51 in square 869 in the District of Columbia, as that lot appears on the records in the office of the Surveyor of the District of Columbia on August 1, 1990, extending to the outer face of the curbs of the square in which it is located and including all alleys or parts of alleys and streets within the lot lines and curb lines surrounding such real property, and (2) improvements to such real property. The property acquired under this section shall be known as the 'Library of Congress Special Facilities Center' (hereinafter in this section referred to as the 'Center').

''(b) [Amended section 141 of this title.]

''(c) The property and improvements acquired under subsection (a) shall be repaired and altered, to the maximum extent feasible as determined by the Architect of the Capitol, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes (including electrical codes, fire and life safety codes, plumbing codes, as determined appropriate by the Architect), using the latest edition of the nationally recognized codes referred to in this paragraph.

''(d) [Amended section 167j of this title.]

''(e) Subsections (b) and (c) and the amendment made by subsection (d) shall take effect on the date [Nov. 6, 1991] the Architect of the Capitol acquires the property and improvements described in subsection (a).

''(f) There is authorized to be appropriated to the Architect of the Capitol $5,000,000 for carrying out the purposes of this section, to remain available until expended.

''(g) Effective on the date [Nov. 6, 1991] on which the Architect of the Capitol acquires the property known as St. Cecilia's School (Lot 51 in square 869) in the District of Columbia, as provided by law, such property shall be available to the Librarian of Congress for use—

''(1) as a day care center for children of employees of the Library of Congress and children of other employees of the legislative branch of the Government;

''(2) for staff training and development for employees of the Library of Congress;

''(3) for external training;

''(4) for general assembly and education programs of the Library;

''(5) for temporary living quarters and common areas for visiting scholars using the collections of the Library or participating in the programs of the Library; and

''(6) for other purposes relating to the operations of the Library of Congress.

Any use of such property shall be subject to approval by the Joint Committee on the Library, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

''(h)(1) The Librarian of Congress—

''(A) may charge fees for use of the Center under paragraphs (3), (4), and (5) of subsection (g); and

''(B) shall deposit the fees in the fund under paragraph (2).

''(2) There is established in the Treasury a fund which shall consist of amounts deposited under paragraph (1) and such other amounts as may be appropriated to the fund. The fund shall be—

''(A) available to the Librarian of Congress, in amounts specified in appropriations Acts, for the expenses of the Center; and

''(B) subject to audit by the Comptroller General at the discretion of the Comptroller General.''

Similar provisions were contained in Pub. L. 101–562, §§ 1, 2, 4, Nov. 15, 1990, 104 Stat. 2780, 2781, which was repealed by Pub. L. 102–451, § 5, Oct. 23, 1992, 106 Stat. 2254, eff. Nov. 15, 1990.

ADDITIONAL BUILDING FOR LIBRARY OF CONGRESS

Pub. L. 86–469, May 14, 1960, 74 Stat. 132, authorized Architect of the Capitol, under direction and supervision of Joint Committee on the Library, to prepare preliminary plans and estimates of cost for an additional building for Library of Congress.

LIBRARY OF CONGRESS THOMAS JEFFERSON BUILDING

Pub. L. 104–208, div. A, title V, § 5402, Sept. 30, 1996, 110 Stat. 3009–511, provided that: ''The Founders Hall instructional area in the House of Representatives Page School, located in the Thomas Jefferson Building of the Library of Congress, shall be known and designated as 'Bill Emerson Hall'.''

Pub. L. 96–269, § 1, June 13, 1980, 94 Stat. 486, provided: ''That the building in the block bounded by East Capitol Street, Second Street Southeast, Independence Avenue Southeast, and First Street Southeast, in the District of Columbia (commonly known as the Library of Congress Building or the Library of Congress Main Building), shall hereafter be known and designated as the 'Library of Congress Thomas Jefferson Building'. Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Library of Congress Thomas Jefferson Building.''

Pub. L. 94–264, Apr. 13, 1976, 90 Stat. 329, which had designated the Library of Congress Annex as the Library of Congress Thomas Jefferson Building, was repealed by Pub. L. 96–269, § 3, June 13, 1980, 94 Stat. 486, as part of the redesignation of that building as the Library of Congress John Adams Building and the designation of the main building of the Library of Congress as the Library of Congress Thomas Jefferson Building.

LIBRARY OF CONGRESS JOHN ADAMS BUILDING

Pub. L. 96–269, § 2, June 13, 1980, 94 Stat. 486, provided that: ''The building in the block bounded by East Capitol Street, Second Street Southeast, Third Street Southeast, and Pennsylvania Avenue Southeast, in the District of Columbia (commonly known as the Library of Congress Thomas Jefferson Building or the Library of Congress Annex Building), shall hereafter be known and designated as the 'Library of Congress John Adams Building'. Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Library of Congress John Adams Building.''

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Pub. L. 91–214, § 2, Mar. 16, 1970, 84 Stat. 69, provided that: ''Nothing contained in the Act of October 19, 1965 (79 Stat. 986) [set out as a note under this section], shall be construed to authorize the use of the third Library of Congress building authorized by such Act for general office building purposes.''

Pub. L. 89–260, Oct. 19, 1965, 79 Stat. 987, as amended by Pub. L. 91–214, § 1, Mar. 16, 1970, 84 Stat. 69; Pub. L. 94–219, Feb. 27, 1976, 90 Stat. 194; Pub. L. 95–548, Oct. 30, 1978, 92 Stat. 2064, provided: ''That (a) the Architect of the Capitol under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, after consultation with a committee designated by the American Institute of Architects, is authorized and directed to construct (including, but not limited to, the preparation of all necessary designs, plans, and specifications) in square 732 in the District of Columbia a third Library of Congress fireproof building, which shall be known as the Library of Congress James Madison Memorial Building. The design of such building shall include a Madison Memorial Hall and shall be in keeping with the prevailing architecture of the Federal buildings on Capitol Hill. The Madison Memorial Hall shall be developed in consultation with the James Madison Memorial Commission.

''(b) In carrying out his authority under this joint resolution, the Architect of the Capitol, under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, is authorized (1) to provide for such equipment, such connections with the Capitol Power Plant and other utilities, such access facilities over or under public streets, such changes in the present Library of Congress buildings, such changes in or additions to the present tunnels, and such other appurtenant facilities, as may be necessary, and (2) to do such landscaping as may be necessary by reason of the construction authorized by this joint resolution.

''SEC. 2. The structural and mechanical care of the building authorized by this joint resolution and the care of the surrounding grounds shall be under the Architect of the Capitol.

''SEC. 3. There is hereby authorized to be appropriated not to exceed $130,675,000 to construct the building authorized by this joint resolution (including the preparation of all necessary designs, plans, and specifications).

''There is also authorized to be appropriated not exceeding $10,000 to pay the expenses of the James Madison Memorial Commission.''

§ 141a. Design, installation, and maintenance of security systems; transfer of responsibility

The responsibility for design, installation, and maintenance of security systems to protect the physical security of the buildings and grounds of the Library of Congress is transferred from the Architect of the Capitol to the Capitol Police Board. Such design, installation, and maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 5 of title 41. Any alteration to a structural, mechanical, or architectural feature of the buildings and grounds of the Library of Congress that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(Pub. L. 105–277, div. B, title II, Oct. 21, 1998, 112 Stat. 2681–570.)

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 142. Omitted

CODIFICATION

Section, acts June 29, 1922, ch. 251, § 1, 42 Stat. 715; Nov. 5, 1990, Pub. L. 101–520, title III, § 307, 104 Stat. 2277; Pub. L. 108–7, div. H, title I, § 1208(a), Feb. 20, 2003, 117 Stat. 375, established office of administrative assistant and disbursing officer of Library of Congress which was abolished by section 142a of this title. As amended generally by Pub. L. 108–7, section no longer relates to office of administrative assistant and disbursing officer. See section 141 of this title.

§ 142a. Office of administrative assistant and disbursing officer in Library of Congress abolished; transfer of duties to appointee of Librarian

From and after June 10, 1928, the office of administrative assistant and disbursing officer of the Library of Congress, created by section 142 of this title, is abolished and thereafter the duties required to be performed by the administrative assistant and disbursing officer shall be performed, under the direction of the Librarian of Congress, by such persons as the Librarian may appoint for those purposes.

(May 11, 1928, ch. 521, 45 Stat. 497; Pub. L. 92–310, title II, § 220(h), June 6, 1972, 86 Stat. 205.)

REFERENCES IN TEXT

Section 142 of this title, referred to in text, was omitted from the Code.

AMENDMENTS

1972—Pub. L. 92–310 struck out provisions which required the person disbursing appropriations for Library of Congress and Botanic Garden to give a bond in sum of $30,000.

TRANSFER OF FUNCTIONS

Disbursement functions of all Government agencies, except Departments of the Army, Navy, and Air Force and Panama Canal transferred to Division of Disbursements, Treasury Department, by Ex. Ord. No. 6166, § 4, June 10, 1933, and Ex. Ord. No. 6728, May 29, 1934.

Division subsequently consolidated with other agencies into Fiscal Service in Treasury Department by Reorg. Plan No. III of 1940, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231. See section 306 of Title 31, Money and Finance.

§ 142b. Certifying officers of the Library of Congress; accountability; relief by Comptroller General

On and after June 13, 1957, each officer and employee of the Library of Congress, including the Copyright Office, who has been duly authorized in writing by the Librarian of Congress to certify vouchers for payment from appropriations and funds, shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; (2) [Repealed]; (3) be held responsible and accountable for the correctness of the computations of certified vouchers; and (4) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a

legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 3726 of title 31, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

(Pub. L. 85–53, § 1, June 13, 1957, 71 Stat. 81; Pub. L. 92–310, title II, § 220(k), June 6, 1972, 86 Stat. 205.)

CODIFICATION

"Section 3726 of title 31" substituted in text for "title III, part II, section 322, of the Transportation Act of 1940, approved September 18, 1940 [31 U.S.C. 244]" on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1972—Pub. L. 92–310 struck out provisions which required officers and employees of Library who are authorized to certify vouchers for payment to give a bond.

§ 142c. Enforcement of liability of certifying officers of Library of Congress

The liability of these certifying officers or employees shall be enforced in the same manner and to the same extent as now provided by law with respect to enforcement of the liability of disbursing and other accountable officers; and they shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

(Pub. L. 85–53, § 2, June 13, 1957, 71 Stat. 81.)

§ 142d. Disbursing officer of the Library of Congress; disbursements in accordance with voucher; examination of vouchers; liability

The disbursing officer of the Library of Congress shall (1) disburse moneys of the Library of Congress only upon, and in strict accordance with, vouchers duly certified by the Librarian of Congress or by an officer or employee of the Library of Congress duly authorized in writing by the Librarian to certify such vouchers; (2) make such examination of vouchers as may be necessary to ascertain whether they are in proper form, and duly certified and approved; and (3) be held accountable accordingly: *Provided*, That the disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which, under section 142b of this title, is imposed upon a certifying officer or employee of the Library of Congress.

(Pub. L. 85–53, § 3, June 13, 1957, 71 Stat. 81.)

§ 142e. Disbursing Officer of the Library of Congress; disbursements for Congressional Budget Office, accountability; financial management support to Congressional Budget Office under agreement of Librarian of Congress and Director of Congressional Budget Office; Congressional Budget Office certifying officers: voucher certifications, accountability, relief by Comptroller General

From and after January 1, 1976, the Disbursing Officer of the Library of Congress is authorized to disburse funds appropriated for the Congressional Budget Office, and the Library of Congress shall provide financial management support to the Congressional Budget Office as may be required and mutually agreed to by the Librarian of Congress and the Director of the Congressional Budget Office. The Library of Congress is further authorized to compute and disburse the basic pay of all personnel of the Congressional Budget Office pursuant to the provisions of section 5504 of title 5, except the Director, who as head of an agency, shall have pay computed and disbursed pursuant to the provisions of section 5505 of title 5.

All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Congressional Budget Office duly authorized in writing by the Director of the Congressional Budget Office to certify payments from appropriations of the Congressional Budget Office. The Congressional Budget Office certifying officers shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the appropriation or fund involved, (2) be held responsible and accountable for the correctness of the computations of certifications made, and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further*, That the

Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 3726 of title 31, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

The Disbursing Officer of the Library of Congress shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Congressional Budget Office.

(Pub. L. 96–536, § 101(c), Dec. 16, 1980, 94 Stat. 3167.)

CODIFICATION

In the second par., ''section 3726 of title 31'' substituted for ''section 244 of title 31'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section is based on section 207 of title II of H.R. 7593, as passed the House of Representatives on July 21, 1980, and incorporated by reference in section 101(c) of Pub. L. 96–536, to be effective as if enacted into law.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 96–86, § 101(c) [H.R. 4390, title II, § 207], Oct. 12, 1979, 93 Stat. 657.

Pub. L. 95–391, title II, § 207, Sept. 30, 1978, 92 Stat. 786.

Pub. L. 95–94, title II, § 207, Aug. 5, 1977, 91 Stat. 678.

Pub. L. 94–440, title VIII, § 808, Oct. 1, 1976, 90 Stat. 1458.

Pub. L. 94–157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 835.

§ 142f. Office of Technology Assessment; disbursement of funds, computation and disbursement of basic pay, and provision of financial management support by Library of Congress

From and after October 1, 1981, the Disbursing Officer of the Library of Congress is authorized to disburse funds appropriated for the Office of Technology Assessment, and the Library of Congress shall provide financial management support to the Office of Technology Assessment as may be required and mutually agreed to by the Librarian of Congress and the Director of the Office of Technology Assessment. The Library of Congress is further authorized to compute and disburse the basic pay of all personnel of the Office of Technology Assessment pursuant to the provisions of section 5504 of title 5.

All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Office of Technology Assessment duly authorized in writing by the Director of the Office of Technology Assessment to certify payments from appropriations of the Office of Technology Assessment. The Office of Technology Assessment certifying officers shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the appropriation or fund involved, (2) be held responsible and accountable for the correctness of the computations of certifications made, and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 3726 of title 31, whenever he finds that the overpayment occurred solely because of[1] the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

The Disbursing Officer of the Library of Congress shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Office of Technology Assessment.

(Pub. L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959.)

CODIFICATION

In the second par., ''section 3726 of title 31'' substituted for ''section 244 of title 31'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section is based on section 205 of title II of H.R. 4120, as reported July 9, 1981, and incorporated by reference in section 101(c) of Pub. L. 97–51, to be effective as if enacted into law.

§ 142g. Copyright Royalty Tribunal; computation and disbursement of pay of Tribunal personnel by Library of Congress

From and after October 1, 1983, the Library of Congress is authorized to compute and disburse basic pay of all personnel of the Copyright Royalty Tribunal pursuant to the provisions of section 5504 of title 5.

(Pub. L. 98–51, title II, § 204, July 14, 1983, 97 Stat. 277.)

[1] So in original. The word ''of'' probably should not appear.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 97–276, § 101(e) [S. 2939, title II, § 204], Oct. 2, 1982, 96 Stat. 1189.

Pub. L. 97–51, § 101(c) [H.R. 4120, title II, § 204], Oct. 1, 1981, 95 Stat. 959.

Pub. L. 96–536, § 101(c) [H.R. 7593, title II, § 208], Dec. 16, 1980, 94 Stat. 3167.

Pub. L. 96–86, § 101(c) [H.R. 4390, title II, § 208], Oct. 12, 1979, 93 Stat. 657.

Pub. L. 95–391, title II, § 208, Sept. 30, 1978, 92 Stat. 786.

Pub. L. 95–94, title II, § 208, Aug. 5, 1977, 91 Stat. 678.

§ 142h. Biomedical Ethics Board; disbursement of funds, computation and disbursement of basic pay, and provision of financial management services and support by Library of Congress

Effective October 1, 1988, and to continue thereafter, the Disbursing Officer of the Library of Congress is authorized to—

(1) disburse funds appropriated for the Biomedical Ethics Board;

(2) compute and disburse the basic pay for all personnel of the Biomedical Ethics Board; and

(3) provide financial management services and support to the Biomedical Ethics Board,

in the same manner as provided with respect to the Office of Technology Assessment under section 142f of this title.

(Pub. L. 101–163, title I, Nov. 21, 1989, 103 Stat. 1054.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:

Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2168.

§ 142i. United States Capitol Preservation Commission; provision of financial management services and support by Library of Congress

Effective June 15, 1989, the Library of Congress shall provide financial management services and support to the United States Capitol Preservation Commission as may be required and mutually agreed to by the Librarian of Congress and the Cochairmen of the United States Capitol Preservation Commission.

(Pub. L. 101–45, title I, June 30, 1989, 103 Stat. 107.)

§ 142j. John C. Stennis Center for Public Service Training and Development; disbursement of funds, computation and disbursement of basic pay, and provision of financial management services and support by Library of Congress; payment for services

From and after October 1, 1988, the Library of Congress is authorized to—

(1) disburse funds appropriated for the John C. Stennis Center for Public Service Training and Development;

(2) compute and disburse the basic pay for all personnel of the John C. Stennis Center for Public Service Training and Development;

(3) provide financial management services and support to the John C. Stennis Center for Public Service Training and Development, in the same manner as provided with respect to the Office of Technology Assessment under section 142f of this title; and

(4) collect from the funds appropriated for the John C. Stennis Center for Public Service Training and Development the full costs of providing the services specified in (1), (2), and (3) above, as provided under an agreement for services ordered under 31 U.S.C. 1535 and 1536.

(Pub. L. 101–163, title II, § 205, Nov. 21, 1989, 103 Stat. 1060.)

§ 142k. Library of Congress disbursing office; payroll processing functions

From and after October 1, 1989, the Librarian of Congress shall take appropriate action to assure that no legislative branch employee whose salary is disbursed by the Library of Congress disbursing office is adversely affected by alternative ways of performing the personnel/payroll processing function.

(Pub. L. 101–163, title II, § 206, Nov. 21, 1989, 103 Stat. 1060.)

§ 142*l*. Disbursing Officer of Library of Congress; disbursements for Office of Compliance; voucher certifications, accountability and relief by Comptroller General

From and after October 1, 1996, the Disbursing Officer of the Library of Congress is authorized to disburse funds appropriated for the Office of Compliance, and the Library of Congress shall provide financial management support to the Office of Compliance as may be required and mutually agreed to by the Librarian of Congress and the Executive Director of the Office of Compliance. The Library of Congress is further authorized to compute and disburse the basic pay of all personnel of the Office of Compliance pursuant to the provisions of section 5504 of title 5.

All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Office of Compliance duly authorized in writing by the Executive Director of the Office of Compliance to certify payments from appropriations of the Office of Compliance. The Office of Compliance certifying officers shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the appropriation or fund involved, (2) be held responsible and accountable for the correctness of the computations of certifications made, and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by them, as well as for any payment prohibited by law which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or

employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 3726 of title 31, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

The Disbursing Officer of the Library of Congress shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Office of Compliance.

(Pub. L. 104–197, title II, § 208, Sept. 16, 1996, 110 Stat. 2409.)

§ 143. Appropriations for Library Building and Grounds

All appropriations made to the Architect of the Capitol on account of the Library Building and Grounds shall be disbursed for that purpose in the same manner as other appropriations under his control.

(June 29, 1922, ch. 251, § 3, 42 Stat. 715.)

TRANSFER OF FUNCTIONS

Disbursement functions of all Government agencies except Departments of the Army, Navy, and Air Force and Panama Canal transferred to Division of Disbursements, Treasury Department, by Ex. Ord. No. 6166, § 4, June 10, 1933, and Ex. Ord. No. 6728, May 29, 1934.

Division subsequently consolidated with other agencies into Fiscal Service in Treasury Department by Reorg. Plan No. III of 1940, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231. See section 306 of Title 31, Money and Finance.

§ 143a. Disbursement of funds

From and after October 1, 1978, funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad and for contracting on behalf of and hiring alien employees for the Library of Congress under compensation plans comparable to those authorized by section 444 of the Foreign Service Act of 1946, as amended (22 U.S.C. 889(a)), for purchase or hire of passenger motor vehicles; for payment of travel, storage and transportation of household goods, and transportation and per diem expenses for families enroute (not to exceed twenty-four); for benefits comparable to those payable under sections 911(9), 911(11), and 941 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11), and 1156, respectively); and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 2396(b) of title 22; subject to such rules and regulations as may be issued by the Librarian of Congress.

(Pub. L. 96–536, § 101(c), Dec. 16, 1980, 94 Stat. 3167.)

REFERENCES IN TEXT

Sections 444, 911(9), 911(11), and 941 of the Foreign Service Act of 1946, referred to in text, were repealed by section 2205(1) of the Foreign Service Act of 1980, Pub. L. 96–465, title II, Oct. 17, 1980, 94 Stat. 2159. The Foreign Service Act of 1980 is classified principally to chapter 52 (§ 3901 et seq.) of Title 22, Foreign Relations and Intercourse. Section 2401(c) of the 1980 Act (22 U.S.C. 4172(c)) provides in part that references in law to provisions of the Foreign Service Act of 1946 shall be deemed to include reference to the corresponding provisions of the 1980 Act. For provisions corresponding to the above cited sections of the 1946 Act, see sections 408, 901(6), 901(8), and 904 of the 1980 Act (22 U.S.C. 3968, 4081(6), 4081(8), 4084).

CODIFICATION

Section is based on section 203 of title II of H.R. 7593, as passed the House of Representatives on July 21, 1980, and incorporated by reference in section 101(c) of Pub. L. 96–536, to be effective as if enacted into law.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 96–86, § 101(c) [H.R. 4390, title II, § 203], Oct. 12, 1979, 93 Stat. 657.
Pub. L. 95–391, title II, § 203, Sept. 30, 1978, 92 Stat. 785.
Pub. L. 95–94, title II, § 203, Aug. 5, 1977, 91 Stat. 677.
Pub. L. 94–440, title VIII, § 803, Oct. 1, 1976, 90 Stat. 1457.
Pub. L. 94–59, title VII, § 703, July 25, 1975, 89 Stat. 295.
Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 441.
Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 545.
Pub. L. 92–342, July 10, 1972, 86 Stat. 446.
Pub. L. 92–51, July 9, 1971, 85 Stat. 141.
Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 823.
Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 357.
Pub. L. 90–417, July 28, 1968, 82 Stat. 411.
Pub. L. 90–57, July 28, 1967, 81 Stat. 140.
Pub. L. 89–545, Aug. 27, 1966, 80 Stat. 368.

§ 143b. Payments in advance for subscriptions or other charges

From and after October 1, 1980, payments in advance for subscriptions or other charges for bibliographical data, publications, materials in any other form, and services may be made by the Librarian of Congress whenever he determines it to be more prompt, efficient, or economical to do so in the interest of carrying out required Library programs.

(Pub. L. 96–536, § 101(c), Dec. 16, 1980, 94 Stat. 3167.)

CODIFICATION

Section is based on section 204 of title II of H.R. 7593, as passed the House of Representatives on July 21, 1980, and incorporated by reference in section 101(c) of Pub. L. 96–536, to be effective as if enacted into law.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 96–86, § 101(c) [H.R. 4390, title II, § 204], Oct. 12, 1979, 93 Stat. 657.

Pub. L. 95–391, title II, § 204, Sept. 30, 1978, 92 Stat. 786.
Pub. L. 95–94, title II, § 204, Aug. 5, 1977, 91 Stat. 677.
Pub. L. 94–440, title VIII, § 804, Oct. 1, 1976, 90 Stat. 1457.
Pub. L. 94–59, title VII, § 704, July 25, 1975, 89 Stat. 295.
Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 441.
Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 545.
Pub. L. 92–342, July 10, 1972, 86 Stat. 447.
Pub. L. 92–51, July 9, 1971, 85 Stat. 142.
Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 823.
Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 357.
Pub. L. 90–417, July 23, 1968, 82 Stat. 411.
Pub. L. 90–57, July 28, 1967, 81 Stat. 140.

§ 144. Copies of Statutes at Large

Ten of the copies of the Statutes at Large, published by Little, Brown & Co., which were deposited in the Library prior to February 5, 1859, shall be retained by the Librarian for the use of the justices of the Supreme Court, during the terms of court.

(R.S. § 96.)

CODIFICATION

R.S. § 96 derived from act Feb. 5, 1859, ch. 22, § 11, 11 Stat. 381.

§ 145. Copies of journals and documents

Two copies of the journals and documents, and of each book printed by either House of Congress, well bound in calf, shall be deposited in the Library, and must not be taken therefrom.

(R.S. § 97.)

CODIFICATION

R.S. § 97 derived from Res. Jan. 2, 1857, No. 5, § 5, 11 Stat. 253.

§ 145a. Periodical binding of printed hearings of committee testimony

The Librarian of the Library of Congress is authorized and directed to have bound at the end of each session of Congress the printed hearings of testimony taken by each committee of the Congress at the preceding session.

(Aug. 2, 1946, ch. 753, title I, § 141, 60 Stat. 834.)

EFFECTIVE DATE

Section effective Aug. 2, 1946, see section 142 of act Aug. 2, 1946.

§ 146. Deposit of Journals of Senate and House

Twenty-five copies of the public Journals of the Senate, and of the House of Representatives, shall be deposited in the Library of the United States, at the seat of government, to be delivered to Members of Congress during any session, and to all other persons authorized by law to use the books in the Library, upon their application to the Librarian, and giving their responsible receipts for the same, in like manner as for other books.

(R.S. § 98.)

CODIFICATION

R.S. § 98 derived from Res. Dec. 27, 1813, No. 1, 3 Stat. 140; Res. July 20, 1840, No. 5, 5 Stat. 409.

§ 147. Repealed. Oct. 25, 1951, ch. 562, § 1(*l*), 65 Stat. 638

Section, act June 6, 1900, ch. 791, § 1, 31 Stat. 642, related to bound volumes from files of House of Representatives. See sections 2103 and 2114 of Title 44, Public Printing and Documents.

§ 148. Repealed. Oct. 31, 1951, ch. 654, § 1(*l*), 65 Stat. 701

Section, act Feb. 25, 1903, ch. 755, § 1, 32 Stat. 865, related to transfer of books from executive departments to Library.

§ 149. Transfer of books to other libraries

The Librarian of Congress may from time to time transfer to other governmental libraries within the District of Columbia, including the Public Library, books and material in the possession of the Library of Congress in his judgment no longer necessary to its uses, but in the judgment of the custodians of such other collections likely to be useful to them, and may dispose of or destroy such material as has become useless: *Provided*, That no records of the Federal Government shall be transferred, disposed of, or destroyed under the authority granted in this section.

(Mar. 4, 1909, ch. 297, § 1, 35 Stat. 858; Oct. 25, 1951, ch. 562, § 4(1), 65 Stat. 640.)

AMENDMENTS

1951—Act Oct. 25, 1951, inserted proviso.

§ 150. Sale of copies of card indexes and other publications

The Librarian of Congress is authorized to furnish to such institutions or individuals as may desire to buy them, such copies of the card indexes and other publications of the Library as may not be required for its ordinary transactions, and charge for the same a price which will cover their cost and ten per centum added, and all moneys received by him shall be deposited in the Treasury and shall be credited to the appropriation for necessary expenses for the preparation and distribution of catalog cards and other publications of the Library.

(June 28, 1902, ch. 1301, § 1, 32 Stat. 480; Pub. L. 95–94, title IV, § 405(a), Aug. 5, 1977, 91 Stat. 682.)

AMENDMENTS

1977—Pub. L. 95–94 inserted provisions relating to crediting of the moneys deposited in the Treasury.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 405(b) of Pub. L. 95–94 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1977.''

§ 151. Smithsonian Library

The library collected by the Smithsonian Institution under the provisions of the Act of August 10, 1846, chapter 25, and removed from the building of that institution, with the consent of the Regents thereof, to the Library of Congress, shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided.

(R.S. § 99.)

REFERENCES IN TEXT

Act of August 10, 1846, chapter 25, referred to in text, probably should be act Aug. 10, 1846, ch. 178, 9 Stat. 102, which was entitled ''An Act to establish the 'Smith-

sonian Institution', for the increase and diffusion of knowledge among men''.

CODIFICATION

R.S. §99 derived from act Apr. 5, 1866, ch. 25, §1, 14 Stat. 13.

§ 152. Care and use of Smithsonian Library

The Smithsonian Institution shall have the use of the library referred to in section 151 of this title in like manner as before its removal. All the books, maps, and charts of the Smithsonian Library shall be properly cared for and preserved in like manner as are those of the Congressional Library; from which the Smithsonian Library shall not be removed except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the Regents of the Institution.

(R.S. §100.)

CODIFICATION

R.S. §100 derived from act Apr. 5, 1866, ch. 25, §2, 14 Stat. 13.

§ 153. Control of library of House of Representatives

The library of the House of Representatives shall be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives. No removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

(Mar. 3, 1901, ch. 830, §1, 31 Stat. 964.)

§ 154. Library of Congress Trust Fund Board; members; quorum; seal; rules and regulations

A board is created and established, to be known as the ''Library of Congress Trust Fund Board'' (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury (or an Assistant Secretary designated in writing by the Secretary of the Treasury), the chairman and the vice chair of the Joint Committee on the Library, the Librarian of Congress, two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively), four persons appointed by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives) for a term of five years each (the first appointments being for two, three, four, and five years, respectively), and four persons appointed by the majority leader of the Senate (in consultation with the minority leader of the Senate) for a term of five years each (the first appointments being for two, three, four, and five years, respectively). Upon request of the chair of the Board, any member whose term has expired may continue to serve on the Trust Fund Board until the earlier of the date on which such member's successor is appointed or the expiration of the 1-year period which begins on the date such member's term expires. Seven members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

(Mar. 3, 1925, ch. 423, §1, 43 Stat. 1107; Pub. L. 95–277, May 12, 1978, 92 Stat. 236; Pub. L. 102–246, §§1, 2, Feb. 18, 1992, 106 Stat. 31; Pub. L. 106–481, title II, §201, Nov. 9, 2000, 114 Stat. 2190.)

CODIFICATION

Section is comprised of first par. of section 1 of act Mar. 3, 1925. Second par. of section 1 is classified to section 155 of this title.

AMENDMENTS

2000—Pub. L. 106–481 inserted ''and the vice chair'' after ''the chairman'' and ''Upon request of the chair of the Board, any member whose term has expired may continue to serve on the Trust Fund Board until the earlier of the date on which such member's successor is appointed or the expiration of the 1-year period which begins on the date such member's term expires.'' after first sentence and substituted ''Seven members of the board'' for ''Nine members of the board''.

1992—Pub. L. 102–246 struck out ''and'' after ''Librarian of Congress,'' inserted '', four persons appointed by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives) for a term of five years each (the first appointments being for two, three, four, and five years, respectively), and four persons appointed by the majority leader of the Senate (in consultation with the minority leader of the Senate) for a term of five years each (the first appointments being for two, three, four, and five years, respectively)'' after ''respectively)'', and substituted ''Nine'' for ''Three''.

1978—Pub. L. 95–277 inserted ''(or an Assistant Secretary designated in writing by the Secretary of the Treasury)''.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–481, title II, §202, Nov. 9, 2000, 114 Stat. 2191, provided that: ''The amendments made by this title [amending this section] shall take effect on the date of the enactment of this Act [Nov. 9, 2000].''

SHORT TITLE

Act Mar. 3, 1925, enacting sections 154 to 162 and 163 of this title, is popularly known as the ''Library of Congress Trust Fund Board Act''.

§ 155. Compensation and expenses of Library of Congress Trust Fund Board

No compensation shall be paid to the members of the board for their services as such members, but they shall be reimbursed for the expenses necessarily incurred by them, out of the income from the fund or funds in connection with which such expenses are incurred. The voucher of the chairman of the board shall be sufficient evidence that the expenses are properly allowable. Any expenses of the board, including the cost of its seal, not properly chargeable to the income of any trust fund held by it, shall be estimated for in the annual estimates of the librarian for the maintenance of the Library of Congress.

(Mar. 3, 1925, ch. 423, §1, 43 Stat. 1107.)

CODIFICATION

Section is comprised of second par. of section 1 of act Mar. 3, 1925. First par. of section 1 is classified to section 154 of this title.

§ 156. Gifts, etc., to Library of Congress Trust Fund Board

The Board is authorized to accept, receive, hold, and administer such gifts, bequests, or devises of property for the benefit of, or in connection with, the Library, its collections, or its service, as may be approved by the Board and by the Joint Committee on the Library.

(Mar. 3, 1925, ch. 423, § 2, formerly § 1, 43 Stat. 1107, renumbered Apr. 13, 1936, ch. 213, 49 Stat. 1205.)

CODIFICATION

Section is comprised of first par. of section 2 of act Mar. 3, 1925. Second, third, and fourth pars. of section 2 are classified to sections 157, 158, and 158a of this title, respectively.

§ 157. Funds of Library of Congress Trust Fund Board; management of

The moneys or securities composing the trust funds given or bequeathed to the board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the board may from time to time determine. The income as and when collected shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified; and the Treasurer of the United States is authorized to honor the requisitions of the librarian made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe: *Provided, however*, That the board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in its hands, nor shall the board make any investments that could not lawfully be made by a trust company in the District of Columbia, except that it may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by it.

(Mar. 3, 1925, ch. 423, § 2, formerly § 1, 43 Stat. 1107, renumbered Apr. 13, 1936, ch. 213, 49 Stat. 1205.)

CODIFICATION

Section is comprised of second par. of section 2 of act Mar. 3, 1925. First, third, and fourth pars. of section 2 are classified to sections 156, 158, and 158a of this title, respectively.

§ 158. Deposits by Library of Congress Trust Fund Board with Treasurer of United States

In the absence of any specification to the contrary, the board may deposit the principal sum, in cash, with the Treasurer of the United States as a permanent loan to the United States Treasury, and the Treasurer shall thereafter credit such deposit with interest at a rate which is the higher of the rate of 4 per centum per annum or a rate which is 0.25 percentage points less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding long-term marketable obligations of the United States, adjusted to the nearest one-eighth of 1 per centum, payable semi-annually, such interest, as income, being subject to disbursement by the Librarian of Congress for the purposes specified: *Provided, however*, That the total of such principal sums at any time so held by the Treasurer under this authorization shall not exceed the sum of $10,000,000.

(Mar. 3, 1925, ch. 423, § 2, formerly § 1, 43 Stat. 1107; renumbered § 2, Apr. 13, 1936, ch. 213, 49 Stat. 1205; amended June 23, 1936, ch. 734, 49 Stat. 1894; Pub. L. 87–522, July 3, 1962, 76 Stat. 135; Pub. L. 94–289, May 22, 1976, 90 Stat. 521.)

CODIFICATION

Section is comprised of third par. of section 2 of act Mar. 3, 1925. First, second, and fourth pars. of section 2 are classified to sections 156, 157, and 158a of this title, respectively.

AMENDMENTS

1976—Pub. L. 94–289 substituted "a rate which is the higher of the rate of 4 per centum per annum or a rate which is 0.25 percentage points less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding long-term marketable obligations of the United States, adjusted to the nearest one-eighth of 1 per centum" for "the rate of 4 per centum per annum".

1962—Pub. L. 87–522 increased the total amount of deposits which can be held by the Treasurer from $5,000,000 to $10,000,000.

1936—Act June 23, 1936, substituted "in the absence of any specification to the contrary" for "Should any gift or bequest so provide".

§ 158a. Temporary possession of gifts of money or securities to Library of Congress; investment

In the case of a gift of money or securities offered to the Library of Congress, if, because of conditions attached by the donor or similar considerations, expedited action is necessary, the Librarian of Congress may take temporary possession of the gift, subject to approval under section 156 of this title. The gift shall be receipted for and invested, reinvested, or retained as provided in section 157 of this title, except that—

(1) a gift of securities may not be invested or reinvested; and

(2) any investment or reinvestment of a gift of money shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States.

If the gift is not so approved within the 12-month period after the Librarian so takes possession, the principal of the gift shall be returned to the donor and any income earned during that period shall be available for use with respect to the Library of Congress as provided by law.

(Mar. 3, 1925, ch. 423, § 2(par.), as added Pub. L. 102–246, § 3, Feb. 18, 1992, 106 Stat. 31.)

CODIFICATION

Section is comprised of fourth par. of section 2 of act Mar. 3, 1925, as added by Pub. L. 102–246. First, second,

and third pars. of section 2 are classified to sections 156, 157, and 158 of this title, respectively.

§ 159. Perpetual succession and suits by or against Library of Congress Trust Fund Board

The board shall have perpetual succession, with all the usual powers and obligations of a trustee, including the power to sell, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the United States District Court for the District of Columbia, which is given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it.

(Mar. 3, 1925, ch. 423, § 3, 43 Stat. 1108; Jan. 27, 1926, ch. 6, § 1, 44 Stat. 2; June 25, 1936, ch. 804, 49 Stat. 1921; June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

AMENDMENTS

1926—Act Jan. 27, 1926, inserted ''including the power to sell'' in first sentence.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted ''United States District Court for the District of Columbia'' for ''district court of the United States for the District of Columbia''.

Act June 25, 1936, provided that the Supreme Court of the District of Columbia is to be known as the District Court of the United States for the District of Columbia.

§ 160. Disbursement of gifts, etc., to Library

Nothing in sections 154 to 162 and 163[1] of this title shall be construed as prohibiting or restricting the Librarian of Congress from accepting in the name of the United States gifts or bequests of money for immediate disbursement in the interest of the Library, its collections, or its service. Such gifts or bequests, after acceptance by the librarian, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified.

Upon agreement by the Librarian of Congress and the Board, a gift or bequest accepted by the Librarian under the first paragraph of this section may be invested or reinvested in the same manner as provided for trust funds under section 157 of this title.

(Mar. 3, 1925, ch. 423, § 4, 43 Stat. 1108; Pub. L. 105–55, title II, § 208, Oct. 7, 1997, 111 Stat. 1194.)

REFERENCES IN TEXT

Section 163 of this title, referred to in text, was omitted from the Code.

AMENDMENTS

1997—Pub. L. 105–55 added second par.

[1] See References in Text note below.

§ 161. Tax exemption of gifts, etc., to Library of Congress

Gifts or bequests or devises to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes, including all taxes levied by the District of Columbia.

(Mar. 3, 1925, ch. 423, § 5, 43 Stat. 1108; Oct. 2, 1942, ch. 576, 56 Stat. 765.)

AMENDMENTS

1942—Act Oct. 2, 1942, included devises in the exemptions, and exempted gifts, bequests and devises, and the income therefrom, from taxes levied by the District of Columbia.

§ 162. Compensation of Library of Congress employees

Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the librarian, or in connection with cooperative undertakings in which the Library of Congress is engaged, shall not be subject to section 209 of title 18; and section 5533 of title 5 shall not apply to any additional compensation so paid to such employees.

(Mar. 3, 1925, ch. 423, § 6, 43 Stat. 1108; Jan. 27, 1926, ch. 6, § 2, 44 Stat. 2; Pub. L. 88–448, title IV, § 401(j), Aug. 19, 1964, 78 Stat. 491.)

CODIFICATION

''Section 209 of title 18'' substituted in text for reference to the Act of March 3, 1917, 39 Stat. 1106 (5 U.S.C. 66), on authority of (1) act June 25, 1948, ch. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedure, and which enacted in section 1914 of Title 18 the provisions formerly classified to section 66 of Title 5; and (2) section 2 of Pub. L. 87–849, Oct. 23, 1962, 76 Stat. 1126, which repealed section 1914 of Title 18 and supplanted it with section 209, and which provided that exemptions from section 1914 shall be deemed exemptions from section 209. For further details, see Exemptions note set out under section 203 of Title 18.

''Section 5533 of title 5'' substituted in text for ''section 301 of the Dual Compensation Act [5 U.S.C. 3105]'' on authority of sec. 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to sections 60 and 65 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1964—Pub. L. 88–448 substituted ''and section 301 of the Dual Compensation Act [5 U.S.C. 3105] shall not apply to any additional compensation so paid to such employees'' for ''nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 6 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, as amended (Thirty-ninth Statutes at Large, page 582) [5 U.S.C. 58]''.

1926—Act Jan. 27, 1926, struck out the comma after ''undertakings''.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–448 effective on first day of first month which begins later than the ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88–448.

§ 162a. Gross salary of Library of Congress employees

Hereafter the gross salary of any position in the Library which is augmented by payment of an honorarium from other than appropriated funds under terms of section 162 of this title shall not exceed an amount, which when combined with such honorarium, will exceed the maximum salary provided in chapter 51 and subchapter III of chapter 53 of title 5.

(June 22, 1949, ch. 235, § 101, 63 Stat. 226; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

CODIFICATION

''Chapter 51 and subchapter III of chapter 53 of title 5'' substituted in text for ''the Classification Act of 1949'' on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

§ 162b. Little Scholars Child Development Center; employee compensation and personnel matters

(a) Election of coverage; creditable service; qualification for survivor annuities and disability benefits; contributions to thrift savings plan; certification concerning creditable service

(1) This subsection shall apply to any individual who—

(A) is employed by the Library of Congress Child Development Center (known as the ''Little Scholars Child Development Center'', in this section referred to as the ''Center'') established under section 205(g)(1) of the Legislative Branch Appropriations Act, 1991; and

(B) makes an election to be covered by this subsection with the Librarian of Congress, not later than the later of—

(i) 60 days after December 21, 2000; or

(ii) 60 days after the date the individual begins such employment.

(2)(A) Any individual described under paragraph (1) may be credited, under section 8411 of title 5 for service as an employee of the Center before December 21, 2000, if such employee makes a payment of the deposit under section 8411(f)(2) of such title without application of section 8411(b)(3) of such title.

(B) An individual described under paragraph (1) shall be credited under section 8411 of title 5 for any service as an employee of the Center on or after December 21, 2000, if such employee has such amounts deducted and withheld from his pay as determined by the Office of Personnel Management which would be deducted and withheld from the basic pay of an employee under section 8422 of title 5.

(3) Notwithstanding any other provision of this subsection, any service performed by an individual described under paragraph (1) as an employee of the Center is deemed to be civilian service creditable under section 8411 of title 5 for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of such title, if such individual makes payment of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual if such individual had been an employee subject to section 8422 of title 5 for such period so credited, together with interest thereon.

(4) An individual described under paragraph (1) shall be deemed an employee for purposes of chapter 84 of title 5, including subchapter III of such title,[1] and may make contributions under section 8432 of such title effective for the first applicable pay period beginning on or after the date such individual elects coverage under this section.

(5) The Office of Personnel Management shall accept the certification of the Librarian of Congress concerning creditable service for purposes of this subsection.

(b) Health insurance coverage

Any individual who is employed by the Center on or after the date of enactment of this Act [December 21, 2000], shall be deemed an employee under section 8901(1) of title 5 for purposes of health insurance coverage under chapter 89 of such title. An individual who is an employee of the Center on the date of enactment of this Act may elect coverage under this subsection before the 60th day after the date of enactment of this Act, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after such date.

(c) Life insurance coverage

An individual who is employed by the Center shall be deemed an employee under section 8701(a) of title 5 for purposes of life insurance coverage under chapter 87 of such title.

(d) Government contributions by Librarian from available appropriations

Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, 8708, and 8906[2] shall be made by the Librarian of Congress from any appropriations available to the Library of Congress.

(e) Payroll and personnel functions of Library of Congress

The Library of Congress, directly or by agreement with its designated representative, shall—

(1) process payroll for Center employees, including making deductions and withholdings from the pay of employees in the amounts determined under sections 8422, 8432, 8707, and 8905 of title 5;

(2) maintain appropriate personnel and payroll records for Center employees, and transmit appropriate information and records to the Office of Personnel Management; and

(3) transmit funds for Government and employee contributions under this section to the Office of Personnel Management.

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[1] So in original. Probably should be ''chapter,''.

[2] So in original. Probably should be followed by ''of title 5''.

(f) Responsibilities of Center

The Center shall—

(1) pay to the Library of Congress funds sufficient to cover the gross salary and the employer's share of taxes under section 3111 of title 26 for Center employees, in amounts computed by the Library of Congress;

(2) as required by the Library of Congress, reimburse the Library of Congress for reasonable administrative costs incurred under subsection (e)(1) of this section;

(3) comply with regulations and procedures prescribed by the Librarian of Congress for administration of this section;

(4) maintain appropriate records on all Center employees, as required by the Librarian of Congress; and

(5) consult with the Librarian of Congress on the administration and implementation of this section.

(g) Regulations

The Librarian of Congress may prescribe regulations to carry out this section.

(Pub. L. 106–554, §1(a)(2) [title II, §210], Dec. 21, 2000, 114 Stat. 2763, 2763A–114.)

REFERENCES IN TEXT

Section 205(g)(1) of the Legislative Branch Appropriations Act, 1991, referred to in subsec. (a)(1)(A), is section 205(g)(1) of Pub. L. 101–520, which is set out as a note under section 141 of this title.

§ 163. Omitted

CODIFICATION

Section, act Mar. 3, 1925, ch. 423, §7, 43 Stat. 1108, which required the Library of Congress Trust Fund Board to submit an annual report to Congress on moneys or securities received and held and operations, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 10 of House Document No. 103–7.

§ 164. Index and digest of State legislation; preparation

The Librarian of Congress is authorized and directed to prepare biennially an index to the legislation of the States of the United States enacted during the biennium, together with a supplemental digest of the more important legislation of the period.

(Feb. 10, 1927, ch. 99, §1, 44 Stat. 1066; Feb. 28, 1929, ch. 367, §1, 45 Stat. 1398.)

AMENDMENTS

1929—Act Feb. 28, 1929, repealed provision that the Librarian of Congress report biennially to Congress an index and digest of State legislation.

§ 164a. Official distribution of State legislation index and digest

The Librarian of Congress is directed to have the indexes and digests authorized by section 164 of this title printed and bound for official distribution only.

(Feb. 28, 1929, ch. 367, §1, 45 Stat. 1398.)

§ 165. Authorization for appropriation for biennial index

There is authorized to be appropriated annually for carrying out the provisions of section 164 of this title the sum of $30,000, to remain available until expended.

(Feb. 10, 1927, ch. 99, §2, 44 Stat. 1066.)

§ 166. Congressional Research Service

(a) Redesignation of Legislative Reference Service

The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the ''Congressional Research Service''.

(b) Functions and objectives

It is the policy of Congress that—

(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Congressional Research Service in—

(A) rendering to Congress the most effective and efficient service,

(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

(C) discharging its responsibilities to Congress;

and

(2) the Librarian of Congress shall grant and accord to the Congressional Research Service complete research independence and the maximum practicable administrative independence consistent with these objectives.

(c) Appointment and compensation of Director, Deputy Director, and other necessary personnel; minimum grade for Senior Specialists; placement in grades GS–16, 17, and 18 of Specialists and Senior Specialists; appointment without regard to civil service laws and political affiliation and on basis of fitness to perform duties

(1) After consultation with the Joint Committee on the Library, the Librarian of Congress shall appoint the Director of the Congressional Research Service. The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level III of the Executive Schedule under section 5314 of title 5.

(2) The Librarian of Congress, upon the recommendation of the Director, shall appoint a Deputy Director of the Congressional Research Service and all other necessary personnel thereof. The basic pay of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, but without regard to section 5108(a) of such title. The basic pay of all other necessary personnel of the Congressional Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, except that—

(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants, without supervisory responsibility, are currently assigned; and

(B) the positions of Specialist and Senior Specialist in the Congressional Research Serv-

ice may be placed in GS–16, 17, and 18 of the General Schedule of section 5332 of title 5, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee on the Library, of the placement of each such position in any of such grades.

(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsection (e) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

(d) Duties of Service; assistance to Congressional committees; list of terminating programs and subjects for analysis; legislative data, studies, etc.; information research; digest of bills, preparation; legislation, purpose and effect, and preparation of memoranda; information and research capability, development

It shall be the duty of the Congressional Research Service, without partisan bias—

(1) upon request, to advise and assist any committee of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals within that committee's jurisdiction, or of recommendations submitted to Congress, by the President or any executive agency, so as to assist the committee in—

(A) determining the advisability of enacting such proposals;

(B) estimating the probable results of such proposals and alternatives thereto; and

(C) evaluating alternative methods for accomplishing those results;

and, by providing such other research and analytical services as the committee considers appropriate for these purposes, otherwise to assist in furnishing a basis for the proper evaluation and determination of legislative proposals and recommendations generally; and in the performance of this duty the Service shall have authority, when so authorized by a committee and acting as the agent of that committee, to request of any department or agency of the United States the production of such books, records, correspondence, memoranda, papers, and documents as the Service considers necessary, and such department or agency of the United States shall comply with such request; and further, in the performance of this and any other relevant duty, the Service shall maintain continuous liaison with all committees;

(2) to make available to each committee of the Senate and House of Representatives and each joint committee of the two Houses, at the opening of a new Congress, a list of programs and activities being carried out under existing law scheduled to terminate during the current Congress, which are within the jurisdiction of the committee;

(3) to make available to each committee of the Senate and House of Representatives and each joint committee of the two Houses, at the opening of a new Congress, a list of subjects and policy areas which the committee might profitably analyze in depth;

(4) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of studies, reports, compilations, digests, bulletins, indexes, translations, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

(5) upon request, or upon its own initiative in anticipation of requests, to prepare and provide information, research, and reference materials and services to committees and Members of the Senate and House of Representatives and joint committees of Congress to assist them in their legislative and representative functions;

(6) to prepare summaries and digests of bills and resolutions of a public general nature introduced in the Senate or House of Representatives;

(7) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each such other measure; and

(8) to develop and maintain an information and research capability, to include Senior Specialists, Specialists, other employees, and consultants, as necessary, to perform the functions provided for in this subsection.

(e) Specialists and Senior Specialists; appointment; fields of appointment

The Librarian of Congress is authorized to appoint in the Congressional Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields:

(1) agriculture;

(2) American government and public administration;

(3) American public law;

(4) conservation;

(5) education;

(6) engineering and public works;

(7) housing;

(8) industrial organization and corporation finance;

(9) international affairs;

(10) international trade and economic geography;

(11) labor and employment;

(12) mineral economics;

(13) money and banking;

(14) national defense;

(15) price economics;

(16) science;

(17) social welfare;

(18) taxation and fiscal policy;

(19) technology;

(20) transportation and communications;

(21) urban affairs;

(22) veterans' affairs; and

(23) such other broad fields as the Director may consider appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Congressional Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

(f) Duties of Director; establishment and change of research and reference divisions or other organizational units, or both

The Director is authorized—

(1) to classify, organize, arrange, group, and divide, from time to time, as he considers advisable, the requests for advice, assistance, and other services submitted to the Congressional Research Service by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he considers necessary to—

(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

(B) promote efficiency in the performance of services for committees of the Senate and House of Representatives and joint committees of Congress, and

(C) provide a basis for the efficient performance by the Congressional Research Service of its legislative research and related functions generally,

and

(2) to establish and change, from time to time, as he considers advisable, within the Congressional Research Service, such research and reference divisions or other organizational units, or both, as he considers necessary to accomplish the purposes of this section.

(g) Budget estimates

The Director of the Congressional Research Service will submit to the Librarian of Congress for review, consideration, evaluation, and approval, the budget estimates of the Congressional Research Service for inclusion in the Budget of the United States Government.

(h) Experts or consultants, individual or organizational, and persons and organizations with specialized knowledge; procurement of temporary or intermittent assistance; contracts, nonpersonal and personal service; advertisement requirements inapplicable; end product; pay; travel time

(1) The Director of the Congressional Research Service may procure the temporary or intermittent assistance of individual experts or consultants (including stenographic reporters) and of persons learned in particular or specialized fields of knowledge—

(A) by nonpersonal service contract, without regard to any provision of law requiring advertising for contract bids, with the individual expert, consultant, or other person concerned, as an independent contractor, for the furnishing by him to the Congressional Research Service of a written study, treatise, theme, discourse, dissertation, thesis, summary, advisory opinion, or other end product; or

(B) by employment (for a period of not more than one year) in the Congressional Research Service of the individual expert, consultant, or other person concerned, by personal service contract or otherwise, without regard to the position classification laws, at a rate of pay not in excess of the per diem equivalent of the highest rate of basic pay then currently in effect for the General Schedule of section 5332 of title 5, including payment of such rate for necessary travel time.

(2) The Director of the Congressional Research Service may procure by contract, without regard to any provision of law requiring advertising for contract bids, the temporary (for respective periods not in excess of one year) or intermittent assistance of educational, research, or other organizations of experts and consultants (including stenographic reporters) and of educational, research, and other organizations of persons learned in particular or specialized fields of knowledge.

(i) Special report to Joint Committee on the Library

The Director of the Congressional Research Service shall prepare and file with the Joint Committee on the Library at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Congressional Research Service for the immediately preceding fiscal year.

(j) Authorization of appropriations

There are hereby authorized to be appropriated to the Congressional Research Service each fiscal year such sums as may be necessary to carry on the work of the Service.

(Aug. 2, 1946, ch. 753, title II, §203, 60 Stat. 836; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; Pub. L. 91–510, title III, §321(a), Oct. 26, 1970, 84 Stat. 1181; Pub. L. 99–190, §133, Dec. 19, 1985, 99 Stat. 1322; Pub. L. 106–57, title II, §209(b), Sept. 29, 1999, 113 Stat. 424.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (c)(3), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

AMENDMENTS

1999—Subsec. (c)(1). Pub. L. 106–57 substituted second sentence for former second sentence which read as follows: "The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level V of the Executive Schedule contained in section 5316 of title 5."

1985—Subsec. (g). Pub. L. 99–190 amended subsec. (g) generally. Prior to amendment subsec. (g) read as follows: "In order to facilitate the study, consideration, evaluation, and determination by the Congress of the budget requirements of the Congressional Research Service for each fiscal year, the Librarian of Congress shall receive from the Director and submit, for inclusion in the Budget of the United States Government, the budget estimates of the Congressional Research

Service which shall be prepared separately by the Director in detail for each fiscal year as a separate item of the budget estimates of the Library of Congress for such fiscal year.''

1970—Subsec. (a). Pub. L. 91–510 substituted provision for continuation of Legislative Reference Service, redesignated ''Congressional Research Service'', for prior authorization for establishment of Legislative Reference Service and deleted second sentence, cls. (1) to (3), prescribing as duties of such Service for the Congress and its committees, the giving of advice and assistance, making data available, and preparing summaries and digests of public hearings before committees and of bills and resolutions of public nature, which was incorporated in subsec. (d)(1), (d)(4), and (d)(6), respectively, of this section.

Subsec. (b). Pub. L. 91–510 added subsec. (b). Former subsec. (b)(1) provided for appointment of director, assistant director, and other necessary personnel of Legislative Reference Service, without regard to civil-service laws, without reference to political affiliations, on ground of fitness to perform duties of the office, for compensation in accordance with Classification Act of 1949, with a prescribed minimum for senior specialists in the various fields, and made all employees of the Service subject to civil-service retirement laws, now incorporated in subsec. (c)(1), (2)(A), and (3) of this section and sections 8331(1)(viii) and 8347(j) of Title 5, Government Organization and Employees. Former subsec. (b)(2) provided for appointment of senior specialists in certain enumerated fields and was covered in subsec. (e) of this section.

Subsec. (c). Pub. L. 91–510 incorporated in provisions added as subsec. (c) provisions of former subsec. (b) (1), and in revising them, provided in par. (1) for consultation with Joint Committee on the Library before appointment of Director and for basic pay rate of Director equal to level V of Executive Schedule, provided in par. (2) for appointment, upon recommendation of the Director, of a Deputy Director and made references to classification and General Schedule pay rate provisions of revised Title 5, reenacted as subpar. (A) proviso of second sentence of former subsec. (b)(1), and added subpar. (B), and in par. (3) reenacted part of first sentence of former subsec. (b)(1).

Subsec. (d). Pub. L. 91–510 incorporated in provisions added as subsec. (d) second sentence, cls. (1) to (3), of former subsec. (a), and in revising the provision, added pars. (2), (3), (5), (7), and (8), substituted ''Congressional Research Service'' for ''Legislative Reference Service'', reenacted introductory ''without partisan bias'' provision of former cl. (2), incorporated in par. (1) former cl. (1), substituting ''proposals within that committee's jurisdiction'' for ''proposals pending before it'' and ''otherwise to assist in furnishing a basis for the proper evaluation and determination of legislative proposals and recommendations generally'' for ''otherwise to assist in furnishing a basis for the proper determination of measures before the committee'', added subpars. (A) to (C), provision for assistance by providing other research and analytical services, authorization for production of books, records, etc., compliance with request for such production, and maintenance of liaison with all committees, incorporated in par. (4) former cl. (2), substituting ''collect'' for ''gather'' and including analysis in form of studies and reports, and making data available to joint committees, and incorporated in par. (6) former cl. (3), omitting provision respecting summaries and digests of public hearings before committees of Congress.

Subsec. (e). Pub. L. 91–510 incorporated in provisions added as subsec. (e) provisions of former subsec. (b)(2), and in revising them, in introductory text, substituted ''Congressional Research Service'' for ''Legislative Reference Service'' and authorized appointments ''upon the recommendation of the Director'', including Specialists; provided numerical item designations for broad fields listed in prior paragraph in run-on form, added fields of national defense, science, technology, urban affairs, and other broad fields as deemed appropriate by the Director in items (14), (16), (19), (21), and (23), and combined separate fields of ''full employment'' and ''labor'' in ''labor and employment'' in item (11); and in last sentence, included Senior Specialists and substituted ''such other employees of the Congressional Research Service'' for ''such other members of the staff'' and ''special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section'' for ''special work with the appropriate committees of Congress for any of the purposes set out in subsection (a)(1) of this section''.

Subsecs. (f) to (i). Pub. L. 91–510 added subsecs. (f) to (i).

Subsec. (j). Pub. L. 91–510 incorporated in provisions added as subsec. (j) appropriations authorization of section 203(c) of Act Aug. 2, 1946, which had also provided $550,000, $650,000, and $750,000, for fiscal years ending June 30, 1947, 1948, and 1949, respectively.

1949—Subsec. (b)(1). Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106–57 applicable with respect to the first pay period which begins on or after Sept. 29, 1999 and each subsequent pay period, see section 209(c) of Pub. L. 106–57, set out as a note under section 136a–2 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment of provisions, other than enactment of subsecs. (d)(2), (3) and (i) of this section, and enactment of subsecs. (d)(2), (3) and (i) by Pub. L. 91–510 effective immediately prior to noon on Jan. 3, 1971, at the close of the first session of the Ninety-second Congress, and with respect to fiscal years beginning on or after July 1, 1970, respectively, see section 601(1), (3), and (4) of Pub. L. 91–510, set out as a note under section 72a of this title.

EFFECTIVE DATE

Section effective Aug. 2, 1946, see section 245 of that act, set out as a note under section 72a of this title.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

COMPENSATION OF DIRECTOR OF CONGRESSIONAL RESEARCH SERVICE

Pub. L. 105–275, title I, Oct. 21, 1998, 112 Stat. 2444, which provided that the compensation of the Director of the Congressional Research Service, Library of Congress, was to be at an annual rate equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, was from the Legislative Branch Appropriations Act, 1999, and was not repeated in subsequent appropriations acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105–55, title I, Oct. 7, 1997, 111 Stat. 1190.
Pub. L. 104–197, title I, Sept. 16, 1996, 110 Stat. 2406.
Pub. L. 104–53, title I, Nov. 19, 1995, 109 Stat. 529.
Pub. L. 103–283, title I, July 22, 1994, 108 Stat. 1435.
Pub. L. 103–69, title I, Aug. 11, 1993, 107 Stat. 703.

Pub. L. 102–392, title I, Oct. 6, 1992, 106 Stat. 1715.
Pub. L. 102–90, title I, Aug. 14, 1991, 105 Stat. 460.
Pub. L. 101–520, title I, Nov. 5, 1990, 104 Stat. 2269.
Pub. L. 101–163, title I, Nov. 21, 1989, 103 Stat. 1057.
Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2171.
Pub. L. 100–202, § 101(i) [title I], Dec. 22, 1987, 101 Stat. 1329–290, 1329–303.
Pub. L. 99–500, § 101(j) [H.R. 5203, title I], Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287.
Pub. L. 99–151, title I, Nov. 13, 1985, 99 Stat. 802.
Pub. L. 98–367, title I, July 17, 1984, 98 Stat. 484.

§ 167. Buildings and grounds; designation of employees as police

The Librarian of Congress may designate employees of the Library of Congress as police for duty with respect to the Library of Congress buildings and adjacent streets. The rank structure and pay for employees so designated shall be the same as the rank structure and pay for the Capitol Police.

(Aug. 4, 1950, ch. 561, § 1, 64 Stat. 411; Pub. L. 90–610, § 1, Oct. 21, 1968, 82 Stat. 1201; Pub. L. 93–175, § 1, Dec. 5, 1973, 87 Stat. 693; Pub. L. 100–135, § 1(a), Oct. 16, 1987, 101 Stat. 811.)

AMENDMENTS

1987—Pub. L. 100–135 amended section generally. Prior to amendment, section read as follows:

''(a) The Librarian of Congress may designate employees of the Library of Congress as special policemen for duty in connection with policing of the Library of Congress buildings and grounds and adjacent streets and shall fix their rates of basic pay as follows:

''(1) Private GS–7—step one through five;

''(2) Sergeant GS–8—step one through five;

''(3) Lieutenant GS–9—step one through five;

''(4) Senior Lieutenant GS–10—step one through five; and

''(5) Captain GS–11—step one through seven.

''(b) The Librarian of Congress may apply the provisions of subchapter V of chapter 55 of title 5 to members of the special police force of the Library of Congress.''

1973—Subsec. (a)(1). Pub. L. 93–175 substituted ''Private GS–7—step one through five'' for ''Private—not to exceed the rate for GS–5, Step 5''.

Subsec. (a)(2). Pub. L. 93–175 substituted ''Sergeant GS–8—step one through five'' for ''Sergeant—not to exceed the rate for GS–6, Step 5''.

Subsec. (a)(3). Pub. L. 93–175 substituted ''Lieutenant GS–9—step one through five'' for ''Lieutenant—not to exceed the rate for GS–7, Step 5''.

Subsec. (a)(4). Pub. L. 93–175 substituted ''Senior Lieutenant GS–10—step one through five'' for ''Senior Lieutenant—not to exceed the rate for GS–9, Step 5''.

Subsec. (a)(5). Pub. L. 93–175 substituted ''Captain GS–11—step one through seven'' for ''Captain—not to exceed the rate for GS–10, Step 5''.

1968—Pub. L. 90–610 struck out provisions which permitted the Librarian to designate employees as special policemen without additional compensation, and inserted provisions permitting designation of employees as special employees, prescribing their rates of basic pay, and empowering the Librarian to apply the provisions of subchapter V of chapter 55 of title 5 to members of the special police force.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 3 of Pub. L. 100–135 provided that: ''The amendments made by section 1 [amending sections 167 and 167h of this title and section 5102 of Title 5, Government Organization and Employees] shall apply with respect to pay periods beginning after September 30, 1987, except that any pay increase for employees of the Library of Congress, pursuant to the amendments made by such section, shall be subject to appropriation and shall be implemented in four approximately equal annual increments, so that pay parity with the Capitol Police occurs beginning with the first pay period beginning after September 30, 1990.''

EFFECTIVE DATE OF 1973 AMENDMENT

Section 2 of Pub. L. 93–175 provided that: ''The amendment made by this Act [amending this section] shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act [Dec. 5, 1973].''

EFFECTIVE DATE OF 1968 AMENDMENT

Section 3 of Pub. L. 90–610 provided that: ''The amendments made by this Act [amending this section and section 5102 of Title 5, Government Organization and Employees] shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act [Oct. 21, 1968]. Notwithstanding any provisions of this Act, no rate of basic pay shall be reduced by reason of the enactment of this Act.''

TRANSITION RULE FOR CERTAIN EMPLOYEES

Section 2 of Pub. L. 100–135 provided that:

''(a) IN GENERAL.—Notwithstanding the amendments made by section 1 [amending this section, section 167h of this title, and section 5102 of Title 5, Government Organization and Employees], each identified employee shall be paid in accordance with prior law until the earliest of—

''(1) the first pay period during which the employee does not perform Sunday work or night work;

''(2) the first pay period for which the pay of the employee, computed in accordance with the amendments made by section 1 and without regard to this section, exceeds the pay computed under prior law; or

''(3) the first pay period beginning after September 30, 1989.

''(b) DEFINITIONS.—As used in this section—

''(1) the term 'identified employee' means an employee identified by the Librarian of Congress as an employee who (with respect to each of the thirteen pay periods immediately before the first pay period to which the amendments made by section 1 apply) is designated by the Librarian for police duty, at the rank of private, and receives additional pay for Sunday work or night work under section 5544 or section 5545 of title 5, United States Code; and

''(2) the term 'prior law' means the first section of the Act entitled 'An Act relating to the policing of the buildings and grounds of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167), as in effect immediately before the first pay period to which the amendments made by section 1 apply.''

§ 167a. Public use of Library of Congress grounds

Public travel in and occupancy of the Library of Congress grounds is restricted to the sidewalks and other paved surfaces.

(Aug. 4, 1950, ch. 561, § 2, 64 Stat. 411.)

§ 167b. Sales, advertisements, and solicitations in Library buildings and grounds

It shall be unlawful to offer or expose any article for sale in the Library of Congress buildings or grounds; to display any sign, placard, or other form of advertisement therein; or to solicit fares, alms, subscriptions, or contributions therein.

(Aug. 4, 1950, ch. 561, § 3, 64 Stat. 411.)

§ 167c. Injuries to Library property

It shall be unlawful to step or climb upon, remove, or in any way injure any statue, seat,

wall fountain, or other erection or achitectural[1] feature, or any tree, shrub, plant, or turf in the Library of Congress buildings or grounds.

(Aug. 4, 1950, ch. 561, § 4, 64 Stat. 411.)

§ 167d. Firearms or fireworks; speeches; objectionable language in Library buildings and grounds

It shall be unlawful to discharge any firearm, firework or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language in the Library of Congress buildings or grounds.

(Aug. 4, 1950, ch. 561, § 5, 64 Stat. 411.)

§ 167e. Parades, assemblages or display of flags in Library buildings and grounds

It shall be unlawful to parade, stand, or move in processions or assemblages in the Library of Congress buildings or grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement.

(Aug. 4, 1950, ch. 561, § 6, 64 Stat. 411.)

§ 167f. Regulations for Library buildings and grounds; publication; effective date

(a) In addition to the restrictions and requirements specified in sections 167a to 167e of this title, the Librarian of Congress may prescribe such regulations as may be deemed necessary for the adequate protection of the Library of Congress buildings and grounds and of persons and property therein, and for the maintenance of suitable order and decorum within the Library of Congress buildings and grounds.

(b) All regulations promulgated under the authority of this section shall be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication.

(Aug. 4, 1950, ch. 561, § 7, 64 Stat. 411.)

§ 167g. Prosecution and punishment of offenses in Library buildings and grounds

Whoever violates any provision of sections 167a to 167e of this title, or of any regulation prescribed under section 167f of this title, commits a Class B misdemeanor, prosecution for such offenses to be had in the Superior Court of the District of Columbia upon information by the United States attorney or any of his assistants: *Provided*, That in any case where, in the commission of any such offense, public property is damaged in an amount exceeding $100, the person commits a Class D felony.

(Aug. 4, 1950, ch. 561, § 8, 64 Stat. 412; Pub. L. 88–60, § 1, July 8, 1963, 77 Stat. 77; Pub. L. 91–358, § 111, July 29, 1970, 84 Stat. 473; Pub. L. 101–562, § 3, Nov. 15, 1990, 104 Stat. 2781.)

AMENDMENTS

1990—Pub. L. 101–562 substituted ''commits a Class B misdemeanor'' for ''shall be fined not more than $100 or imprisoned not more than sixty days, or both'' and ''the person commits a Class D felony'' for ''the period of imprisonment for the offense may not be more than five years''.

CHANGE OF NAME

''District of Columbia Court of General Sessions'' substituted in text for ''Municipal Court for the District of Columbia'' pursuant to act Apr. 1, 1942, ch. 207, §§ 1, 4, 56 Stat. 190, 192, which consolidated into a single court powers and functions of Police Court of District of Columbia and Municipal Court of District of Columbia, and Pub. L. 87–873, § 1, Oct. 23, 1962, 76 Stat. 1171 and Pub. L. 88–60, § 1, July 8, 1963, 77 Stat. 77, which both redesignated the ''Municipal Court for the District of Columbia'' as the ''District of Columbia Court of General Sessions''.

''District of Columbia Court of General Sessions'' changed to ''Superior Court of the District of Columbia'' pursuant to Pub. L. 91–358, which provided that such change is effective the first day of the seventh calendar month which begins after July 29, 1970.

§ 167h. Jurisdiction of police within Library buildings, grounds, and adjacent streets

The police provided for in section 167 of this title shall have the power, within the Library of Congress buildings and grounds and adjacent streets, to enforce and make arrests for violations of any provision of sections 167a to 167e of this title, of any regulation prescribed under section 167f of this title, or of any law of the United States, any law of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the Library of Congress buildings and grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Librarian of Congress or his assistants, to enter the Library of Congress buildings to make arrests in response to complaints or to serve warrants or to patrol the Library of Congress buildings or grounds.

(Aug. 4, 1950, ch. 561, § 9, 64 Stat. 412; Pub. L. 93–198, title VII, § 739(g)(9), Dec. 24, 1973, 87 Stat. 829; Pub. L. 100–135, § 1(b)(1), Oct. 16, 1987, 101 Stat. 811.)

AMENDMENTS

1987—Pub. L. 100–135 substituted ''The police'' for ''The special police''.

1973—Pub. L. 93–198 inserted reference to violations of any law of the District of Columbia.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–135 applicable with respect to pay periods beginning after Sept. 30, 1987, except that any pay increase for employees of Library of Congress, pursuant to such amendment, to be subject to appropriation and to be implemented in four approximately equal annual increments, so that pay parity with Capitol Police occurs beginning with first pay period beginning after Sept. 30, 1990, see section 3 of Pub. L. 100–135, set out as a note under section 167 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771(d) of Pub. L. 93–198 provided that the amendment made by Pub. L. 93–198 is effective Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in

[1] So in original. Probably should be ''architectural''.

the charter referendum accept the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

§ 167i. Suspension of prohibitions against use of Library buildings and grounds

In order to permit the observance of authorized ceremonies within the Library of Congress buildings and grounds, the Librarian of Congress may suspend for such occasions so much of the prohibitions contained in sections 167a to 167e of this title as may be necessary for the occasion, but only if responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of the Librarian, for the maintenance of suitable order and decorum in the proceedings, and for the protection of the Library buildings and grounds and of persons and property therein.

(Aug. 4, 1950, ch. 561, § 10, 64 Stat. 412.)

§ 167j. Area comprising Library of Congress grounds; "buildings and grounds" defined

(a) For the purposes of sections 167 to 167j of this title the Library of Congress grounds shall be held to extend to the line of the face of the east curb of First Street Southeast, between B Street Southeast and East Capitol Street; to the line of the face of the south curb of East Capitol Street, between First Street Southeast and Second Street Southeast; to the line of the face of the west curb of Second Street Southeast, between East Capitol Street and B Street Southeast; to the line of the face of the north curb of B Street Southeast, between First Street Southeast and Second Street Southeast; and to the line of the face of the east curb of Second Street Southeast, between Pennsylvania Avenue Southeast and the north side of the alley separating the Library Annex Building and the Folger Shakespeare Library; to the line of the north side of the same alley, between Second Street Southeast and Third Street Southeast; to the line of the face of the west curb of Third Street Southeast, between the north side of the same alley and B Street Southeast; to the line of the face of the north curb of B Street Southeast, between Third Street Southeast and Pennsylvania Avenue Southeast; to the line of the face of the northeast curb of Pennsylvania Avenue Southeast, between B Street Southeast and Second Street Southeast.

(b) For the purposes of sections 167 to 167j of this title, the term ''Library of Congress buildings and grounds'' shall include (1) the whole or any part of any building or structure which is occupied under lease or otherwise by the Library of Congress and is subject to supervision and control by the Librarian of Congress, (2) the land upon which there is situated any building or structure which is occupied wholly by the Library of Congress, and (3) any subway or enclosed passageway connecting two or more buildings or structures occupied in whole or in part by the Library of Congress.

(c) For the purpose of sections 167 to 167j of this title, the term ''Library of Congress buildings and grounds'' shall include (1) all real property in lot 51 in square 869 in the District of Columbia, as that lot appears on the records in the office of the Surveyor of the District of Columbia on August 1, 1990, extending to the outer face of the curbs of the square in which it is located and including all alleys or parts of alleys and streets within the lot lines and curb lines surrounding such real property, and (2) improvements to such real property.

(d) For the purposes of sections 167 to 167j of this title, the term ''Library of Congress buildings and grounds'' shall include the following property:

(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucile Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.

(2) Improvements to such real property.

(Aug. 4, 1950, ch. 561, § 11, 64 Stat. 412; Pub. L. 91–281, June 17, 1970, 84 Stat. 309; Pub. L. 101–520, title II, § 205(d), Nov. 5, 1990, 104 Stat. 2272; Pub. L. 101–562, § 2(c), Nov. 15, 1990, 104 Stat. 2780; Pub. L. 105–144, § 2, Dec. 15, 1997, 111 Stat. 2667; Pub. L. 108–83, title I, § 1203(b), Sept. 30, 2003, 117 Stat. 1031.)

AMENDMENTS

2003—Subsec. (d)(1). Pub. L. 108–83 added par. (1) and struck out former par. (1) which read as follows: ''Three parcels totaling approximately 41 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51–80B, 51–80C, and 51–80D, further described as real estate (consisting of 15.949 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated October 1, 1964, and recorded October 7, 1964, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 177, page 431; and real estate (consisting of 20.498 acres and consisting of 4.502 acres) conveyed to Federal Reserve Bank of Richmond by deed from Russell H. Inskeep and Jean H. Inskeep, his wife, dated November 11, 1974, and recorded November 12, 1974, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 247, page 246.''

1997—Subsec. (d). Pub. L. 105–144 added subsec. (d).

1990—Subsec. (c). Pub. L. 101–520 and Pub. L. 101–562 made substantively identical amendments, adding subsec. (c).

1970—Pub. L. 91–281 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–144 effective upon acquisition by Architect of the Capitol of property described in section 1 of Pub. L. 105–144, see section 5 of Pub. L. 105–144, set out as an Acquisition of Real Property for Library of Congress note under section 141 of this title.

EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by Pub. L. 101–520 and Pub. L. 101–562 effective on date [Nov. 6, 1991] Architect of the Capitol acquires the property and improvements described in

Pub. L. 101–520, § 205(a), and Pub. L. 101–562, § 1, see section 205(e) of Pub. L. 101–520 and former section 2(d) of Pub. L. 101–562, set out as a Special Facilities Center; Acquisition note under section 141 of this title.

§ 168. Constitution of the United States; preparation and publication of revised edition; annotations; supplements; decennial editions and supplements

The Librarian of Congress shall have prepared—

(1) a hardbound revised edition of the Constitution of the United States of America—Analysis and Interpretation, published as Senate Document Numbered 39, Eighty-eighth Congress (referred to hereinafter as the ''Constitution Annotated''), which shall contain annotations of decisions of the Supreme Court of the United States through the end of the October 1971 term of the Supreme Court, construing provisions of the Constitution;

(2) upon the completion of each of the October 1973, October 1975, October 1977, and October 1979 terms of the Supreme Court, a cumulative pocket-part supplement to the hardbound revised edition of the Constitution Annotated prepared pursuant to clause (1), which shall contain cumulative annotations of all such decisions rendered by the Supreme Court after the end of the October 1971 term;

(3) upon the completion of the October 1981 term of the Supreme Court, and upon the completion of each tenth October term of the Supreme Court thereafter, a hardbound decennial revised edition of the Constitution Annotated, which shall contain annotations of all decisions theretofore rendered by the Supreme Court construing provisions of the Constitution; and

(4) upon the completion of the October 1983 term of the Supreme Court, and upon the completion of each subsequent October term of the Supreme Court beginning in an odd-numbered year (the final digit of which is not a 1), a cumulative pocket-part supplement to the most recent hardbound decennial revised edition of the Constitution Annotated, which shall contain cumulative annotations of all such decisions rendered by the Supreme Court which were not included in that hardbound decennial revised edition of the Constitution Annotated.

(Pub. L. 91–589, § 1, Dec. 24, 1970, 84 Stat. 1586.)

§ 168a. Printing of Constitution Annotated as Senate documents

All hardbound revised editions and all cumulative pocket-part supplements shall be printed as Senate documents.

(Pub. L. 91–589, § 2, Dec. 24, 1970, 84 Stat. 1586.)

§ 168b. Printing and distribution of additional copies of Constitution Annotated

There shall be printed four thousand eight hundred and seventy additional copies of the hardbound revised editions prepared pursuant to clause (1) of section 168 of this title and of all cumulative pocket-part supplements thereto, of which two thousand six hundred and thirty-four copies shall be for the use of the House of Representatives, one thousand two hundred and thirty-six copies shall be for the use of the Senate, and one thousand copies shall be for the use of the Joint Committee on Printing. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, newly elected subsequent to the issuance of the hardbound revised edition prepared pursuant to such clause and prior to the first hardbound decennial revised edition, who did not receive a copy of the edition prepared pursuant to such clause, shall, upon timely request, receive one copy of such edition and the then current cumulative pocket-part supplement and any further supplements thereto. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, no longer serving after the issuance of the hardbound revised edition prepared pursuant to such clause and who received such edition, may receive one copy of each cumulative pocket-part supplement thereto upon timely request.

(Pub. L. 91–589, § 3, Dec. 24, 1970, 84 Stat. 1586.)

§ 168c. Printing and distribution of decennial editions and supplements to Constitution Annotated

Additional copies of each hardbound decennial revised edition and of the cumulative pocket-part supplements thereto shall be printed and distributed in accordance with the provisions of any concurrent resolution hereafter adopted with respect thereto.

(Pub. L. 91–589, § 4, Dec. 24, 1970, 84 Stat. 1587.)

§ 168d. Authorization of appropriations for Constitution Annotated

There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of sections 168 to 168d of this title.

(Pub. L. 91–589, § 5, Dec. 24, 1970, 84 Stat. 1587.)

§ 169. Positions in Library of Congress exempt from citizenship requirement

From and after October 1, 1983, not to exceed fifteen positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

(Pub. L. 98–51, title II, § 202, July 14, 1983, 97 Stat. 276.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Oct. 2, 1982, Pub. L. 97–276, § 101(e) [S. 2939, title II, § 202], 96 Stat. 1189.

Oct. 1, 1981, Pub. L. 97–51, § 101(c) [H.R. 4120, title II, § 202], 95 Stat. 959.

Dec. 16, 1980, Pub. L. 96–536, § 101(c) [H.R. 7593, title II, § 202], 94 Stat. 3167.

Oct. 12, 1979, Pub. L. 96–86, § 101(c) [H.R. 4390, title II, § 202], 93 Stat. 657.
Sept. 30, 1978, Pub. L. 95–391, title II, § 202, 92 Stat. 785.
Aug. 5, 1977, Pub. L. 95–94, title II, § 202, 91 Stat. 677.
Oct. 1, 1976, Pub. L. 94–440, title VIII, § 802, 90 Stat. 1457.
July 25, 1975, Pub. L. 94–59, title VII, § 702, 89 Stat. 294.
Aug. 13, 1974, Pub. L. 93–371, 88 Stat. 441.
Nov. 1, 1973, Pub. L. 93–145, 87 Stat. 547.
July 10, 1972, Pub. L. 92–342, 86 Stat. 446.
July 9, 1971, Pub. L. 92–51, 85 Stat. 141.
Aug. 18, 1970, Pub. L. 91–382, 84 Stat. 823.
Dec. 12, 1969, Pub. L. 91–145, 83 Stat. 357.
July 23, 1968, Pub. L. 90–417, 82 Stat. 411.
July 28, 1967, Pub. L. 90–57, 81 Stat. 140.
Aug. 27, 1966, Pub. L. 89–545, 80 Stat. 368.
July 27, 1965, Pub. L. 89–90, 79 Stat. 280.
Aug. 20, 1964, Pub. L. 88–454, 78 Stat. 548.
Dec. 30, 1963, Pub. L. 88–248, 77 Stat. 816.
Oct. 2, 1962, Pub. L. 87–730, 76 Stat. 692.
Aug. 10, 1961, Pub. L. 87–130, 75 Stat. 333.
July 12, 1960, Pub. L. 86–628, 74 Stat. 459.
Aug. 21, 1959, Pub. L. 86–176, 73 Stat. 411.
July 31, 1958, Pub. L. 85–570, 72 Stat. 452.
July 1, 1957, Pub. L. 85–75, 71 Stat. 255.
June 27, 1956, ch. 453, 70 Stat. 368.
Aug. 5, 1955, ch. 568, 69 Stat. 518.
July 2, 1954, ch. 455, 68 Stat. 408.
Aug. 1, 1953, ch. 304, 67 Stat. 330.
July 9, 1952, ch. 598, 66 Stat. 476.
Oct. 11, 1951, ch. 485, 65 Stat. 400.
Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 606.
June 22, 1949, ch. 235, 63 Stat. 228.
June 14, 1948, ch. 467, 62 Stat. 434.
July 17, 1947, ch. 262, 61 Stat. 374.
July 1, 1946, ch. 530, 60 Stat. 405.
June 13, 1945, ch. 189, 59 Stat. 256.
June 26, 1944, ch. 277, 58 Stat. 351.
June 28, 1943, ch. 173, 57 Stat. 236.

§ 170. American Television and Radio Archives

(a) Establishment and maintenance in Library of Congress; purpose; determination of composition, cataloging, indexing and availability by Librarian

The Librarian of Congress (hereinafter referred to as the ''Librarian'') shall establish and maintain in the Library of Congress a library to be known as the American Television and Radio Archives (hereinafter referred to as the ''Archives''). The purpose of the Archives shall be to preserve a permanent record of the television and radio programs which are the heritage of the people of the United States and to provide access to such programs to historians and scholars without encouraging or causing copyright infringement.

(1) The Librarian, after consultation with interested organizations and individuals, shall determine and place in the Archives such copies and phonorecords of television and radio programs transmitted to the public in the United States and in other countries which are of present or potential public or cultural interest, historical significance, cognitive value, or otherwise worthy of preservation, including copies and phonorecords of published and unpublished transmission programs—

(A) acquired in accordance with sections 407 and 408 of title 17; and

(B) transferred from the existing collections of the Library of Congress; and

(C) given to or exchanged with the Archives by other libraries, archives, organizations, and individuals; and

(D) purchased from the owner thereof.

(2) The Librarian shall maintain and publish appropriate catalogs and indexes of the collections of the Archives, and shall make such collections available for study and research under the conditions prescribed under this section.

(b) Reproduction, compilation, and distribution for research of regularly scheduled newscasts or on-the-spot coverage of news events by Librarian; promulgation of regulations

Notwithstanding the provisions of section 106 of title 17, the Librarian is authorized with respect to a transmission program which consists of a regularly scheduled newscast or on-the-spot coverage of news events and, under standards and conditions that the Librarian shall prescribe by regulation—

(1) to reproduce a fixation of such a program, in the same or another tangible form, for the purposes of preservation or security or for distribution under the conditions of clause (3) of this subsection;

(2) to compile, without abridgment or any other editing, portions of such fixations according to subject matter, and to reproduce such compilations for the purpose of clause (1) of this subsection; and

(3) to distribute a reproduction made under clause (1) or (2) of this subsection—

(A) by loan to a person engaged in research; and

(B) for deposit in a library or archives which meets the requirements of section 108(a) of title 17,

in either case for use only in research and not for further reproduction or performance.

(c) Liability for copyright infringement by Librarian or any employee of Librarian

The Librarian or any employee of the Library who is acting under the authority of this section shall not be liable in any action for copyright infringement committed by any other person unless the Librarian or such employee knowingly participated in the act of infringement committed by such person. Nothing in this section shall be construed to excuse or limit liability under title 17 for any act not authorized by that title or this section, or for any act performed by a person not authorized to act under that title or this section.

(d) Short title

This section may be cited as the ''American Television and Radio Archives Act''.

(Pub. L. 94–553, title I, § 113, Oct. 19, 1976, 90 Stat. 2601.)

EFFECTIVE DATE

Section effective Jan. 1, 1978, see section 102 of Pub. L. 94–553, set out as a note preceding section 101 of Title 17, Copyrights.

§ 171. Congressional declaration of findings and purpose as to Center for the Book

The Congress hereby finds and declares—

(1) that the Congress of the United States on April 24, 1800, established for itself a library of the Congress;

(2) that in 1815, the Congress purchased the personal library of the third President of the

United States which contained materials on every science known to man and described such a collection as a ''substratum of a great national library'';

(3) that the Congress of the United States in recognition of the importance of printing and its impact on America purchased the Gutenberg Bible in 1930 for the Nation for placement in the Library of Congress;

(4) that the Congress of the United States has through statute and appropriations made this library accessible to any member of the public;

(5) that this collection of books and other library materials has now become one of the greatest libraries in civilization;

(6) that the book and the printed word have had the most profound influence on American civilization and learning and have been the very foundation on which our democratic principles have survived through our two hundred-year history;

(7) that in the year 1977, the Congress of the United States assembled hereby declares its reaffirmation of the importance of the printed word and the book and recognizes the importance of a Center for the Book to the continued study and development of written record as central to our understanding of ourselves and our world.

It is therefore the purpose of sections 171 to 175 of this title to establish a Center for the Book in the Library of Congress to provide a program for the investigation of the transmission of human knowledge and to heighten public interest in the role of books and printing in the diffusion of this knowledge.

(Pub. L. 95–129, § 1, Oct. 13, 1977, 91 Stat. 1151.)

§ 172. Definitions

As used in sections 171 to 175 of this title—

(1) the term Center means the Center for the Book;

(2) the term Librarian means the Librarian of Congress.

(Pub. L. 95–129, § 2, Oct. 13, 1977, 91 Stat. 1151.)

§ 173. Establishment of Center for the Book

There is hereby established in the Library of Congress a Center for the Book.

The Center shall be under the direction of the Librarian of Congress.

(Pub. L. 95–129, § 3, Oct. 13, 1977, 91 Stat. 1151.)

§ 174. Function of Center for the Book

The Librarian through the Center shall stimulate public interest and research in the role of the book in the diffusion of knowledge through such activities as a visiting scholar program accompanied by lectures, exhibits, publications, and any other related activities.

(Pub. L. 95–129, § 4, Oct. 13, 1977, 91 Stat. 1152.)

§ 175. Administrative provisions

The Librarian of Congress, in carrying out the Center's functions, is authorized to—

(1) prescribe such regulations as he deems necessary;

(2) receive money and other property donated, bequeathed, or devised for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purposes of carrying out the Center's functions, without reference to Federal disposal statutes; and

(3) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5.

(Pub. L. 95–129, § 5, Oct. 13, 1977, 91 Stat. 1152.)

§ 176. Mass Book Deacidification Facility; operation by Librarian of Congress

Notwithstanding any other provision of law, the Librarian of Congress shall equip, furnish, operate, and maintain the Library of Congress Mass Book Deacidification Facility.

(Pub. L. 98–427, § 2, Sept. 28, 1984, 98 Stat. 1656.)

AUTHORIZATION TO CONSTRUCT FACILITY

Section 1 of Pub. L. 98–427 provided: ''That the Librarian of Congress is authorized and directed, subject to the supervision and construction authority of a Federal civilian or military agency, to construct the Library of Congress Mass Book Deacidification Facility in accordance with the general design developed by the Library of Congress and reviewed by the Architect of the Capitol, as set forth in the document entitled 'Library of Congress Mass Book Deacidification Facility, Engineering, Design, and Cost Estimate and Drawings', dated December 1983. Such facility shall be constructed on Federal property within seventy-five miles of the United States Capitol Building.''

AUTHORIZATION OF APPROPRIATION

Section 3 of Pub. L. 98–427 provided that: ''There are authorized to be appropriated for fiscal years beginning after September 30, 1983, sums not to exceed $11,500,000 to carry out the provisions of this Act [enacting this section and a provision set out as a note under this section].''

§ 177. Poet Laureate Consultant in Poetry

(a) Recognition

The Congress recognizes that the Consultant in Poetry to the Library of Congress has for some time occupied a position of prominence in the life of the Nation, has spoken effectively for literary causes, and has occasionally performed duties and functions sometimes associated with the position of poet laureate in other nations and societies. Individuals are appointed to the position of Consultant in Poetry by the Librarian of Congress for one- or two-year terms solely on the basis of literary merit, and are compensated from endowment funds administered by the Library of Congress Trust Fund Board. The Congress further recognizes this position is equivalent to that of Poet Laureate of the United States.

(b) Position established

(1) There is established in the Library of Congress the position of Poet Laureate Consultant in Poetry. The Poet Laureate Consultant in Poetry shall be appointed by the Librarian of Congress pursuant to the same procedures of appointment as established on December 20, 1985, for the Consultant in Poetry to the Library of Congress.

(2) Each department and office of the Federal Government is encouraged to make use of the services of the Poet Laureate Consultant in Poetry for ceremonial and other occasions of celebration under such procedures as the Librarian of Congress shall approve designed to assure that participation under this paragraph does not impair the continuation of the work of the individual chosen to fill the position of Poet Laureate Consultant in Poetry.

(c) Poetry program

(1) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, shall annually sponsor a program at which the Poet Laureate Consultant in Poetry will present a major work or the work of other distinguished poets.

(2) There are authorized to be appropriated to the National Endowment for the Arts $10,000 for the fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990, for the purpose of carrying out this subsection.

(Pub. L. 99–194, title VI, § 601, Dec. 20, 1985, 99 Stat. 1347.)

§§ 178 to 178*l*. Repealed. Pub. L. 102–307, title II, § 214, June 26, 1992, 106 Stat. 272

Section 178, Pub. L. 100–446, title I, § 1, Sept. 27, 1988, 102 Stat. 1782, related to Congressional findings on national film preservation.

Section 178a, Pub. L. 100–446, title I, § 2, Sept. 27, 1988, 102 Stat. 1782, related to establishment of a National Film Registry.

Section 178b, Pub. L. 100–446, title I, § 3, Sept. 27, 1988, 102 Stat. 1782, related to the duties of Librarian of Congress with respect to the National Film Registry.

Section 178c, Pub. L. 100–446, title I, § 4, Sept. 27, 1988, 102 Stat. 1784, related to film labeling requirements.

Section 178d, Pub. L. 100–446, title I, § 5, Sept. 27, 1988, 102 Stat. 1785, related to misuse of National Film Registry seal.

Section 178e, Pub. L. 100–446, title I, § 6, Sept. 27, 1988, 102 Stat. 1785, related to remedies for film labeling violations or for misusing the National Film Registry seal.

Section 178f, Pub. L. 100–446, title I, § 7, Sept. 27, 1988, 102 Stat. 1785, related to exclusivity of remedies provided in former section 178e of this title.

Section 178g, Pub. L. 100–446, title I, § 8, Sept. 27, 1988, 102 Stat. 1785; Pub. L. 102–378, § 5(c), Oct. 2, 1992, 106 Stat. 1358, related to establishment of National Film Preservation Board.

Section 178h, Pub. L. 100–446, title I, § 9, Sept. 27, 1988, 102 Stat. 1787, related to staff of National Film Registry Board and authority of Board to procure services of experts and consultants.

Section 178i, Pub. L. 100–446, title I, § 10, Sept. 27, 1988, 102 Stat. 1787, related to powers of National Film Registry Board.

Section 178j, Pub. L. 100–446, title I, § 11, Sept. 27, 1988, 102 Stat. 1787, contained definitions.

Section 178k, Pub. L. 100–446, title I, § 12, Sept. 27, 1988, 102 Stat. 1788, authorized appropriations.

Section 178*l*, Pub. L. 100–446, title I, § 13, Sept. 27, 1988, 102 Stat. 1788, provided effective date, sunset, and savings provisions for former sections 178 to 178*l* of this title.

For similar provisions, see section 179*l* et seq. of this title.

SHORT TITLE

Pub. L. 100–446, title I, § 1, Sept. 27, 1988, 102 Stat. 1782, which provided that sections 178 to 178*l* of this title were to be cited as the ''National Film Preservation Act of 1988'' was repealed by Pub. L. 102–307, title III, § 214, June 26, 1992, 106 Stat. 272.

§§ 179 to 179k. Repealed. Pub. L. 104–285, title I, § 114, Oct. 11, 1996, 110 Stat. 3382

Section 179, Pub. L. 102–307, title II, § 202, June 26, 1992, 106 Stat. 267, required Librarian of Congress to establish National Film Registry for purpose of maintaining and preserving culturally, historically, or aesthetically significant films.

Section 179a, Pub. L. 102–307, title II, § 203, June 26, 1992, 106 Stat. 267, required Librarian of Congress to conduct study of film preservation, to establish film preservation program and guidelines and procedures for inclusion of films in National Film Registry, and to report to Congress on films selected and activities undertaken.

Section 179b, Pub. L. 102–307, title II, § 204, June 26, 1992, 106 Stat. 268, related to establishment of National Film Preservation Board and provided for number and appointment of members, chairperson, term of office, quorum, basic pay, meetings, and conflict of interest.

Section 179c, Pub. L. 102–307, title II, § 205, June 26, 1992, 106 Stat. 270, related to responsibilities and powers of Board, including consultation with Librarian with respect to inclusion of films in Registry, consideration of films nominated for inclusion in Registry, and general powers.

Section 179d, Pub. L. 102–307, title II, § 206, June 26, 1992, 106 Stat. 270, related to National Film Registry Collection of Library of Congress, including provisions relating to acquisition of archival quality copies and additional materials, ownership of copies and additional materials by United States, and maintenance of and access to Collection.

Section 179e, Pub. L. 102–307, title II, § 207, June 26, 1992, 106 Stat. 271, related to seal of National Film Registry.

Section 179f, Pub. L. 102–307, title II, § 208, June 26, 1992, 106 Stat. 271, provided that district courts of United States were to have jurisdiction to prevent and restrain unlawful use of seal.

Section 179g, Pub. L. 102–307, title II, § 209, June 26, 1992, 106 Stat. 271, provided that remedies provided in section 179f were to be exclusive.

Section 179h, Pub. L. 102–307, title II, § 210, June 26, 1992, 106 Stat. 271, authorized Librarian to appoint and fix pay of staff and to procure services of experts and consultants.

Section 179i, Pub. L. 102–307, title II, § 211, June 26, 1992, 106 Stat. 271, defined terms for purpose of sections 179 to 179k of this title.

Section 179j, Pub. L. 102–307, title II, § 212, June 26, 1992, 106 Stat. 272, authorized to be appropriated to Librarian necessary sums to carry out sections 179 to 179k of this title.

Section 179k, Pub. L. 102–307, title II, § 213, June 26, 1992, 106 Stat. 272, provided that sections 179 to 179k of this title were effective for 4 years beginning June 26, 1992, and applicable to any copy of any film, including copies of films selected for inclusion in National Film Registry under National Film Preservation Act of 1988.

For similar provisions, see section 179*l* et seq. of this title.

SHORT TITLE

Pub. L. 102–307, title II, § 201, June 26, 1992, 106 Stat. 267, which provided that title II of Pub. L. 102–307, which enacted sections 179 to 179k of this title and repealed sections 178 to 178*l* of this title and provisions set out as a note under section 178 of this title, was to be cited as the ''National Film Preservation Act of 1992'', was repealed by Pub. L. 104–285, title I, § 114, Oct. 11, 1996, 110 Stat. 3382.

§ 179*l*. National Film Registry of Library of Congress

The Librarian of Congress (hereafter in sections 179*l* to 179w of this title referred to as the

''Librarian'') shall continue the National Film Registry established and maintained under the National Film Preservation Act of 1988 (Public Law 100–446), and the National Film Preservation Act of 1992 (Public Law 102–307) pursuant to the provisions of sections 179*l* to 179w of this title, for the purpose of maintaining and preserving films that are culturally, historically, or aesthetically significant.

(Pub. L. 104–285, title I, § 102, Oct. 11, 1996, 110 Stat. 3377.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

REFERENCES IN TEXT

Sections 179*l* to 179w of the title, referred to in text, was in the original ''this Act'' the first place appearing and ''this title'' the second place appearing, both of which were translated as meaning title I of Pub. L. 104–285, Oct. 11, 1996, 110 Stat. 3377, which is classified principally to sections 179*l* to 179w of this title. For complete classification of title I to the Code, see Short Title note below and Tables.

The National Film Preservation Act of 1988, referred to in text, is Pub. L. 100–446, title I, §§ 1–13, Sept. 27, 1988, 102 Stat. 1782–1788, which was classified to sections 178 to 178*l* of this title and was repealed by Pub. L. 102–307, title II, § 214, June 26, 1992, 106 Stat. 272.

The National Film Preservation Act of 1992, referred to in text, is title II of Pub. L. 102–307, June 26, 1992, 106 Stat. 267, which was classified principally to sections 179 to 179k of this title and was repealed by Pub. L. 104–285, title I, § 114, Oct. 11, 1996, 110 Stat. 3382.

PRIOR PROVISIONS

Prior provisions similar to sections 179*l* to 179w of this title were contained in former section 179 et seq. of this title.

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109–9, title III, § 301, Apr. 27, 2005, 119 Stat. 224, provided that: ''This subtitle [subtitle A (§§ 301, 302) of title III of Pub. L. 109–9, amending sections 179m, 179n, 179p, 179q, and 179w of this title] may be cited as the 'National Film Preservation Act of 2005'.''

SHORT TITLE

Section 101 of title I of Pub. L. 104–285 provided that: ''This title [enacting this section and sections 179m to 179w of this title and repealing sections 179 to 179k of this title and provisions set out as a note under section 179 of this title] may be cited as the 'National Film Preservation Act of 1996'.''

§ 179m. Duties of Librarian of Congress

(a) Powers

(1) In general

The Librarian shall, after consultation with the Board established pursuant to section 179n of this title—

(A) continue the implementation of the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, in conjunction with other film archivists, educators and historians, copyright owners, film industry representatives, and others involved in activities related to film preservation, taking into account the objectives of the national film preservation study and the comprehensive national plan conducted under the National Film Preservation Act of 1992. This program shall—

(i) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(ii) generate public awareness of and support for these activities;

(iii) increase accessibility of films for educational purposes; and

(iv) undertake studies and investigations of film preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices;

(B) establish criteria and procedures under which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication;

(C) establish procedures under which the general public may make recommendations to the Board regarding the inclusion of films in the National Film Registry; and

(D) determine which films satisfy the criteria established under subparagraph (B) and qualify for inclusion in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in the Registry.

(2) Publication of films in Registry

The Librarian shall publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3) Seal

The Librarian shall provide a seal to indicate that a film has been included in the National Film Registry and is the Registry version of that film. The Librarian shall establish guidelines for approval of the use of the seal in accordance with subsection (b) of this section.

(b) Use of seal

The seal provided under subsection (a)(3) of this section may only be used on film or other approved copies of the Registry version of a film. Such seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines under subsection (a)(3) of this section. In the case of copyrighted, mass distributed, broadcast, or published works, only the copyright owner or an authorized licensee of the copyright owner may place or authorize the placement of the seal on any film or other approved copy of a Registry version of a film selected for inclusion in the National Film Registry, and the Librarian may place the seal on any film or other approved copy of the Registry version of any film that is maintained in the National Film Registry Collection in the Library of Congress. Anyone authorized to place the seal on any film or other approved copy of any Registry version of a film may accompany such seal with the following language: ''This film was selected for inclusion in the National Film Registry by the National Film Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance.''.

(c) Coordination of program with other collection, preservation, and accessibility activities

In carrying out the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, the Librarian, in consultation with the Board established pursuant to section 179n of this title, shall—

(1) carry out activities to make films included in the National Film registry more broadly accessible for research and educational purposes, and to generate public awareness and support of the Registry and the comprehensive national film preservation program;

(2) review the comprehensive national film preservation plan, and amend it to the extent necessary to ensure that it addresses technological advances in the preservation and storage of, and access to film collections in multiple formats; and

(3) wherever possible, undertake expanded initiatives to ensure the preservation of the moving image heritage of the United States, including film, videotape, television, and born digital moving image formats, by supporting the work of the National Audio-Visual Conservation Center of the Library of Congress, and other appropriate nonprofit archival and preservation organizations.

(Pub. L. 104–285, title I, § 103, Oct. 11, 1996, 110 Stat. 3377; Pub. L. 109–9, title III, § 302(a), Apr. 27, 2005, 119 Stat. 224.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

REFERENCES IN TEXT

The National Film Preservation Act of 1992, referred to in subsecs. (a)(1)(A) and (c), is title II of Pub. L. 102–307, June 26, 1992, 106 Stat. 267, which was classified principally to sections 179 to 179k of this title and was repealed by Pub. L. 104–285, title I, § 114, Oct. 11, 1996, 110 Stat. 3382.

AMENDMENTS

2005—Subsec. (b). Pub. L. 109–9, § 302(a)(1), substituted ''film or other approved copies'' for ''film copies'' and ''copyrighted, mass distributed, broadcast, or published'' for ''copyrighted'' and substituted ''film or other approved copy'' for ''film copy'' wherever appearing.

Subsec. (c). Pub. L. 109–9, § 302(a)(2), added subsec. (c).

§ 179n. National Film Preservation Board

(a) Number and appointment

(1) Members

The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of 22 members, who shall be selected by the Librarian in accordance with this section. Subject to subparagraphs (C) and (N), the Librarian shall request each organization listed in subparagraphs (A) through (Q) to submit a list of three candidates qualified to serve as a member of the Board. Except for the members-at-large appointed under subparagraph[1] (2), the Librarian shall appoint one member from each such list submitted by such organizations, and shall designate from that list an alternate who may attend at Board expense those meetings to which the individual appointed to the Board cannot attend. The organizations are the following:

(A) The Academy of Motion Picture Arts and Sciences.

(B) The Directors Guild of America.

(C) The Writers Guild of America. The Writers Guild of America East and the Writers Guild of America West shall each nominate three candidates, and a representative from one organization shall be selected as the member and a representative from the other organization as the alternate.

(D) The National Society of Film Critics.

(E) The Society for Cinema Studies.

(F) The American Film Institute.

(G) The Department of Film and Television of the School of Theater, Film and Television at the University of California, Los Angeles.

(H) The Department of Film and Television of the Tisch School of the Arts at New York University.

(I) The University Film and Video Association.

(J) The Motion Picture Association of America.

(K) The Alliance of Motion Picture and Television Producers.

(L) The Screen Actors Guild of America.

(M) The National Association of Theater Owners.

(N) The American Society of Cinematographers and the International Photographers Guild, which shall jointly submit one list of three candidates from which a member and alternate will be selected.

(O) The United States Members of the International Federation of Film Archives.

(P) The Association of Moving Image Archivists.

(Q) The Society of Composers and Lyricists.

(2) Members-at-large

In addition to the members appointed under paragraph (1), the Librarian shall appoint up to 5 members-at-large. The Librarian shall also select an alternate for each member[2] at-large, who may attend at Board expense those meetings which the member[2] at-large cannot attend.

(b) Chair

The Librarian shall appoint one member of the Board to serve as Chair.

(c) Term of office

(1) Terms

The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) Removal of member or organization

The Librarian shall have the authority to remove any member of the Board, or the organi-

[1] So in original. Probably should be ''paragraph''.

[2] So in original. Probably should be followed by a hyphen.

zation listed in subsection (a) of this section such member represents, if the member, or organization, over any consecutive 2-year period, fails to attend at least one regularly scheduled Board meeting.

(3) Vacancies

A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a) of this section, except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

(d) Quorum

12 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) Reimbursement of expenses

Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(f) Meetings

The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(g) Conflict of interest

The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

(Pub. L. 104–285, title I, § 104, Oct. 11, 1996, 110 Stat. 3378; Pub. L. 109–9, title III, § 302(b), Apr. 27, 2005, 119 Stat. 225.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

AMENDMENTS

2005—Subsec. (a)(1). Pub. L. 109–9, § 302(b)(1), substituted ''22'' for ''20'' in introductory provisions.

Subsec. (a)(2). Pub. L. 109–9, § 302(b)(2), substituted ''5'' for ''three''.

Subsec. (d). Pub. L. 109–9, § 302(b)(3), substituted ''12'' for ''11''.

Subsec. (e). Pub. L. 109–9, § 302(b)(4), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: ''Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Board.''

§ 179*o*. Responsibilities and powers of Board

(a) In general

The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian, as provided in section 179m of this title, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

(b) Nomination of films

The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers, and other creative artists, producers, and film critics, archives and other film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

(c) Powers

(1) In general

The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(2) Service on Foundation

Two sitting members of the Board shall be appointed by the Librarian, and shall serve, as Board members of the National Film Preservation Foundation, in accordance with section 151703 of title 36.

(Pub. L. 104–285, title I, § 105, Oct. 11, 1996, 110 Stat. 3380.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

CODIFICATION

''Section 151703 of title 36'' substituted in subsec. (c)(2) for ''section 203'', meaning section 203 of the National Film Preservation Act of 1996, on authority of Pub. L. 105–225, § 5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

§ 179p. National Film Registry Collection of Library of Congress

(a) Acquisition of archival quality copies

The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials. Copyright owners and others possessing copies of such materials are strongly encouraged, to further the preservation purposes of this Act, to provide preprint and other archival elements to the Library of Congress.

(b) Additional materials

The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials.

(c) Property of United States

All copies of films on the National Film Registry that are received as gifts or bequests by the Librarian and other materials received by the Librarian under subsection (b) of this section, shall become the property of the United States Government, subject to the provisions of title 17.

(d) National Film Registry Collection

All copies of films on the National Film Registry that are received by the Librarian under subsection (a) of this section, and other materials received by the Librarian under subsection (b) of this section, shall be maintained in the Library of Congress and be known as the ''National Film Registry Collection of the Library of Congress''. The Librarian shall, by regulation, and in accordance with title 17, provide for reasonable access to the films and other materials in such collection for scholarly and research purposes.

(e) National Audio-Visual Conservation Center

The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

(1) title 17; and

(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.

(Pub. L. 104–285, title I, § 106, Oct. 11, 1996, 110 Stat. 3380; Pub. L. 109–9, title III, § 302(c), Apr. 27, 2005, 119 Stat. 225.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 104–285, Oct. 11, 1996, 110 Stat. 3377, which enacted this section and sections 179*l* to 179*o* and 179q to 179w of this title and sections 5701 to 5708 of former Title 36, Patriotic Societies and Observances, repealed sections 179 to 179k of this title, enacted provisions set out as a note under section 179*l* of this title, and repealed provisions set out as a note under section 179 of this title. Sections 5701 to 5708 of former Title 36 were repealed and reenacted as chapter 1517 (§ 151701 et seq.) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, by Pub. L. 105–225, § 5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2005—Subsec. (e). Pub. L. 109–9 added subsec. (e).

§ 179q. Seal of National Film Registry

(a) Use of seal

(1) Prohibition on distribution and exhibition

No person shall knowingly distribute or exhibit to the public a version of a film or any copy in any format of a film which bears the seal described in section 179m(a)(3) of this title if such film—

(A) is not included in the National Film Registry; or

(B) is included in the National Film Registry, but such film or film copy has not been approved for use of the seal by the Librarian pursuant to section 179m(a)(1)(D) of this title.

(2) Prohibition on promotion

No person shall knowingly use the seal described in section 179m(a)(3) of this title to promote any version of a film in any format other than a Registry version.

(b) Effective date of seal

The use of the seal described in section 179m(a)(3) of this title shall be effective for each film after the Librarian publishes in the Federal Register, in accordance with section 179m(a)(2) of this title, the name of that film as selected for inclusion in the National Film Registry.

(Pub. L. 104–285, title I, § 107, Oct. 11, 1996, 110 Stat. 3381; Pub. L. 109–9, title III, § 302(d), Apr. 27, 2005, 119 Stat. 225.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

AMENDMENTS

2005—Subsec. (a)(1). Pub. L. 109–9, § 302(d)(1), inserted ''in any format'' after ''or any copy'' in introductory provisions.

Subsec. (a)(2). Pub. L. 109–9, § 302(d)(2), substituted ''in any format'' for ''or film copy''.

§ 179r. Remedies

(a) Jurisdiction

The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 179q(a) of this title.

(b) Relief

(1) Removal of seal

Except as provided in paragraph (2), relief for violation of section 179q(a) of this title shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

(2) Fine and injunctive relief

In the case of a pattern or practice of the willful violation of section 179q(a) of this title, the United States district courts may order a civil fine of not more than $10,000 and appropriate injunctive relief.

(Pub. L. 104–285, title I, § 108, Oct. 11, 1996, 110 Stat. 3381.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

§ 179s. Limitations of remedies

The remedies provided in section 179r of this title shall be the exclusive remedies under sections 179*l* to 179w of this title, or any other Federal or State law, regarding the use of the seal described in section 179m(a)(3) of this title.

(Pub. L. 104–285, title I, § 109, Oct. 11, 1996, 110 Stat. 3381.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

§ 179t. Staff of Board; experts and consultants

(a) Staff

The Librarian may appoint and fix the pay of such personnel as the Librarian considers appro-

priate to carry out sections 179*l* to 179w of this title.

(b) Experts and consultants

The Librarian may, in carrying out sections 179*l* to 179w of this title, procure temporary and intermittent services under section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS–15 of the General Schedule. In no case may a member of the Board or an alternate be paid as an expert or consultant under this section.

(Pub. L. 104–285, title I, § 110, Oct. 11, 1996, 110 Stat. 3381.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

§ 179u. Definitions

As used in sections 179*l* to 179w of this title—

(1) the term ''Librarian'' means the Librarian of Congress;

(2) the term ''Board'' means the National Film Preservation Board;

(3) the term ''film'' means a ''motion picture'' as defined in section 101 of title 17, except that such term does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disk;

(4) the term ''publication'' means ''publication'' as defined in section 101 of title 17; and

(5) the term ''Registry version'' means, with respect to a film, the version of a film first published, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright owner can compile in those cases where the original material has been irretrievably lost.

(Pub. L. 104–285, title I, § 111, Oct. 11, 1996, 110 Stat. 3382.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

§ 179v. Authorization of appropriations

There are authorized to be appropriated to the Librarian such sums as may be necessary to carry out the purposes of sections 179*l* to 179w of this title, but in no fiscal year shall such sum exceed $250,000.

(Pub. L. 104–285, title I, § 112, Oct. 11, 1996, 110 Stat. 3382.)

TERMINATION OF SECTION

For termination of section, see section 179w of this title.

§ 179w. Effective date

The provisions of sections 179*l* to 179w of this title shall be effective for 13 years beginning on October 11, 1996. The provisions of sections 179*l* to 179w of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988 and the National Film Preservation Act of 1992, except that any film so selected under either Act shall be deemed to have been selected for the National Film Registry under sections 179*l* to 179w of this title.

(Pub. L. 104–285, title I, § 113, Oct. 11, 1996, 110 Stat. 3382; Pub. L. 109–9, title III, § 302(e), Apr. 27, 2005, 119 Stat. 226.)

REFERENCES IN TEXT

The National Film Preservation Act of 1988, referred to in text, is Pub. L. 100–446, title I, §§ 1–13, Sept. 27, 1988, 102 Stat. 1782–1788, which was classified to sections 178 to 178*l* of this title and was repealed by Pub. L. 102–307, title II, § 214, June 26, 1992, 106 Stat. 272.

The National Film Preservation Act of 1992, referred to in text, is title II of Pub. L. 102–307, June 26, 1992, 106 Stat. 267, which was classified principally to sections 179 to 179k of this title and was repealed by Pub. L. 104–285, title I, § 114, Oct. 11, 1996, 110 Stat. 3382.

AMENDMENTS

2005—Pub. L. 109–9 substituted ''13 years'' for ''7 years''.

EFFECTIVE DATE EXTENSION

Pub. L. 108–447, div. G, title I, § 1205(a), Dec. 8, 2004, 118 Stat. 3189, provided that: ''Notwithstanding the effective date under section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w), title I of that Act [enacting sections 179*l* to 179w of this title and repealing sections 179 to 179k of this title and provisions set out as a note under section 179 of this title] shall be considered to be effective through fiscal year 2005.''

§ 180. Legislative information retrieval system

(a) Purpose

The purpose of this section is to reduce the cost of information support for the Congress by eliminating duplication among systems which provide electronic access by Congress to legislative information.

(b) "Legislative information" defined

As used in this section, the term ''legislative information'' means information, prepared within the legislative branch, consisting of the text of publicly available bills, amendments, committee hearings, and committee reports, the text of the Congressional Record, data relating to bill status, data relating to legislative activity, and other similar public information that is directly related to the legislative process.

(c) Development of single system to serve entire Congress

Pursuant to the plan approved under subsection (d) of this section and consistent with the provisions of any other law, the Library of Congress or the entity designated by that plan shall develop and maintain, in coordination with other appropriate entities of the legislative branch, a single legislative information retrieval system to serve the entire Congress.

(d) Development and approval of plan

The Library shall develop a plan for creation of this system, taking into consideration the findings and recommendations of the study di-

rected by House Report No. 103–517 to identify and eliminate redundancies in congressional information systems. This plan must be approved by the Committee on Rules and Administration of the Senate, the Committee on House Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives. The Library shall provide these committees with regular status reports on the development of the plan.

(e) Availability of information to public

In formulating its plan, the Library shall examine issues regarding efficient ways to make this information available to the public. This analysis shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives as well as the Committee on Rules and Administration of the Senate, and the Committee on House Oversight of the House of Representatives for their consideration and possible action.

(Pub. L. 104–53, title II, § 209, Nov. 19, 1995, 109 Stat. 532.)

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 181. Program for exchange of information among legislative branch agencies

(a) On September 16, 1996, there shall be established a program for providing the widest possible exchange of information among legislative branch agencies with the long-range goal of improving information technology planning and evaluation. The Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate are requested to determine the structure and operation of this program and to provide appropriate oversight. All of the appropriate offices and agencies of the legislative branch as defined below shall participate in this program for information exchange, and shall report annually on the extent and nature of their participation in their budget submissions to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(b) As used in this section—

(1) the term ''offices and agencies of the legislative branch'' means, the office of the Clerk of the House, the office of the Secretary of the Senate, the office of the Architect of the Capitol, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Congressional Research Service, the Congressional Budget Office, the Chief Administrative Officer of the House of Representatives, and the Sergeant at Arms of the Senate; and

(2) the term ''technology'' refers to any form of computer hardware and software; computer-based systems, services, and support for the creation, processing, exchange, and delivery of information; and telecommunications systems, and the associated hardware and software, that provide for voice, data, or image communication.

(Pub. L. 104–197, title III, § 314, Sept. 16, 1996, 110 Stat. 2415; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 182. Cooperative Acquisitions Program Revolving Fund

(a) Establishment

Effective October 1, 1997, there is established in the Treasury of the United States a revolving fund to be known as the Cooperative Acquisitions Program Revolving Fund (in this section referred to as the ''revolving fund''). Moneys in the revolving fund shall be available to the Librarian of Congress, without fiscal year limitation, for financing the cooperative acquisitions program (in this section referred to as the ''program'') under which the Library acquires foreign publications and research materials on behalf of participating institutions on a cost-recovery basis. Obligations under the revolving fund are limited to amounts specified in the appropriations Act for that purpose for any fiscal year.

(b) Amounts deposited

The revolving fund shall consist of—

(1) any amounts appropriated by law for the purposes of the revolving fund;

(2) any amounts held by the Librarian as of October 1, 1997 or October 7, 1997, whichever is later, that were collected as payment for the Library's indirect costs of the program; and

(3) the difference between (A) the total value of the supplies, equipment, gift fund balances, and other assets of the program, and (B) the total value of the liabilities (including unfunded liabilities such as the value of accrued annual leave of employees) of the program.

(c) Credits to revolving fund

The revolving fund shall be credited with all advances and amounts received as payment for purchases under the program and services and supplies furnished to program participants, at rates estimated by the Librarian to be adequate to recover the full direct and indirect costs of the program to the Library over a reasonable period of time.

(d) Unobligated balances

Any unobligated and unexpended balances in the revolving fund that the Librarian determines to be in excess of amounts needed for activities financed by the revolving fund, shall be deposited in the Treasury of the United States as miscellaneous receipts. Amounts needed for activities financed by the revolving fund means the direct and indirect costs of the program, including the costs of purchasing, shipping, binding of books and other library materials; supplies, materials, equipment and services needed

in support of the program; salaries and benefits; general overhead; and travel.

(e) Annual report

Not later than March 31 of each year, the Librarian of Congress shall prepare and submit to Congress an audited financial statement for the revolving fund for the preceding fiscal year. The audit shall be conducted in accordance with Government Auditing Standards for financial audits issued by the Comptroller General of the United States.

(Pub. L. 105–55, title II, § 207, Oct. 7, 1997, 111 Stat. 1193.)

§ 182a. Revolving fund for duplication services associated with audiovisual conservation center

(a) Establishment

There is hereby established in the Treasury a revolving fund for duplication and delivery services provided by the Librarian of Congress (hereafter in sections 182a to 182d of this title referred to as the ''Librarian'') which are associated with the national audiovisual conservation center established under the Act entitled ''An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes'', approved December 15, 1997 (Public Law 105–144; 2 U.S.C. 141 note).

(b) Fees for services

The Librarian may charge a fee for providing services described in subsection (a) of this section, and shall deposit any such fees charged into the revolving fund under this section.

(c) Contents of fund

(1) In general

The revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (b) of this section.

(B) Any other amounts received by the Librarian which are attributable to the services described in subsection (a) of this section.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) Deposit of funds during transition

The Librarian shall transfer to the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the services described in subsection (a) of this section.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such services; and

(ii) the total value of the liabilities attributable to such services.

(d) Use of amounts in fund

Amounts in the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the services described in subsection (a) of this section.

(Pub. L. 106–481, title I, § 101, Nov. 9, 2000, 114 Stat. 2187; Pub. L. 107–68, title II, § 207, Nov. 12, 2001, 115 Stat. 587.)

REFERENCES IN TEXT

Sections 182a to 182d of this title, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 106–481, Nov. 9, 2000, 114 Stat. 2187, known as the Library of Congress Fiscal Operations Improvement Act of 2000, which enacted this section and sections 182b to 182d of this title, amended section 154 of this title, and enacted provisions set out as notes under this section and section 154 of this title. For complete classification of this Act to the Code, see Short Title note below and Tables.

AMENDMENTS

2001—Pub. L. 107–68 struck out ''audio and video'' before ''duplication'' in section catchline and in subsec. (a).

EFFECTIVE DATE

Pub. L. 106–481, title I, § 105, Nov. 9, 2000, 114 Stat. 2190, provided that: ''The provisions of this title [enacting this section and sections 182b to 182d of this title and provisions set out as a note under this section] shall apply with respect to fiscal year 2002 and each succeeding fiscal year.''

SHORT TITLE

Pub. L. 106–481, § 1, Nov. 9, 2000, 114 Stat. 2187, provided that: ''This Act [enacting this section and sections 182b to 182d of this title, amending section 154 of this title, and enacting provisions set out as notes under this section and section 154 of this title] may be cited as the 'Library of Congress Fiscal Operations Improvement Act of 2000'.''

§ 182b. Revolving fund for gift shop, decimal classification, photo duplication, and related services

(a) Establishment

There is hereby established in the Treasury a revolving fund for the following programs and activities of the Librarian:

(1) Decimal classification development.

(2) The operation of a gift shop or other sales of items associated with collections, exhibits, performances, and special events of the Library of Congress.

(3) Document reproduction and microfilming services.

(4) Special events and programs.

(b) Individual accounting requirement

A separate account shall be maintained in the revolving fund under this section with respect to the programs and activities described in each of the paragraphs of subsection (a) of this section.

(c) Fees for services

The Librarian may charge a fee for services under any of the programs and activities described in subsection (a) of this section, and shall deposit any such fees charged into the account of the revolving fund under this section for such program or activity.

(d) Contents of accounts in fund

(1) In general

Each account of the revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (c) of this section.

(B) Any other amounts received by the Librarian which are attributable to the programs and activities covered by such account.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) Deposit of funds during transition

The Librarian shall transfer to each account of the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the programs and activities covered by such account.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such programs and activities; and

(ii) the total value of the liabilities attributable to such programs and activities.

(e) Use of amounts

Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

(Pub. L. 106–481, title I, § 102, Nov. 9, 2000, 114 Stat. 2188; Pub. L. 107–68, title II, § 208(a), Nov. 12, 2001, 115 Stat. 587.)

AMENDMENTS

2001—Subsec. (a)(4). Pub. L. 107–68 added par. (4).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title II, § 208(b), Nov. 12, 2001, 115 Stat. 587, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect upon the date on which the Committees on Appropriations of the House of Representatives and Senate approve a report submitted to the Committees by the Librarian of Congress which describes the guidelines and policies applicable to the hosting of special events and programs by the Librarian which are covered under section 102(a)(4) of the Library of Congress Fiscal Operations Improvement Act of 2000 [2 U.S.C. 182b(a)(4)] (as added by subsection (a)).''

EFFECTIVE DATE

Section applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 105 of Pub. L. 106–481, set out as a note under section 182a of this title.

§ 182c. Revolving fund for FEDLINK program and Federal Research program

(a) Establishment

There is hereby established in the Treasury a revolving fund for the Federal Library and Information Network program (hereafter in sections 182a to 182d of this title referred to as the ''FEDLINK program'') of the Library of Congress (as described in subsection (f)(1) of this section) and the Federal Research program of the Library of Congress (as described in subsection (f)(2) of this section).

(b) Individual accounting requirement

A separate account shall be maintained in the revolving fund under this section with respect to the programs described in subsection (a) of this section.

(c) Fees for services

(1) In general

The Librarian may charge a fee for services under the FEDLINK program and the Federal Research program, and shall deposit any such fees charged into the account of the revolving fund under this section for such program.

(2) Advances of funds

Participants in the FEDLINK program and the Federal Research program shall pay for products and services of the program by advance of funds—

(A) if the Librarian determines that amounts in the Revolving Fund[1] are otherwise insufficient to cover the costs of providing such products and services; or

(B) upon agreement between participants and the Librarian.

(d) Contents of fund

(1) In general

Each account of the revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (c) of this section.

(B) Any other amounts received by the Librarian which are attributable to the program covered by such account.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) Deposit of funds during transition

Notwithstanding section 1535(d) of title 31, the Librarian shall transfer to the appropriate account of the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the FEDLINK program or the Federal Research program.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such program; and

(ii) the total value of the liabilities attributable to such program.

(e) Use of amounts in fund

Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations

[1] So in original. Probably should not be capitalized.

Acts and without fiscal year limitation, to carry out the program covered by each such account.

(f) Programs described

(1) FEDLINK

In this section, the ''FEDLINK program'' is the program of the Library of Congress under which the Librarian provides the following services on behalf of participating Federal libraries, Federal information centers, other entities of the Federal Government, and the District of Columbia:

(A) The procurement of commercial information services, publications in any format, and library support services.

(B) Related accounting services.

(C) Related education, information, and support services.

(2) Federal Research program

In this section, the ''Federal Research program'' is the program of the Library of Congress under which the Librarian provides research reports, translations, and analytical studies for entities of the Federal Government and the District of Columbia (other than any program of the Congressional Research Service).

(Pub. L. 106–481, title I, § 103, Nov. 9, 2000, 114 Stat. 2189.)

REFERENCES IN TEXT

Sections 182a to 182d of this title, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 106–481, Nov. 9, 2000, 114 Stat. 2187, known as the Library of Congress Fiscal Operations Improvement Act of 2000, which enacted this section and sections 182b to 182d of this title, amended section 154 of this title, and enacted provisions set out as notes under this section and section 154 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 182a of this title and Tables.

EFFECTIVE DATE

Section applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 105 of Pub. L. 106–481, set out as a note under section 182a of this title.

§ 182d. Audits by Comptroller General

Each of the revolving funds established under sections 182a to 182d of this title shall be subject to audit by the Comptroller General at the Comptroller General's discretion.

(Pub. L. 106–481, title I, § 104, Nov. 9, 2000, 114 Stat. 2190.)

EFFECTIVE DATE

Section applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 105 of Pub. L. 106–481, set out as a note under section 182a of this title.

§ 183. Written history of the House of Representatives

(a) In general

Subject to available funding and in accordance with the requirements of this section and section 183a of this title, the Librarian of Congress shall prepare, print, distribute, and arrange for the funding of, a new and complete written history of the House of Representatives, in consultation with the Committee on House Administration. In preparing this written history, the Librarian of Congress shall consult, commission, or engage the services or participation of, eminent historians, Members, and former Members of the House of Representatives.

(b) Guidelines

In carrying out subsection (a) of this section, the Librarian of Congress shall take into account the following:

(1) The history should be an illustrated, narrative history of the House of Representatives, organized chronologically.

(2) The history's intended audience is the general reader, as well as Members of Congress and their staffs.

(3) The history should include a discussion of the First and Second Continental Congresses and the Constitutional Convention, especially with regard to their roles in creating the House of Representatives.

(c) Printing

(1) In general

The Librarian of Congress shall arrange for the printing of the history.

(2) Printing arrangements

The printing may be performed—

(A) by the Public Printer pursuant to the provisions of chapter 5 of title 44;

(B) under a cooperative arrangement among the Librarian of Congress, a private funding source obtained pursuant to subsection (e) of this section, and a publisher in the private sector; or

(C) under subparagraphs (A) and (B).

(3) Internet dissemination

Any arrangement under paragraph (2) shall include terms for dissemination of excerpts of the history over the Internet via facilities maintained by the United States Government.

(4) Member copies

To the extent that the history is printed by the Public Printer, copies of the history provided to the Congress under subsection (d) of this section shall be charged to the Government Printing Office's congressional allotment for printing and binding.

(d) Distribution

The Librarian of Congress shall make the history available for sale to the public, and shall make available, free of charge, 5 copies to each Member of the House of Representatives and 250 copies to the Senate.

(e) Private funding

The Librarian of Congress shall solicit and accept funding for the preparation, publication, marketing, and public distribution of the history from private individuals, organizations, or entities.

(Pub. L. 106–99, § 2, Nov. 12, 1999, 113 Stat. 1330; Pub. L. 108–7, div. H, title I, § 1305, Feb. 20, 2003, 117 Stat. 379.)

REFERENCES IN TEXT

This section and section 183a of this title, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 106–99, which enacted this section and section

183a of this title and provisions set out as a note under this section. For complete classification of this Act to the Code, see Short Title note set out under this section and Tables.

AMENDMENTS

2003—Subsec. (c)(3). Pub. L. 108–7 inserted ''excerpts of'' after ''dissemination of''.

SHORT TITLE

Pub. L. 106–99, § 1, Nov. 12, 1999, 113 Stat. 1330, provided that: ''This Act [enacting this section and section 183a of this title] may be cited as the 'History of the House Awareness and Preservation Act'.''

§ 183a. Oral history of the House of Representatives

(a) In general

The Librarian of Congress shall accept for deposit, preserve, maintain, and make accessible an oral history of the House of Representatives, as told by its Members and former Members, compiled and updated (on a voluntary or contract basis) by the United States Association of Former Members of Congress or other private organization. In carrying out this section, the Librarian of Congress may enlist the voluntary aid or assistance of such organization, or may contract with it for such services as may be necessary.

(b) Definition of oral history

In this section, the term ''oral history'' means a story or history consisting of personal recollection as recorded by any one or more of the following means:

(1) Interviews.

(2) Transcripts.

(3) Audio recordings.

(4) Video recordings.

(5) Such other form or means as may be suitable for the recording and preservation of such information.

(Pub. L. 106–99, § 3, Nov. 12, 1999, 113 Stat. 1331.)

§ 184. Incorporation of digital collections into educational curricula

(a) Short title

This section may be cited as the ''Library of Congress Digital Collections and Educational Curricula Act of 2005''.

(b) Program

The Librarian of Congress shall administer a program to teach educators and librarians how to incorporate the digital collections of the Library of Congress into educational curricula.

(c) Educational consortium

In administering the program under this section, the Librarian of Congress may—

(1) establish an educational consortium to support the program; and

(2) make funds appropriated for the program available to consortium members, educational institutions, and libraries.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2006 and each fiscal year thereafter.

(Pub. L. 109–55, title I, § 1306, Aug. 2, 2005, 119 Stat. 583.)

§ 185. Inspector General of the Library of Congress

(a) Short title

This section may be cited as the ''Library of Congress Inspector General Act of 2005''.

(b) Office of Inspector General

There is an Office of Inspector General within the Library of Congress which is an independent objective office to—

(1) conduct and supervise audits and investigations (excluding incidents involving violence and personal property) relating to the Library of Congress;

(2) provide leadership and coordination and recommend policies to promote economy, efficiency, and effectiveness; and

(3) provide a means of keeping the Librarian of Congress and the Congress fully and currently informed about problems and deficiencies relating to the administration and operations of the Library of Congress.

(c) Appointment of Inspector General; supervision; removal

(1) Appointment and supervision

(A) In general

There shall be at the head of the Office of Inspector General, an Inspector General who shall be appointed by the Librarian of Congress without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Librarian of Congress.

(B) Audits, investigations, and reports

The Librarian of Congress shall have no authority to prevent or prohibit the Inspector General from—

(i) initiating, carrying out, or completing any audit or investigation;

(ii) issuing any subpoena during the course of any audit or investigation; or

(iii) issuing any report.

(2) Removal

The Inspector General may be removed from office by the Librarian of Congress. The Librarian of Congress shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of the Congress.

(d) Duties, responsibilities, authority, and reports

(1) In general

Sections 4, 5 (other than subsections[1] (a)(13)), 6(a) (other than paragraphs (7) and (8) thereof), and 7 of the Inspector General Act of 1978 (5 U.S.C. App.) shall apply to the Inspector General of the Library of Congress and the Office of such Inspector General and such sec-

[1] So in original. Probably should be ''subsection''.

tions shall be applied to the Library of Congress and the Librarian of Congress by substituting—

(A) ''Library of Congress'' for ''establishment''; and

(B) ''Librarian of Congress'' for ''head of the establishment''.

(2) Employees

The Inspector General, in carrying out the provisions of this section, is authorized to select, appoint, and employ such officers and employees (including consultants) as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General subject to the provisions of law governing selections, appointments, and employment in the Library of Congress.

(e) Transfers

All functions, personnel, and budget resources of the Office of Investigations of the Library of Congress are transferred to the Office of Inspector General.

(f) Incumbent

The individual who serves in the position of Inspector General of the Library of Congress on August 2, 2005, shall continue to serve in that position, subject to removal in accordance with this section.

(g) References

References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Inspector General of the Library of Congress shall be deemed to refer to the Inspector General of the Library of Congress as set forth under this section.

(h) Effective date

This section shall be effective on August 2, 2005.

(Pub. L. 109–55, title I, §1307, Aug. 2, 2005, 119 Stat. 583.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (d)(1), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 6—CONGRESSIONAL AND COMMITTEE PROCEDURE; INVESTIGATIONS

Sec.
190 to 190c. Repealed.
190d. Legislative review by standing committees of the Senate and the House of Representatives.
190e. Repealed.
190f. General appropriation bills.
190g. Nonconsideration of certain private bills and resolutions.
190h to 190k. Repealed.
190*l*. Private claims pending before Congress; taking of testimony.
190m. Subpoena for taking testimony; compensation of officers and witnesses; return of depositions.
191. Oaths to witnesses.
192. Refusal of witness to testify or produce papers.
193. Privilege of witnesses.
194. Certification of failure to testify or produce; grand jury action.
194a. Request by Congressional committees to officers or employees of Federal departments, agencies, etc., concerned with foreign countries or multilateral organizations for expression of views and opinions.
194b. Omitted.
195. Fees of witnesses in District of Columbia.
195a. Restriction on payment of witness fees or travel and subsistence expenses to persons subpenaed by Congressional committees.
195b. Fees for witnesses requested to appear before Majority Policy Committee or Minority Policy Committee.
196. Senate resolutions for investigations; limit of cost.
197. Compensation of employees.
198. Adjournment.
199. Member of commission, board, etc., appointed by President pro tempore of Senate; recommendation process; applicability.

§ 190. Repealed. S. Res. 4, § 301(b), Feb. 4, 1977

Section, act Aug. 2, 1946, ch. 753, title I, §137, 60 Stat. 832, directed that controversies arising as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation be decided by the presiding officer of the Senate in favor of the committee having jurisdiction over the subject matter which predominated in the proposed legislation.

§§ 190a to 190a–2. Repealed. S. Res. 274, § 2(a), Nov. 14, 1979

Section 190a, acts Aug. 2, 1946, ch. 753, title I, §133, 60 Stat. 381; Oct. 26, 1970, Pub. L. 91–510, title I, §§102(a), 103(a), 104(a), 105(a), 106(a), 107(a), 108(a), 110(a), 84 Stat. 1143–1149; Dec. 16, 1970, Pub. L. 91–552, §1(2), 84 Stat. 1440; Oct. 11, 1971, Pub. L. 92–136, §3(a), (b), 85 Stat. 377; S. Res. 9, §2, Nov. 5, 1975, related to meetings of the standing committees of the Senate. See the Standing Rules of the Senate.

Section 190a–1, act Aug. 2, 1946, ch. 753, title I, §133A, as added Oct. 26, 1970, Pub. L. 91–510, title I, §§111(a)(1), 112(a), 113(a), 114(a), 115(a), 116(a), 84 Stat. 1151–1153; S. Res. 9, §2, Nov. 5, 1975, related to Senate committee hearing procedures. See Standing Rules of the Senate.

Section 190a–2, act Aug. 2, 1946, ch. 753, title I, §133B, as added Oct. 26, 1970, Pub. L. 91–510, title I, §130(a), 84 Stat. 1163, related to Senate committee rules. See Standing Rules of the Senate.

§ 190a–3. Repealed. S. Res. 9, § 2, Nov. 5, 1975

Section, Pub. L. 93–344, title I, §102(d), July 12, 1974, 88 Stat. 301, provided that meetings of Senate Committee on the Budget or any subcommittee thereof be open to public except in certain specified instances.

§§ 190b, 190c. Repealed. S. Res. 274, § 2(a), Nov. 14, 1979

Section 190b, acts Aug. 2, 1946, ch. 753, title I, §134(a), (c), 60 Stat. 831, 832; Oct. 26, 1970, Pub. L. 91–510, title I, §117(a), 84 Stat. 1155; Dec. 16, 1970, Pub. L. 91–552, §1(6), 84 Stat. 1440; July 12, 1974, Pub. L. 93–344, title IX, §903(a), 88 Stat. 331; S. Res. 4, §402(c), Feb. 4, 1977, related to authority of Senate standing committees and subcommittees. See Standing Rules of the Senate.

Section 190c, acts Aug. 2, 1946, ch. 753, title I, §135, 60 Stat. 832; Oct. 26, 1970, Pub. L. 91–510, title I, §125(a)(2), 84 Stat. 1159, related to Senate conference reports. See Standing Rules of the Senate.

§ 190d. Legislative review by standing committees of the Senate and the House of Representatives

(a) Scope of assistance

In order to assist the Congress in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee of the Senate and the House of Representatives shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Congress. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) Reports to the Senate and the House of Representatives

In each odd-numbered year beginning on or after January 1, 1973, each standing committee of the Senate shall submit, not later than March 31, to the Senate, and each standing committee of the House shall submit, not later than January 2, to the House, a report on the activities of that committee under this section during the Congress ending at noon on January 3 of such year.

(c) Exceptions

The preceding provisions of this section do not apply to the Committees on Appropriations and the Budget of the Senate and the Committees on Appropriations, the Budget, House Oversight, Rules, and Standards of Official Conduct of the House.

(Aug. 2, 1946, ch. 753, title I, § 136, 60 Stat. 832; Pub. L. 91–510, title I, § 118(a)(1), Oct. 26, 1970, 84 Stat. 1156; Pub. L. 92–136, § 1, Oct. 11, 1971, 85 Stat. 376; Pub. L. 93–344, title VII, § 701, title IX, § 903(b), July 12, 1974, 88 Stat. 325, 331; Pub. L. 104–186, title II, § 206(1), Aug. 20, 1996, 110 Stat. 1742.)

PARTIAL REPEAL

Section 2(a), S. Res. 274, Ninety-sixth Congress, Nov. 14, 1979, provided in part that this section, insofar as it relates to the Senate, is repealed. See Standing Rules of the Senate.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

1974—Subsec. (a). Pub. L. 93–344, § 701, authorized the committees to carry out the required analysis, appraisal, and evaluation themselves, or by contract, or to require a Government agency to do so and furnish a report thereon to the Congress, and authorized the committees to rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

Subsec. (c). Pub. L. 93–344, § 903(b), substituted ''Committees on Appropriations and the Budget of the Senate and the Committees on Appropriations, the Budget,'' for ''Committee on Appropriations of the Senate and the Committee on Appropriations,''.

1971—Subsec. (a). Pub. L. 92–136 substituted ''Congress'' for ''Senate'' in provisions preceding cl. (1) and inserted reference to the House of Representatives in provisions following cl. (2).

Subsec. (b). Pub. L. 92–136 substituted ''In each odd-numbered year beginning on or after January 1, 1973, each'' for ''Each'' and ''March 31, to the Senate, and each standing committee of the House shall submit, not later than January 2, to the House,'' for ''March 31 of each odd-numbered year beginning on and after January 1, 1973, to the Senate''.

Subsec. (c). Pub. L. 92–136 inserted reference to Committees on Appropriations, House Administration, Rules, and Standards of Official Conduct of the House.

1970—Subsec. (a). Pub. L. 91–510 incorporated existing subject matter in provisions designated as subsec. (a), restricted the text to standing committees of Senate, revised phraseology to require standing committees to review and study, on a continuing basis, application, administration, and execution of laws and parts of laws for prior provision for exercise of continuous watchfulness of execution of laws by administrative agencies concerned, and in providing for assistance to the Senate, rather than the Congress, included analysis and evaluation of laws enacted by Congress and substituted provision for formulation, consideration, and enactment of modifications or changes in the laws and of additional legislation as necessary or appropriate for prior provisions for assistance in developing amendments or related legislation as may be necessary.

Subsecs. (b), (c). Pub. L. 91–510 added subsecs. (b) and (c).

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 9(a) of Pub. L. 92–136 provided that: ''The amendments made by the first section [amending this section] section 2, and section 5 of this Act [amending section 72a of this title] shall become effective as of noon on January 3, 1971.''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–510 effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as a note under section 72a of this title.

EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

§ 190e. Repealed. Pub. L. 91–510, title II, § 242(b)(1), Oct. 26, 1970, 84 Stat. 1172

Section, act Aug. 2, 1946, ch. 753, title I, § 138, 60 Stat. 832, related to report of legislative budget by Committee on Ways and Means and Committee on Appropriations of House and Committee on Finance and Committee on Appropriations of Senate, its contents, and concurrent resolution adopting the budget. See Rules of the House of Representatives and Standing Rules of the Senate.

EFFECTIVE DATE OF REPEAL

Repeal effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 190f. General appropriation bills

(a) Repealed. Pub. L. 91–510, title I, § 108(d), Oct. 26, 1970, 84 Stat. 1149

(b) Standard appropriation classification schedule

The Committees on Appropriations of the two Houses are authorized and directed, acting joint-

ly, to develop a standard appropriation classification schedule which will clearly define in concise and uniform accounts the subtotals of appropriations asked for by agencies in the executive branch of the Government. That part of the printed hearings containing each such agency's request for appropriations shall be preceded by such a schedule.

(c) Nonconsideration if a provision reappropriates unexpended balances

No general appropriation bill or amendment thereto shall be received or considered in either House if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

(Aug. 2, 1946, ch. 753, title I, § 139(a), (b), (c), 60 Stat. 833; Pub. L. 91–510, title I, § 108(d), Oct. 26, 1970, 84 Stat. 1149.)

PARTIAL REPEAL

Section 2(a), S. Res. 274, Ninety-sixth Congress, Nov. 14, 1979, provided in part that this section, insofar as it relates to the Senate, is repealed. See Standing Rules of the Senate.

CODIFICATION

Section constitutes subsections (a) to (c) of section 139 of act Aug. 2, 1946. Subsection (d) of section 139, which required the two Houses of Congress to make a study of existing permanent appropriations with a view to limiting the number thereof and to recommending what permanent appropriations should be discontinued, and of the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending a uniform system of control with respect to those funds, was omitted from the Code as being of a temporary character.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91–510 repealed prohibition against consideration of any general appropriation bill in either House unless prior to such consideration printed committee hearings and reports on the bill have been available for at least three calendar days for the Members of the House considering the bill, which was incorporated in section 190a(f) of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–510 effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as a note under section 72a of this title.

EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

§ 190g. Nonconsideration of certain private bills and resolutions

No private bill or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in either the Senate or the House of Representatives.

(Aug. 2, 1946, ch. 753, title I, § 131, 60 Stat. 831.)

PARTIAL REPEAL

Section 2(a), S. Res. 274, Ninety-sixth Congress, Nov. 14, 1979, provided in part that this section, insofar as it relates to the Senate, is repealed. See Standing Rules of the Senate.

REFERENCES IN TEXT

The Federal Tort Claims Act, referred to in text, is title IV of act Aug. 2, 1946, ch. 753, 60 Stat. 842, which was classified principally to chapter 20 (§§ 921, 922, 931–934, 941–946) of former Title 28, Judicial Code and Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and 2671 et seq. of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted Title 28. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into the revised Title 28, see Table at the beginning of Title 28.

EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

§ 190h. Repealed. S. Res. 9, § 2, Nov. 5, 1975

Section, Pub. L. 91–510, title II, § 242(a), Oct. 26, 1970, 84 Stat. 1171, provided that each meeting conducted by Senate Committee on Appropriations be open to the public except when testimony to be taken might relate to a matter of national security, tend to reflect adversely on character or reputation of witness or other individual, or divulge matters deemed confidential under other provisions of law or regulations.

§§ 190i to 190k. Repealed. S. Res. 274, § 2(b), Nov. 14, 1979

Section 190i, Pub. L. 91–510, title II, § 243, Oct. 26, 1970, 84 Stat. 1173, related to actions and procedures of the Committee on Appropriations of Senate. See Standing Rules of the Senate.

Section 190j, Pub. L. 91–510, title II, § 252(a), Oct. 26, 1970, 84 Stat. 1173; Aug. 1, 1946, ch. 724, § 302(d), as added Aug. 30, 1954, ch. 1073, § 1, as added Sept. 20, 1977, Pub. L. 95–110, § 1, 91 Stat. 884, related to cost estimates in reports of Senate committees accompanying certain legislative measures and to other Senate committee operations. See Standing Rules of the Senate.

Section 190k, Pub. L. 91–510, title II, § 253(a), (b), Oct. 26, 1970, 84 Stat. 1174, related to appropriations on an annual basis for continuing programs and activities and review by Senate and joint committees. See Standing Rules of the Senate.

§ 190*l*. Private claims pending before Congress; taking of testimony

Any committee of either House of Congress before which any private claim against the United States may at any time be pending, being first thereto authorized by the House appointing them, may order testimony to be taken, and books and papers to be examined, and copies thereof proved, before any standing master in chancery within the judicial district where such testimony or evidence is to be taken. Such master in chancery, upon receiving a copy of the order of such committee, signed by its chairman, setting forth the time and place when and where such examination is to be had, the questions to be investigated, and, so far as may be

known to the committee, the names of the witnesses to be examined on the part of the United States, and the general nature of the books, papers, and documents to be proved, if known, shall proceed to give to such private parties reasonable notice of the time and place of such examination, unless such notice shall have been or shall be given by such committee or its chairman, or by the attorney or agent of the United States, or waived by such private party. And such master shall issue subpoenas for such witnesses as may have been named in the order of such committee, and such others as the agent or other representative of the United States hereinafter mentioned shall request. And he shall also issue subpoenas at the request of such private party, or parties, for such witnesses within such judicial district as they may desire: *Provided*, That the United States shall not be liable for the fees of any officer for serving any subpoena for any private party, nor for the fees of any witness on behalf of such party. Said committee may inform the United States attorney for the district where the testimony is to be taken of the time, place, and object of such examination, and request his attendance in behalf of the Government in conducting such examination, in which case it shall be his duty to attend in person, or by an assistant employed by him, to conduct such examination on the part of the United States, or such committee may, at its option, appoint an agent or attorney, or one of its own members, for that purpose, as they may deem best; and in that event, if the committee shall not be unanimous, the minority of the committee may also appoint such agent or attorney or member of such committee to attend and take part in such examination.

(Feb. 3, 1879, ch. 40, § 1, 20 Stat. 278; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CODIFICATION

This section and section 190m of this title were an act entitled ''An act to provide for taking testimony, to be used before Congress, in cases of private claims against the United States.''

The original text referred to ''any standing master in chancery of the circuit of the United States within the judicial district where such testimony or evidence is to be taken.'' The words ''of the circuit of the United States'' were omitted as inappropriate since the abolition of circuit courts by act Mar. 3, 1911.

Section was formerly classified to section 229 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted ''United States attorney'' for ''district attorney of the United States''. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes thereunder.

§ 190m. Subpoena for taking testimony; compensation of officers and witnesses; return of depositions

It shall be the duty of the marshal of the United States for the district in which the testimony is to be taken to serve, or cause to be served, all subpoenas issued in behalf of the United States under this section and section 190*l* of this title, in the same manner as if issued by the district court for his district; and he shall, upon being first paid his fees therefor, serve any subpoenas that may be issued at the instance of such private party or parties. And the said master may, in his discretion, appoint any other person to serve any subpoena. Such master shall have full power to administer oaths to witnesses, and the same power to issue attachments to compel the attendance of witnesses and the production of books, papers, and documents, as the district court of his district would have in a case pending before it; and it shall be his duty to report the conduct of contumacious witnesses before him to the House of Congress appointing such committee. The compensation of such master in chancery, and the fees of marshals and deputy marshals, and of any person appointed to serve papers, shall be the same as for like services in equity cases in the district court of the United States; and the compensation of witnesses shall be the same as for like attendance and travel of witnesses before such district courts; and all such fees and compensation of officers and witnesses on behalf of the United States, and other expenses of all investigations which may be had under the provisions of this section and section 190*l* of this title on the part of the United States, shall be paid out of the contingent fund of the Senate, in the case of a committee of the Senate, or the applicable accounts of the House of Representatives, in the case of a committee of the House of Representatives. Said master, when the examination is concluded, shall attach together all the depositions and exhibits, and attach thereto his certificate setting forth or referring to the authority by which they were taken, any notices he may have given, the names of the witnesses for whom subpoenas or attachments were issued, the names of witnesses who attended, with the time of attendance and mileage and fees of each witness on behalf of the United States, which he may require to be shown by affidavit, his own fees, the fees of the marshal, his deputies or other persons serving papers, giving the items, and such other facts in relation to the circumstances connected with the taking of the depositions as he may deem material. He shall then seal up such depositions and papers securely, direct them to the chairman of such committee at Washington, stating briefly on the outside the nature of the contents, and place the same in the post office, paying the postage thereon; and said package shall be opened only in the presence of such committee. The chairman of any committee ordering testimony to be taken under this section and section 190*l* of this title shall, at least ten days before the time fixed for such examination, and within two days after the adoption of such order, cause a copy thereof to be directed and delivered to the Attorney General of the United States, or sent to him by mail at the Department of Justice, to enable him to give such instructions as he may deem best to the United States attorney of the district where such testimony is to be taken, who may, and, if required by the Attorney General, shall, though not requested by the committee, appear for the United States in person or by assistant, and take such

part in such examination as the Attorney General shall direct.

(Feb. 3, 1879, ch. 40, § 2, 20 Stat. 279; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; June 25, 1948, ch. 646, § 1, 62 Stat. 909; Pub. L. 104–186, title II, § 206(2), Aug. 20, 1996, 110 Stat. 1742.)

CODIFICATION

Upon its incorporation into the Code, references in this section to the circuit courts were omitted or changed to refer to the district courts to conform to act Mar. 3, 1911, which abolished the circuit courts.

Section was formerly classified to section 230 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''contingent fund of the Senate, in the case of a committee of the Senate, or the applicable accounts of the House of Representatives, in the case of a committee of the House of Representatives.'' for ''contingent fund of the branch of Congress appointing such committee.''

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted ''United States attorney'' for ''district attorney of the United States''. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes thereunder.

§ 191. Oaths to witnesses

The President of the Senate, the Speaker of the House of Representatives, or a chairman of any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or of a committee of the whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Any member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof.

(R.S. § 101; June 26, 1884, ch. 123, 23 Stat. 60; June 22, 1938, ch. 594, 52 Stat. 942, 943.)

CODIFICATION

R.S. § 101 derived from acts May 3, 1798, ch. 36, § 1, 1 Stat. 554, and Feb. 8, 1817, ch. 10, 3 Stat. 345.

R.S. § 101 constitutes first sentence, and act June 26, 1884, constitutes second sentence.

AMENDMENTS

1938—Act June 22, 1938, reenacted section without change.

§ 192. Refusal of witness to testify or produce papers

Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months.

(R.S. § 102; June 22, 1938, ch. 594, 52 Stat. 942.)

CODIFICATION

R.S. § 102 derived from act Jan. 24, 1857, ch. 19, § 1, 11 Stat. 155.

AMENDMENTS

1938—Act June 22, 1938, reenacted section without change.

§ 193. Privilege of witnesses

No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

(R.S. § 103; June 22, 1938, ch. 594, 52 Stat. 942.)

CODIFICATION

R.S. § 103 derived from act Jan. 24, 1862, ch. 11, 12 Stat. 333.

AMENDMENTS

1938—Act June 22, 1938, reenacted section without change.

§ 194. Certification of failure to testify or produce; grand jury action

Whenever a witness summoned as mentioned in section 192 of this title fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee or subcommittee of either House of Congress, and the fact of such failure or failures is reported to either House while Congress is in session or when Congress is not in session, a statement of fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the Senate or House, as the case may be, to the appropriate United States attorney, whose duty it shall be to bring the matter before the grand jury for its action.

(R.S. § 104; July 13, 1936, ch. 884, 49 Stat. 2041; June 22, 1938, ch. 594, 52 Stat. 942.)

CODIFICATION

R.S. § 104 derived from act Jan. 24, 1857, ch. 19, § 3, 11 Stat. 156.

AMENDMENTS

1938—Act June 22, 1938, substituted ''section 102'' for ''section 102 of the Revised Statutes'' and inserted ''or any joint committee established by a joint or concurrent resolution of the two Houses of Congress''.

1936—Act July 13, 1936, substituted ''section 102 of the Revised Statutes'' for ''section 102'', inserted provisions as to failure to produce and refusal to answer, required a statement of facts constituting the failure to be reported to and filed with the President of the Senate or the Speaker of the House, and directed that said President or Speaker certify the facts to the appropriate United States attorney in lieu of prior certification to the district attorney for the District of Columbia.

§ 194a. Request by Congressional committees to officers or employees of Federal departments, agencies, etc., concerned with foreign countries or multilateral organizations for expression of views and opinions

Upon the request of a committee of either House of Congress, a joint committee of Congress, or a member of such committee, any officer or employee of the Department of State, the Agency for International Development, or any other department, agency, or independent establishment of the United States Government primarily concerned with matters relating to foreign countries or multilateral organizations may express his views and opinions, and make recommendations he considers appropriate, if the request of the committee or member of the committee relates to a subject which is within the jurisdiction of that committee.

(Pub. L. 92–352, title V, § 502, July 13, 1972, 86 Stat. 496; Pub. L. 93–126, § 17, Oct. 18, 1973, 87 Stat. 455; Pub. L. 105–277, div. G, subdiv. A, title XII, § 1225(g), title XIII, § 1335(n), Oct. 21, 1998, 112 Stat. 2681–775, 2681–789.)

AMENDMENTS

1998—Pub. L. 105–277, § 1335(n), struck out ''the United States Information Agency,'' after ''Department of State,''.

Pub. L. 105–277, § 1225(g), struck out ''the United States Arms Control and Disarmament Agency,'' after ''International Development,''.

1973—Pub. L. 93–126 substituted ''or employee of'' for ''appointed by the President, by and with the advice and consent of the Senate, to a position in''.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1225(g) of Pub. L. 105–277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of Title 22, Foreign Relations and Intercourse.

Amendment by section 1335(n) of Pub. L. 105–277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of Title 22, Foreign Relations and Intercourse.

§ 194b. Omitted

CODIFICATION

Section, Pub. L. 100–418, title V, § 5421, Aug. 23, 1988, 102 Stat. 1468, which directed President or head of appropriate department or agency to include in every recommendation or report made to Congress on legislation which might affect ability of United States firms to compete in domestic and international commerce a statement of impact of such legislation on international trade and public interest and ability of United States firms engaged in the manufacture, sale, distribution, or provision of goods or services to compete in foreign or domestic markets, ceased to be effective six years from Aug. 23, 1988, pursuant to subsec. (c) of section.

§ 195. Fees of witnesses in District of Columbia

Witnesses residing in the District of Columbia and not in the service of the government of said District or of the United States, who shall be summoned to give testimony before any committee of the House of Representatives, shall not be allowed exceeding $2 for each day's attendance before said committee.

(May 1, 1876, ch. 88, 19 Stat. 41.)

HOUSE RULE ON PAY OF WITNESSES

Rule XI, clause 5, Rules of the House of Representatives, provides that: ''Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination.''

§ 195a. Restriction on payment of witness fees or travel and subsistence expenses to persons subpenaed by Congressional committees

No part of any appropriation disbursed by the Secretary of the Senate shall be available on and after July 12, 1960, for the payment to any person, at the time of the service upon him of a subpena requiring his attendance at any inquiry or hearing conducted by any committee of the Congress or of the Senate or any subcommittee of any such committee, of any witness fee or any sum of money as an advance payment of any travel or subsistence expense which may be incurred by such person in responding to that subpena.

(Pub. L. 86–628, July 12, 1960, 74 Stat. 449.)

§ 195b. Fees for witnesses requested to appear before Majority Policy Committee or Minority Policy Committee

Any witness requested to appear before the Majority Policy Committee or the Minority Policy Committee shall be entitled to a witness fee for each full day spent in traveling to and from the place at which he is to appear, and reimbursement of actual and necessary transportation expenses incurred in traveling to and from that place, at rates not to exceed those rates paid witnesses appearing before committees of the Senate.

(Pub. L. 93–371, § 7, Aug. 13, 1974, 88 Stat. 431.)

§ 196. Senate resolutions for investigations; limit of cost

Senate resolutions providing for inquiries and investigations shall contain a limit of cost of such investigation, which limit shall not be exceeded except by vote of the Senate authorizing additional amounts.

(Mar. 3, 1926, ch. 44, § 1, 44 Stat. 162.)

§ 197. Compensation of employees

The rate of compensation for any position under the appropriations now available for, or hereafter made for, expenses of inquiries and investigations of the Senate or expenses of special and select committees of the House of Representatives shall not exceed the rates fixed under chapter 51 and subchapter III of chapter 53 of title 5, for positions with comparable duties;

and the salary limitations of $3,600 attached to appropriations heretofore made for expenses of inquiries and investigations of the Senate or for expenses of special and select committees of the House of Representatives are repealed.

(Feb. 9, 1937, ch. 9, title I, § 1, 50 Stat. 9; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" substituted in text for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

§ 198. Adjournment

(a) Unless otherwise provided by the Congress, the two Houses shall—

(1) adjourn sine die not later than July 31 of each year; or

(2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by roll-call vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day.

(b) This section shall not be applicable in any year if on July 31 of such year a state of war exists pursuant to a declaration of war by the Congress.

(Aug. 2, 1946, ch. 753, title I, § 132, 60 Stat. 831; Pub. L. 91–510, title IV, § 461(b), Oct. 26, 1970, 84 Stat. 1193.)

AMENDMENTS

1970—Pub. L. 95–110, in amending section generally, incorporated existing subject matter in subsec. (a)(1), substituted therein an adjournment date not later than July 31 of each year for prior provision for a date not later than last day (Sundays excepted) in month of July in each year, added subsec. (a)(2), added subsec. (b) which incorporated former exception to adjournment in time of war, and deleted another exception to adjournment during national emergency proclaimed by the President.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–510 effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as a note under section 72a of this title.

EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

§ 199. Member of commission, board, etc., appointed by President pro tempore of Senate; recommendation process; applicability

(a) Any provision of law which provides that any member of a commission, board, committee, advisory group, or similar body is to be appointed by the President pro tempore of the Senate shall be construed to require that the appointment be made—

(1) upon recommendation of the Majority Leader of the Senate, if such provision of law specifies that the appointment is to be made on the basis of the appointee's affiliation with the majority political party,

(2) upon the recommendation of the Minority Leader of the Senate, if such provision of law specifies that the appointment is to be made on the basis of the appointee's affiliation with the minority party, and

(3) upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate, if such provision of law does not specify that the appointment is to be made on the appointee's affiliation with the majority or minority political party.

(b) The provisions of subsection (a) of this section shall be applicable in the case of appointments made after December 22, 1980, pursuant to provisions of law enacted on, before, and after, December 22, 1980.

(Pub. L. 96–576, § 3, Dec. 22, 1980, 94 Stat. 3355.)

CHAPTER 7—CONTESTED ELECTIONS

§§ 201 to 226. Repealed. Pub. L. 91–138, § 18, Dec. 5, 1969, 83 Stat. 290

The subject matter of former sections 201 to 226 of this title is covered generally by chapter 12 of this title.

Section 201, R.S. § 105, provided that whenever any person intended to contest an election of any member of House of Representatives he had to give notice in writing to that member within thirty days of result of such election.

Section 202, R.S. § 106, provided that a member of House of Representatives whose election was contested serve an answer within thirty days after service of notice upon him.

Section 203, R.S. § 107; Mar. 2, 1875, ch. 119, § 2, 18 Stat. 338, provided time and order for taking testimony.

Section 204, R.S. § 108, provided for taking of depositions upon notice to other party.

Section 205, R.S. § 109, provided that testimony in contested election cases could be taken at two or more places at same time.

Section 206, R.S. § 110; June 7, 1878, ch. 160, 20 Stat. 99; July 1, 1898, ch. 541, § 38, 30 Stat. 555, made provision for issuance of subpoenas by specified officers.

Section 207, R.S. § 111, set forth requisite contents of subpoenas.

Section 208, R.S. § 112, authorized issuance of subpoenas by justices of the peace.

Section 209, R.S. § 113, made provision for taking of depositions by written consent.

Section 210, R.S. § 114, required that each witness be served with a subpoena at least five days prior to date he was required to attend.

Section 211, R.S. § 115, exempted witness from attendance at examinations out of county in which they resided or were served with a subpoena.

Section 212, R.S. § 116, mandated a $20 penalty to be recovered by party issuing subpoena, and a possible indictment for a misdemeanor, for failure of party summoned to attend or testify, unless prevented by sickness or unavoidable necessity.

Section 213, R.S. § 117, provided that depositions of witnesses residing outside district be taken before any officer authorized to take testimony in contested election cases in district in which witness resided.

Section 214, R.S. § 118, required selection of qualified officers to officiate jointly with officer named in notice.

Section 215, R.S. § 119, provided that at taking of any deposition under this chapter, either party could appear and act in person, or by agent or attorney.

Section 216, R.S. § 120, made provision for examination of witnesses through device of taking their depositions before a qualified officer.

Section 217, R.S. § 121, provided that testimony to be taken by either party be confined to proof or disproof of facts alleged or denied in notice and answer.

Section 218, R.S. § 122, required officer to reduce to writing testimony of witnesses, together with questions proposed by parties, and have this writing duly attested by witnesses.

Section 219, R.S. § 123, empowered officer to require production of papers.

Section 220, R.S. § 124, provided that taking of testimony might, if so stated in notice, be adjourned from day to day.

Section 221, R.S. § 125, provided that notice to take depositions, with proof of service thereof, and a copy of the subpoena, where one has been served, be attached to depositions when completed.

Section 222, R.S. § 126, provided that a copy of notice of contest and of answer of returned member, be prefixed to depositions taken and transmitted with them to Clerk of House of Representatives.

Section 223, R.S. § 127; Mar. 2, 1875, ch. 119, § 1, 18 Stat. 338; Mar. 2, 1887, ch. 318, 24 Stat. 445, covered procedure followed by Clerk of House of Representatives once the sealed testimony was forwarded to him by officer who took testimony.

Section 224, R.S. § 128, fixed witness fees to be paid by party at whose instance witness was summoned.

Section 225, R.S. § 129, provided that each officer employed pursuant to this chapter be entitled to receive from party who employed him, such fees as were allowed for similar services in State wherein such service was rendered.

Section 226, R.S. § 130; Mar. 3, 1879, ch. 182, § 1, 20 Stat. 400, limited payments of expenses to contestee or contestant to $2,000, and then, only upon filing of a detailed account of expenses with Clerk of Committee on Elections.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to any general or special election for Representative in, or Resident Commissioner to, the Congress of the United States occurring after December 5, 1969, see section 19 of Pub. L. 91–138, set out as an Effective Date note under section 381 of this title.

CHAPTER 8—FEDERAL CORRUPT PRACTICES

§§ 241 to 248. Repealed. Pub. L. 92–225, title IV, § 405, Feb. 7, 1972, 86 Stat. 20

Sections, act Feb. 28, 1925, ch. 368, title III, §§ 302–309, 43 Stat. 1070–1073, provided for:

Section 241, amended Dec. 23, 1971, Pub. L. 92–220, § 2, 85 Stat. 795, definitions;

Section 242, chairman and treasurer of political committees, duties as to contributions, and accounts and receipts;

Section 243, accounts of contributions received;

Section 244, statements by treasurer filed with Clerk of House of Representatives;

Section 245, statements by others than political committee filed with Clerk of House of Representatives;

Section 246, statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives;

Section 247, statements: verification, preservation, and inspection; and

Section 248, limitation upon amount of expenditures by candidate.

Such former provisions are covered generally by chapter 14 (§ 431 et seq.) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Feb. 7, 1972, see section 408 of Pub. L. 92–225, set out as an Effective Date note under section 431 of this title.

§§ 249 to 251. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 249, act Feb. 28, 1925, ch. 368, title III, § 310, 43 Stat. 1073, related to promises or pledges by candidates. See section 599 of Title 18, Crimes and Criminal Procedure.

Section 250, act Feb. 28, 1925, ch. 368, title III, § 311, 43 Stat. 1073, related to expenditures to influence voting. See section 597 of Title 18.

Section 251, acts Feb. 28, 1925, ch. 368, title III, § 313, 43 Stat. 1074; June 25, 1943, ch. 144, § 9, 57 Stat. 167; June 23, 1947, ch. 120, title III, § 304, 61 Stat. 159, related to political contributions by national banks, corporations, or labor unions. See section 441b of this title.

§§ 252 to 256. Repealed. Pub. L. 92–225, title IV, § 405, Feb. 7, 1972, 86 Stat. 20

Sections 252 to 255, act Feb. 28, 1925, ch. 368, title III, §§ 314–317, 43 Stat. 1074, provided for general penalties for violations, expenses of election contests, no effect on State laws, and partial invalidity.

Section 256, act Feb. 28, 1925, ch. 368, title III, § 301, 43 Stat. 1070, provided for citation of act Feb. 28, 1925, as the ''Federal Corrupt Practices Act''.

Such former provisions are covered generally by chapter 14 (§ 431 et seq.) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Feb. 7, 1972, see section 408 of Pub. L. 92–225, set out as an Effective Date note under section 431 of this title.

CHAPTER 8A—REGULATION OF LOBBYING

§§ 261 to 270. Repealed. Pub. L. 104–65, § 11(a), Dec. 19, 1995, 109 Stat. 701

Section 261, act Aug. 2, 1946, ch. 753, title III, § 302, 60 Stat. 839, defined terms used in this chapter.

Section 262, act Aug. 2, 1946, ch. 753, title III, § 303, 60 Stat. 840, related to detailed accounts of contributions and retention of receipted bills of expenditures.

Section 263, act Aug. 2, 1946, ch. 753, title III, § 304, 60 Stat. 840, required receipts for contributions.

Section 264, act Aug. 2, 1946, ch. 753, title III, § 305, 60 Stat. 840, required filing of statements of accounts with Clerk of House.

Section 265, act Aug. 2, 1946, ch. 753, title III, § 306, 60 Stat. 841, related to proper filing and preservation of statements filed with Clerk of House.

Section 266, act Aug. 2, 1946, ch. 753, title III, § 307, 60 Stat. 841, related to persons to whom chapter was applicable.

Section 267, act Aug. 2, 1946, ch. 753, title III, § 308, 60 Stat. 841, related to registration of lobbyists with Secretary of Senate and Clerk of House and required compilation of information required.

Section 268, act Aug. 2, 1946, ch. 753, title III, § 309, 60 Stat. 842, required that reports and statements be made under oath.

Section 269, act Aug. 2, 1946, ch. 753, title III, § 310, 60 Stat. 842, related to penalties and prohibitions for violations of this chapter.

Section 270, act Aug. 2, 1946, ch. 753, title III, § 311, 60 Stat. 842, related to exemptions from this chapter.

For provisions relating to disclosure of lobbying activities to influence the Federal Government, see section 1601 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1996, except as otherwise provided, see section 24 of Pub. L. 104–65, set out as an Effective Date note under section 1601 of this title.

SHORT TITLE

Act Aug. 2, 1946, title III, § 301, 60 Stat. 839, provided that title III of act Aug. 2, 1946 (enacting this chapter), could be cited as the ''Federal Regulation of Lobbying Act'', prior to repeal by Pub. L. 104–65, § 11(a), Dec. 19, 1995, 109 Stat. 701.

CHAPTER 9—OFFICE OF LEGISLATIVE COUNSEL

SUBCHAPTER I—SENATE

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272. Legislative Counsel.
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SUBCHAPTER II—HOUSE OF REPRESENTATIVES

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CHANGE OF NAME

Act June 2, 1924, ch. 234, § 1101, 43 Stat. 353, classified to sections 271 to 277 of this title, changed legislative drafting service to office of the legislative counsel, and draftsman to legislative counsel.

SUBCHAPTER I—SENATE

§ 271. Establishment

There shall be in the Senate an office to be known as the Office of the Legislative Counsel, and to be under the direction of the Legislative Counsel of the Senate.

(Feb. 24, 1919, ch. 18, § 1303(a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, title XI, § 1101, 43 Stat. 353.)

CODIFICATION

As originally enacted, section provided for creation of an office of the legislative counsel to be under the direction of two legislative counsels. In view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91–510, set out as a note under section 281 of this title, section has been revised to limit applicability to Senate and creation therein of Office of Legislative Counsel. See section 281 of this title for provisions establishing Office of the Legislative Counsel for the House of Representatives and section 282 of this title for provisions vesting management, etc., in the Legislative Counsel.

APPROPRIATIONS

Section 204 of act Aug. 2, 1946, ch. 753, 60 Stat. 837, provided: ''There is hereby authorized to be appropriated for the work of the Office of the Legislative Counsel the following sums:

''(1) For the fiscal year ending June 30, 1947, $150,000;

''(2) For the fiscal year ending June 30, 1948, $200,000;

''(3) For the fiscal year ending June 30, 1949, $250,000;

''(4) For the fiscal year ending June 30, 1950, $250,000; and

''(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.''

[Section 204 was made effective Aug. 2, 1946, by section 245 of act Aug. 2, 1946, set out as a note under section 72a of this title.]

§ 272. Legislative Counsel

The Legislative Counsel shall be 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.

(Feb. 24, 1919, ch. 18, § 1303(a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, title XI, § 1101, 43 Stat. 353; Sept. 20, 1941, ch. 412, title VI, § 602, 55 Stat. 726.)

CODIFICATION

Provisions authorizing appointment of a legislative counsel for the House of Representatives by the Speaker were omitted in view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91–510, set out as a note under section 281 of this title. See section 282 of this title for provisions authorizing appointment, etc., of Legislative Counsel of the House of Representatives.

AMENDMENTS

1941—Act Sept. 20, 1941, substituted ''President pro tempore of the Senate'' for ''President of the Senate.''

§ 273. Compensation

The Legislative Counsel of the Senate shall be paid at an annual rate of compensation of $40,000.

(Feb. 24, 1919, ch. 18, § 1303(d), as added June 2, 1924, ch. 234, title XI, § 1101, 43 Stat. 353; amended June 18, 1940, ch. 396, § 1, 54 Stat. 472; Sept. 20, 1941, ch. 412, title VI, § 602, 55 Stat. 726; Oct. 15, 1949, ch. 695, § 6(c), 63 Stat. 881; Aug. 5, 1955, ch. 568, §§ 9, 101, 69 Stat. 509, 514; Pub. L. 85–75, July 1, 1957, 71 Stat. 250; Pub. L. 88–426, title II, § 203(g), Aug. 14, 1964, 78 Stat. 415; Pub. L. 93–371, § 4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94–59, title I, § 105, July 25, 1975, 89 Stat. 275.)

CODIFICATION

Provisions setting forth authority for the allocation of the positions of legislative counsel to the appropriate grade in the compensation schedules of section 1112 of former Title 5 and the setting of rates of compensation thereunder by the President pro tempore of the Senate and the Speaker of the House of Representatives and prescribing the annual rate of compensation of the Legislative Counsel of the House of Representatives as an amount equal to $15,000, increased by an amount which is the same percentage of $15,000 as the percentage set forth in section 4(c) of the Federal Employees Salary Increase Act of 1955 were omitted in view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91–510, set out as a note under section 281 of this title. See section 282b of this title for provisions setting forth compensation of Legislative Counsel of House of Representatives.

AMENDMENTS

1975—Pub. L. 94–59 substituted ''an annual rate of compensation of $40,000'' for ''a gross annual compensation of $38,760 per annum'' as the rate of compensation of the Legislative Counsel of the Senate, effective July 1, 1975.

1974—Pub. L. 93–371 substituted provisions authorizing the Legislative Counsel of the Senate to be paid at an annual rate of compensation of $38,760, for provisions setting forth the gross annual compensation of the Legislative Counsel as $27,500 per annum, effective July 1, 1974.

1964—Pub. L. 88–426 provided that the compensation of the Legislative Counsel of the Senate shall be at the rate of $27,500 per annum.

1957—Pub. L. 85–75 increased the gross compensation of the Legislative Counsel of the Senate from $15,500 to $17,500 per annum, effective July 1, 1957.

1955—Act Aug. 5, 1955, increased the compensation of the Legislative Counsel of the Senate from a basic compensation of $12,000, to a gross annual compensation of $15,500, and the compensation of the Legislative Counsel of the House was increased from a basic compensation of $12,000 to an annual rate of compensation of $15,000 increased by the percentage set forth in section 4(c) of the Federal Employees Salary Increase Act of 1955.

1949—Act Oct. 15, 1949, increased the compensation of the Legislative Counsel of both House and the Senate from $10,000 to $12,000 per annum.

1941—Act Sept. 20, 1941, substituted ''President pro tempore of the Senate'' for ''President of the Senate''.

1940—Act June 18, 1940, provided that thereafter the compensation of the Legislative Counsel of the Senate shall be at the rate of $10,000 per annum so long as the present incumbent held the position.

EFFECTIVE DATE OF 1949 AMENDMENT

Section 9 of act Oct. 15, 1949, provided that: ''This Act shall take effect on the first day of the first pay period which begins after the date of enactment of this Act [Oct. 15, 1949].''

REPEALS

Act Mar. 10, 1928, ch. 167, §23(a), 45 Stat. 279, formerly cited as a credit to this section, was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 647.

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Adjustment in compensation by Pub. L. 93–371 not to supersede order of President pro tempore of the Senate authorizing higher rate of compensation or any authority of the President pro tempore to adjust rates of compensation or limitations under section 4 of the Federal Pay Comparability Act of 1970, see section 4 of Pub. L. 93–371, set out in part as a note under section 61a of this title.

INCREASES IN COMPENSATION

Increases in compensation for officers and employees of the Senate under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§274. Staff; office equipment and supplies

The Legislative Counsel shall, subject to the approval of the President pro tempore of the Senate, employ and fix the compensation of such Assistant Counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by Congress.

(Feb. 24, 1919, ch. 18, §1303(a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, title XI, §1101, 43 Stat. 353; Sept. 20, 1941, ch. 412, title VI, §602, 55 Stat. 726.)

CODIFICATION

As originally enacted, section also provided for legislative counsel of House of Representatives, subject to approval of Speaker, to employ and fix the compensation of assistant counsel, clerks, etc. In view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91–510, set out as a note under section 281 of this title, section has been revised to limit applicability to authority of Legislative Counsel of the Senate. See section 282a et seq. of this title for provisions relating to appointment of staff, etc., for Office of Legislative Counsel of the House of Representatives.

AMENDMENTS

1941—Act Sept. 20, 1941, substituted ''President pro tempore of the Senate'' for ''President of the Senate''.

DESIGNATION OF DEPUTY LEGISLATIVE COUNSEL

Pub. L. 106–57, title I, §6, Sept. 29, 1999, 113 Stat. 412, provided that: ''The Legislative Counsel may, subject to the approval of the President pro tempore of the Senate, designate one of the Senior Counsels appointed under section 102 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 274 note; Public Law 95–391; 92 Stat. 771) as Deputy Legislative Counsel. The Deputy Legislative Counsel shall perform the functions of the Legislative Counsel during the absence or disability of the Legislative Counsel, or when the office is vacant.''

SENIOR COUNSEL

Pub. L. 85–75, July 1, 1957, 71 Stat. 251, provided in part that: ''No more than three employees in the Office of the Legislative Counsel of the Senate may be designated as Senior Counsel, whose compensation shall be $15,500 gross per annum each.''

ADDITIONAL SENIOR COUNSEL

Pub. L. 95–391, title I, §102, Sept. 30, 1978, 92 Stat. 771, provided that: ''Effective October 1, 1978, the number of employees in the Office of the Legislative Counsel of the Senate who may be designated as, and receive the compensation of, a Senior Counsel is increased to five.''

Pub. L. 88–248, Dec. 30, 1963, 77 Stat. 804, provided in part: ''That effective July 1, 1963, one additional employee in the Office of the Legislative Counsel of the Senate may be designated as Senior Counsel, and the compensation of the additional employee so designated shall be equal to the gross per annum rate presently authorized for other employees so designated.''

INCREASES IN COMPENSATION OF FOUR SENIOR COUNSELS

Pub. L. 94–59, title I, §105, July 25, 1975, 89 Stat. 275, eff. July 1, 1975, provided in part that the four Senior Counsels in the Office of the Legislative Counsel of the Senate shall each be paid at an annual rate of compensation of $39,000.

Pub. L. 93–371, §4, Aug. 13, 1974, 88 Stat. 429, eff. July 1, 1974, provided in part that the four Senior Counsels in the Office of the Legislative Counsel of the Senate shall each be paid at an annual rate of compensation of $37,620.

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Adjustment in compensation by Pub. L. 93–371 not to supersede order of President pro tempore of the Senate authorizing higher rate of compensation or any authority of the President pro tempore to adjust rates of compensation or limitations under section 4 of the Federal Pay Comparability Act of 1970, see section 4 of Pub. L. 93–371, set out in part as a note under section 61a of this title.

INCREASES IN COMPENSATION

Increases in compensation for officers and employees of the Senate under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 275. Functions

The Office of the Legislative Counsel shall aid in drafting public bills and resolutions or amendments thereto on the request of any committee of the Senate but the Committee on Rules and Administration of the Senate may determine the preference, if any, to be given to such requests of the committees. The Legislative Counsel shall, from time to time, prescribe rules and regulations for the conduct of the work of the Office for the committees, subject to the approval of such Committee on Rules and Administration.

(Feb. 24, 1919, ch. 18, § 1303(b), (d), 40 Stat. 1141; June 2, 1924, ch. 234, title XI, § 1101, 43 Stat. 353; Aug. 2, 1946, ch. 753, title I, §§ 102, 121, 60 Stat. 814, 822.)

CODIFICATION

Provisions setting forth functions of office of legislative counsel with respect to the House of Representatives and the committees thereof were omitted in view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91–510, set out as a note under section 281 of this title. See section 281b of this title for functions of Office of Legislative Counsel of House of Representatives.

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Library Committee of the Senate'' and ''Committee on House Administration'' for ''Library Committee of the House of Representatives''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that the amendment made by that act is effective Jan. 2, 1947.

§ 276. Disbursement of appropriations

All appropriations for the Office of the Legislative Counsel shall be disbursed by the Secretary of the Senate.

(Feb. 24, 1919, ch. 18, § 1303(c), (d), 40 Stat. 1142; June 2, 1924, ch. 234, title XI, § 1101, 43 Stat. 353.)

CODIFICATION

As originally enacted, section provided for disbursement of one-half of appropriations for office of legislative counsel by Secretary of Senate and one-half by Clerk of House of Representatives. In view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91–510, set out as a note under section 281 of this title, section has been revised to limit application to Office of the Legislative Counsel of the Senate. See section 282c of this title for provisions relating to expenditures by Legislative Counsel of the House of Representatives.

§ 276a. Expenditures

With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

(Pub. L. 98–51, title I, § 105, July 14, 1983, 97 Stat. 267.)

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984, and not as part of section 1303 of act Feb. 24, 1919 which comprises this subchapter.

§ 276b. Travel and related expenses

Funds expended by the Legislative Counsel of the Senate for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

(Pub. L. 98–51, title I, § 106, July 14, 1983, 97 Stat. 267.)

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984, and not as part of section 1303 of act Feb. 24, 1919 which comprises this subchapter.

Section, as it relates to funds expended by the Senate Legal Counsel, is classified to section 288n of this title.

§ 277. Repealed. Pub. L. 93–191, § 13, Dec. 18, 1973, 87 Stat. 746

Section, act Feb. 24, 1919, ch. 18, § 1303(d), as added June 2, 1924, ch. 234, title XI, § 1101, 43 Stat. 353, provided for free transmission of official mail matter of legislative counsel. Official mail matter of Legislative Counsel of House of Representatives is covered by section 282d of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as an Effective Date of 1973 Amendment note under section 3210 of Title 39, Postal Service.

SUBCHAPTER II—HOUSE OF REPRESENTATIVES

PART I—PURPOSE, POLICY, AND FUNCTION

§ 281. Establishment

There is established in the House of Representatives an office to be known as the Office of the Legislative Counsel, referred to hereinafter in this subchapter as the ''Office''.

(Pub. L. 91–510, title V, § 501, Oct. 26, 1970, 84 Stat. 1201.)

EFFECTIVE DATE

Subchapter effective Oct. 26, 1970, see section 601(5) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

TRANSFER OF FUNCTIONS; NONAPPLICABILITY OF SECTIONS 271 TO 277 TO THE HOUSE

Section 531 of Pub. L. 91–510 provided that: ''Any individual who on the date of the enactment of this Act [Oct. 26, 1970] is serving under an appointment by the Speaker as Legislative Counsel of the House of Representatives shall continue as Legislative Counsel of the House of Representatives in accordance with this subtitle [this subchapter]. All personnel, positions, property, records, and unexpended balances of appropriations of or for that part of the Office of the Legislative Counsel established under section 1303 of the Revenue Act of 1918 (2 U.S.C., ch. 9) [sections 271 to 277 of this title] employed or held in or for the House of Representatives shall be transferred to the Office estab-

lished under this subtitle; and, effective upon the date of enactment of this Act, the provisions of section 1303 of the Revenue Act of 1918 shall have no further applicability of any kind to the Speaker or to any committee, officer, employee, or property of the House of Representatives.''

§ 281a. Purpose and policy

The purpose of the Office shall be to advise and assist the House of Representatives, and its committees and Members, in the achievement of a clear, faithful, and coherent expression of legislative policies. The Office shall maintain impartiality as to issues of legislative policy to be determined by the House of Representatives, and shall not advocate the adoption or rejection of any legislation except when duly requested by the Speaker or a committee to comment on a proposal directly affecting the functions of the Office. The Office shall maintain the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

(Pub. L. 91–510, title V, § 502, Oct. 26, 1970, 84 Stat. 1202.)

§ 281b. Functions

The functions of the Office shall be as follows:

(1) Upon request of the managers on the part of the House at any conference on the disagreeing votes of the two Houses, to advise and assist the managers on the part of the House in the course of the conference, and to assist the committee of conference in the preparation of the conference report and any accompanying explanatory statement.

(2) Upon request of any committee of the House, or any joint committee having authority to report legislation to the House, to advise and assist the committee in the consideration of any legislation before it, and to assist the committee in the preparation of drafts of any such legislation, amendments thereto, and reports thereon.

(3) Upon request of any Member having control of time during the consideration of any legislation by the House, to have in attendance on the floor of the House not more than two members of the staff of the Office (and, in his discretion, the Legislative Counsel) to advise and assist such Member and, to the extent feasible, any other Member, in the course of such consideration.

(4) Upon request of any Member, subject to such reasonable restrictions as the Legislative Counsel may impose with the approval of the Speaker on the proportion of the resources of the Office which may be devoted to the requests of any one Member, to prepare drafts of legislation and to furnish drafting advice with respect to drafts of legislation prepared by others.

(5) At the direction of the Speaker, to perform on behalf of the House of Representatives any legal services which are within the capabilities of the Office and the performance of which would not be inconsistent with the provisions of section 281a of this title or the preceding provisions of this section.

(Pub. L. 91–510, title V, § 503, Oct. 26, 1970, 84 Stat. 1202.)

PART II—ADMINISTRATION

§ 282. Legislative Counsel

The management, supervision, and administration of the Office are vested in the Legislative Counsel, who shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

(Pub. L. 91–510, title V, § 521, Oct. 26, 1970, 84 Stat. 1202.)

§ 282a. Staff; Deputy Legislative Counsel; delegation of functions

(a) With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Legislative Counsel shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Legislative Counsel with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(b)(1) One of the attorneys appointed under subsection (a) of this section shall be designated by the Legislative Counsel as Deputy Legislative Counsel. During the absence or disability of the Legislative Counsel, or when the office is vacant, the Deputy Legislative Counsel shall perform the functions of the Legislative Counsel.

(2) The Legislative Counsel may delegate to the Deputy Legislative Counsel and to other employees appointed under subsection (a) of this section such of his functions as he considers necessary or appropriate.

(Pub. L. 91–510, title V, § 522, Oct. 26, 1970, 84 Stat. 1203; Pub. L. 92–51, § 101, July 9, 1971, 85 Stat. 132.)

AMENDMENTS

1971—Subsec. (b). Pub. L. 92–51 substituted provisions for designation of one attorney as Deputy Legislative Counsel to perform functions of Legislative Counsel during his absence or disability or when office is vacant and for delegation of functions to Deputy Legislative Counsel and other employees for former provisions for appointment of full-time Office Administrator to exercise management, supervisory, and administrative functions of the Office as delegated to him by the Legislative Counsel.

§ 282b. Compensation

(a) The Legislative Counsel shall be paid at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule of section 5314 of title 5.

(b) Members of the staff of the Office other than the Legislative Counsel shall be paid at per annum gross rates fixed by the Legislative Counsel with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of the rate of basic pay for one pay level above the maximum pay level for

employees of the House of Representatives provided under clause 6(c) of Rule XI of the Rules of the House of Representatives.

(Pub. L. 91–510, title V, § 523, Oct. 26, 1970, 84 Stat. 1203; Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

REFERENCES IN TEXT

Clause 6(c) of Rule XI of the Rules of the House of Representatives, referred to in text, was amended generally for the One Hundred First Congress and, as so amended, does not refer to specific pay levels. The Rules were amended generally by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999, and, as so amended, provisions formerly appearing in clause 6(c) of Rule XI, as amended for the One Hundred First Congress, are now contained in clause 9(c) of Rule X.

CODIFICATION

Amendment by Pub. L. 95–94 is based on par. (2) of House Resolution No. 8, Ninety-fifth Congress, Jan. 4, 1977, which was enacted into permanent law by Pub. L. 95–94.

PRIOR PROVISIONS

House Resolution 312, 89th Congress, Mar. 31, 1965, which was enacted into permanent law by section 103 of Pub. L. 89–90, July 27, 1965, 79 Stat. 281, provided that effective Apr. 1, 1965, the compensation of the Legislative Counsel of the House of Representatives shall be at a gross per annum rate which is equal to the gross per annum rate of compensation of the Legislative Counsel of the Senate, and that the additional sums necessary to carry out this resolution shall be paid out of the contingent fund of the House until otherwise provided by law.

AMENDMENTS

1977—Subsec. (b). Pub. L. 95–94 substituted provisions authorizing compensation at a rate not in excess of the rate of basic pay for one pay level above the maximum pay level for House employees provided under cl. 6(c) of Rule XI of the Rules of the House of Representatives, for provisions authorizing compensation at per annum gross rates not in excess of a per annum gross rate equal to the rate of basic pay for level V of the Executive Schedule of section 5316 of title 5.

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 60a–2 and 60a–2a of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§ 282c. Expenditures

In accordance with policies and procedures approved by the Speaker, the Legislative Counsel may make such expenditures as may be necessary or appropriate for the functioning of the Office.

(Pub. L. 91–510, title V, § 524, Oct. 26, 1970, 84 Stat. 1203.)

§ 282d. Official mail matter

The Legislative Counsel may send the official mail matter of the Office as franked mail under section 3210 of title 39.

(Pub. L. 91–510, title V, § 525, Oct. 26, 1970, 84 Stat. 1203; Pub. L. 92–51, § 101, July 9, 1971, 85 Stat. 132.)

AMENDMENTS

1971—Pub. L. 92–51 substituted provision for Legislative Counsel to send official mail matter of the Office as franked mail under section 3210 of title 39, for former provision granting the Office the same privilege of free transmission of official mail matter as other offices of the United States Government.

§ 282e. Authorization of appropriations

There are authorized to be appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, such sums as may be necessary to carry out this subchapter and to increase the efficiency of the Office and the quality of the services which it provides.

(Pub. L. 91–510, title V, § 526, Oct. 26, 1970, 84 Stat. 1203.)

CHAPTER 9A—OFFICE OF LAW REVISION COUNSEL

Sec.
285. Establishment.
285a. Purpose and policy.
285b. Functions.
285c. Law Revision Counsel.
285d. Staff; Deputy Law Revision Counsel; delegation of functions.
285e. Compensation.
285f. Expenditures.
285g. Availability of applicable accounts of House.

§ 285. Establishment

There is established in the House of Representatives an office to be known as the Office of the Law Revision Counsel, referred to hereinafter in this chapter as the ''Office''.

(Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on section 205(a) of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

EFFECTIVE DATE

Section 101 of Pub. L. 93–554 provided that the enactment of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, into permanent law is effective on Jan. 2, 1975. This chapter is derived from enactment into permanent law of section 205 of House Resolution No. 988.

§ 285a. Purpose and policy

The principal purpose of the Office shall be to develop and keep current an official and positive codification of the laws of the United States. The Office shall maintain impartiality as to issues of legislative policy to be determined by the House.

(Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on section 205(b) of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

§ 285b. Functions

The functions of the Office shall be as follows:

(1) To prepare, and submit to the Committee on the Judiciary one title at a time, a com-

plete compilation, restatement, and revision of the general and permanent laws of the United States which conforms to the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections both of substance and of form, separately stated, with a view to the enactment of each title as positive law.

(2) To examine periodically all of the public laws enacted by the Congress and submit to the Committee on the Judiciary recommendations for the repeal of obsolete, superfluous, and superseded provisions contained therein.

(3) To prepare and publish periodically a new edition of the United States Code (including those titles which are not yet enacted into positive law as well as those titles which have been so enacted), with annual cumulative supplements reflecting newly enacted laws.

(4) To classify newly enacted provisions of law to their proper positions in the Code where the titles involved have not yet been enacted into positive law.

(5) To prepare and submit periodically such revisions in the titles of the Code which have been enacted into positive law as may be necessary to keep such titles current.

(6) To prepare and publish periodically new editions of the District of Columbia Code, with annual cumulative supplements reflecting newly enacted laws, through publication of the fifth annual cumulative supplement to the 1973 edition of such Code.

(7) To provide the Committee on the Judiciary with such advice and assistance as the committee may request in carrying out its functions with respect to the revision and codification of the Federal statutes.

(Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 94–386, § 1, Aug. 14, 1976, 90 Stat. 1170.)

CODIFICATION

Section is based on section 205(c) of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

AMENDMENTS

1976—Par. (6). Pub. L. 94–386 substituted ''through publication of the fifth annual cumulative supplement to the 1973 edition of such Code'' for ''until such time as the District of Columbia Self-Government and Governmental Reorganization Act becomes effective''.

PREPARATION AND PUBLICATION OF NEW EDITION OF THE DISTRICT OF COLUMBIA CODE UNDER DIRECTION OF COUNCIL OF THE DISTRICT OF COLUMBIA

Section 2 of Pub. L. 94–386 provided that:

''(a) After publication by the Law Revision Counsel of the fifth annual cumulative supplement to the 1973 edition of the District of Columbia Code, new editions of the District of Columbia Code (and annual cumulative supplements thereto) shall be prepared and published under the direction of the Council of the District of Columbia and shall set forth the general and permanent laws relating to or in force in the District of Columbia, whether enacted by the Congress or by the Council of the District of Columbia, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in nature.

''(b) After completion of the printing of the fifth annual cumulative supplement to the 1973 edition of the District of Columbia Code, the Public Printer shall, as the Council of the District of Columbia may request, either—

''(1) furnish to the Council of the District of Columbia, on such terms as the Public Printer (in consultation with the Joint Committee on Printing) deems appropriate, the type used in preparing the 1973 edition of the District of Columbia Code and the fifth annual cumulative supplement to such edition; or

''(2) make such arrangements with the Council of the District of Columbia as the Public Printer (in consultation with the Joint Committee on Printing) deems appropriate for the printing by the Government Printing Office of future editions of the District of Columbia Code, and annual cumulative supplements thereto, prepared under the direction of the Council of the District of Columbia.''

§ 285c. Law Revision Counsel

The management, supervision, and administration of the Office are vested in the Law Revision Counsel, who shall be appointed by the Speaker without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

(Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on section 205(d) of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

§ 285d. Staff; Deputy Law Revision Counsel; delegation of functions

(1) With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Law Revision Counsel shall appoint such employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Law Revision Counsel with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(2)(A) One of the employees appointed under paragraph (1) shall be designated by the Law Revision Counsel as Deputy Law Revision Counsel. During the absence or disability of the Law Revision Counsel, or when the office is vacant, the Deputy Law Revision Counsel shall perform the functions of the Law Revision Counsel.

(B) The Law Revision Counsel may delegate to the Deputy Law Revision Counsel and to other employees appointed under paragraph (1) such of his or her functions as he or she considers necessary or appropriate.

(Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on section 205(e) of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

§ 285e. Compensation

The Law Revision Counsel shall be paid at a per annum gross rate not to exceed level IV of

the Executive Schedule of section 5315 of title 5; and members of the staff of the Office other than the Law Revision Counsel shall be paid at per annum gross rates fixed by the Law Revision Counsel with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of a per annum gross rate equal to level V of such schedule.

(Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on section 205(f) of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 60a–2 and 60a–2a of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§ 285f. Expenditures

In accordance with policies and procedures approved by the Speaker, the Law Revision Counsel is authorized to make such expenditures as may be necessary or appropriate for the functioning of the Office.

(Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section is based on section 205(g) of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

§ 285g. Availability of applicable accounts of House

Until such time as funds are appropriated by law to carry out the purpose of this chapter, the applicable accounts of the House of Representatives shall be available for such purpose.

(Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104–186, title II, § 207, Aug. 20, 1996, 110 Stat. 1742.)

CODIFICATION

Section is based on section 205(h) of House Resolution No. 988, Ninety-third Congress, Oct. 8, 1974, which was enacted into permanent law by Pub. L. 93–554.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts of the House of Representatives'' for ''contingent fund of the House''.

CHAPTER 9B—LEGISLATIVE CLASSIFICATION OFFICE

§§ 286 to 286g. Repealed. Pub. L. 104–186, title II, § 208, Aug. 20, 1996, 110 Stat. 1742

Section 286, based on H. Res. No. 988, § 203(a), Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, established Legislative Classification Office in House of Representatives.

Section 286a, based on H. Res. No. 988, § 203(b), Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, related to purpose and policy of Legislative Classification Office.

Section 286b, based on H. Res. No. 988, § 203(c), Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, related to functions of Legislative Classification Office.

Section 286c, based on H. Res. No. 988, § 203(d), Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, related to functions and appointment of Staff Director of Legislative Classification Office.

Section 286d, based on H. Res. No. 988, § 203(e), Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, related to appointment of staff, Deputy Staff Director, and delegation of functions of Legislative Classification Office.

Section 286e, based on H. Res. No. 988, § 203(f), Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, related to compensation of Staff Director and staff of Legislative Classification Office.

Section 286f, based on H. Res. No. 988, § 203(g), Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, related to expenditures of Legislative Classification Office.

Section 286g, based on H. Res. No. 988, § 203(h), Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, provided that contingent fund of House was available to carry out this chapter.

CHAPTER 9C—OFFICE OF PARLIAMENTARIAN OF HOUSE OF REPRESENTATIVES

Sec.
287. Establishment.
287a. Parliamentarian.
287b. Staff; Deputy Parliamentarian; delegation of functions.
287c. Compensation.
287d. Expenditures.

§ 287. Establishment

There is hereby established in the House of Representatives an office to be known as the Office of the Parliamentarian, hereinafter in this chapter referred to as the ''Office''.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 1 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95–94.

EFFECTIVE DATE

Section 6 of House Resolution No. 502, Apr. 20, 1977, as enacted into permanent law by section 115 of Pub. L. 95–94, provided that: ''This resolution [this chapter] shall take effect as of March 1, 1977, and shall continue in effect until otherwise provided by law.''

§ 287a. Parliamentarian

The management, supervision, and administration of the Office shall be vested in the Parliamentarian, who shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 2 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95–94.

§ 287b. Staff; Deputy Parliamentarian; delegation of functions

(a) With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Parliamentarian shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Parliamentarian with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(b)(1) One of the attorneys appointed under subsection (a) of this section shall be designated by the Parliamentarian as Deputy Parliamentarian. During the absence or disability of the Parliamentarian, or when the office is vacant, the Deputy Parliamentarian shall perform the functions of the Parliamentarian.

(2) The Parliamentarian may delegate to the Deputy Parliamentarian and to other employees appointed under subsection (a) of this section such of the functions of the Parliamentarian as the Parliamentarian considers necessary or appropriate.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 3 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95–94.

§ 287c. Compensation

(a) The Parliamentarian shall be paid at a per annum gross rate established by the Speaker but not in excess of the rate of basic pay determined from time to time under subsection (b) of section 3 of the Speaker's salary directive of June 11, 1968.

(b) Members of the staff of the Office other than the Parliamentarian shall be paid at per annum gross rates fixed by the Parliamentarian with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of the rate of basic pay set forth in subsection (a) of this section.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

REFERENCES IN TEXT

Subsection (b) of section 3 of the Speaker's salary directive of June 11, 1968, referred to in subsec. (a), is set out as a note under section 60a–2 of this title.

CODIFICATION

Section is based on section 4 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95–94.

PRIOR PROVISIONS

House Resolution No. 904, Eighty-eighth Congress, Oct. 3, 1964, provided: ''That effective January 1, 1965, the salary of the Parliamentarian of the House of Representatives shall be at the gross rate of $28,500. The additional sums necessary to carry out this resolution shall be paid out of the contingent fund of the House until otherwise provided by law.''

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 60a–2 and 60a–2a of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§ 287d. Expenditures

In accordance with policies and procedures approved by the Speaker, the Parliamentarian may make such expenditures as may be necessary or appropriate for the functioning of the Office.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 5 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95–94.

CHAPTER 9D—OFFICE OF SENATE LEGAL COUNSEL

Sec.
288. Office of Senate Legal Counsel.
288a. Senate Joint Leadership Group.
288b. Requirements for authorizing representation activity.
288c. Defending the Senate, committee, subcommittee, member, officer, or employee of Senate.
288d. Enforcement of Senate subpena or order.
288e. Intervention or appearance.
288f. Immunity proceedings.
288g. Advisory and other functions.
288h. Defense of certain constitutional powers.
288i. Representation conflict or inconsistency.
288j. Consideration of resolutions to direct counsel.
288k. Attorney General relieved of responsibility.
288*l*. Procedural provisions.
288m. Contingent fund.
288n. Travel and related expenses.

§ 288. Office of Senate Legal Counsel

(a) Establishment; appointment of Counsel and Deputy Counsel; Senate approval; reappointment; compensation

(1) There is established, as an office of the Senate, the Office of Senate Legal Counsel (hereinafter referred to as the ''Office''), which shall be headed by a Senate Legal Counsel (hereinafter referred to as the ''Counsel''); and there shall be a Deputy Senate Legal Counsel (hereinafter referred to as the ''Deputy Counsel'') who shall perform such duties as may be assigned to him by the Counsel and who, during any absence, disability, or vacancy in the position of the Counsel, shall serve as Acting Senate Legal Counsel.

(2) The Counsel and the Deputy Counsel each shall be appointed by the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the Senate. Any appointment made under this

paragraph shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Counsel or Deputy Counsel shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(3)(A) Any appointment made under paragraph (2) shall become effective upon approval by resolution of the Senate. The Counsel and the Deputy Counsel shall each be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Counsel or Deputy Counsel, respectively, is appointed except that the Senate may, by resolution, remove either the Counsel or the Deputy Counsel prior to the termination of any term of service. The Counsel and the Deputy Counsel may be reappointed at the termination of any term of service.

(B) The first Counsel and the first Deputy Counsel shall be appointed, approved, and begin service within ninety days after January 3, 1979, and thereafter the Counsel and Deputy Counsel shall be appointed, approved, and begin service within thirty days after the beginning of the session of the Congress immediately following the termination of a Counsel's or Deputy Counsel's term of service or within sixty days after a vacancy occurs in either position.

(4) The Counsel shall receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5314 of title 5. The Deputy Counsel shall receive compensation at a rate equal to the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5.

(b) Assistant counsels and other personnel; compensation; appointment; removal

(1) The Counsel shall select and fix the compensation of such Assistant Senate Legal Counsels (hereinafter referred to as ''Assistant Counsels'') and of such other personnel, within the limits of available funds, as may be necessary to carry out the provisions of this chapter and may prescribe the duties and responsibilities of such personnel. The compensation fixed for each Assistant Counsel shall not be in excess of a rate equal to the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5. Any selection made under this paragraph shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any individual selected as an Assistant Counsel shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during his term of service. The Counsel may remove any individual appointed under this paragraph.

(2) For purposes of pay (other than the rate of pay of the Counsel and Deputy Counsel) and employment benefits, right, and privileges, all personnel of the Office shall be treated as employees of the Senate.

(c) Consultants

In carrying out the functions of the Office, the Counsel may procure the temporary (not to exceed one year) or intermittent services of individual consultants (including outside counsel), or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 72a(i) of this title.

(d) Policies and procedures

The Counsel may establish such policies and procedures as may be necessary to carry out the provisions of this chapter.

(e) Delegation of duties

The counsel[1] may delegate authority for the performance of any function imposed by this chapter except any function imposed upon the Counsel under section 288e(b) of this title.

(f) Attorney-client relationship

The Counsel and other employees of the Office shall maintain the attorney-client relationship with respect to all communications between them and any Member, officer, or employee of the Senate.

(Pub. L. 95–521, title VII, § 701, Oct. 26, 1978, 92 Stat. 1875.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1), (d), and (e), was in the original ''this title'', meaning title VII of Pub. L. 95–521, which enacted this chapter, section 118a of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, and amended sections 3210, 3216, and 3219 of Title 39, Postal Service. For complete classification of title VII to the Code, see Tables.

EFFECTIVE DATE

Section 717 of title VII of Pub. L. 95–521 provided that: ''This title [enacting this chapter, section 118a of this title, section 1364 of Title 28, Judiciary and Judicial Procedure, amending sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under this section] shall take effect on January 3, 1979.''

SEPARABILITY

Section 715 of title VII of Pub. L. 95–521 provided that: ''If any part of this title or any amendment made by this title [enacting this chapter, section 118a of this title, section 1364 of Title 28, Judiciary and Judicial Procedure, amending sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under this section] is held invalid, the remainder of the title and any amendment made by this title shall not be affected thereby. If any provision of any part of this title or of any amendment made by this title, or the application thereof to any person or circumstance is held invalid, the provisions of other parts and of any amendment made by this title and their application to other persons or circumstances shall not be affected thereby.''

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 288a. Senate Joint Leadership Group

(a) Accountability of Office

The Office shall be directly accountable to the Joint Leadership Group in the performance of the duties of the Office.

[1] So in original. Probably should be capitalized.

(b) Membership

For purposes of this chapter, the Joint Leadership Group shall consist of the following Members:

(1) The President pro tempore (or if he so designates, the Deputy President pro tempore) of the Senate.

(2) The majority and minority leaders of the Senate.

(3) The Chairman and ranking minority Member of the Committee on the Judiciary of the Senate.

(4) The Chairman and ranking minority Member of the committee of the Senate which has jurisdiction over the contingent fund of the Senate.

(c) Assistance of Secretary of Senate

The Joint Leadership Group shall be assisted in the performance of its duties by the Secretary of the Senate.

(Pub. L. 95–521, title VII, § 702, Oct. 26, 1978, 92 Stat. 1877.)

§ 288b. Requirements for authorizing representation activity

(a) Direction of Joint Leadership Group or Senate resolution

The Counsel shall defend the Senate or a committee, subcommittee, Member, officer, or employee of the Senate under section 288c of this title only when directed to do so by two-thirds of the Members of the Joint Leadership Group or by the adoption of a resolution by the Senate.

(b) Civil action to enforce subpena

The Counsel shall bring a civil action to enforce a subpena of the Senate or a committee or subcommittee of the Senate under section 288d of this title only when directed to do so by the adoption of a resolution by the Senate.

(c) Intervention or appearance

The Counsel shall intervene or appear as amicus curiae under section 288e of this title only when directed to do so by a resolution adopted by the Senate when such intervention or appearance is to be made in the name of the Senate or in the name of an officer, committee, subcommittee, or chairman of a committee or subcommittee of the Senate.

(d) Immunity proceedings

The Counsel shall serve as the duly authorized representative in obtaining an order granting immunity under section 288f of this title of—

(1) the Senate when directed to do so by an affirmative vote of a majority of the Members present of the Senate; or

(2) a committee or subcommittee of the Senate when directed to do so by an affirmative vote of two-thirds of the members of the full committee.

(e) Resolution recommendations

The Office shall make no recommendation with respect to the consideration of a resolution under this section.

(Pub. L. 95–521, title VII, § 703, Oct. 26, 1978, 92 Stat. 1877.)

§ 288c. Defending the Senate, committee, subcommittee, member, officer, or employee of Senate

(a) Except as otherwise provided in subsection (b) of this section, when directed to do so pursuant to section 288b(a) of this title, the Counsel shall—

(1) defend the Senate, a committee, subcommittee, Member, officer, or employee of the Senate in any civil action pending in any court of the United States or of a State or political subdivision thereof, in which the Senate, such committee, subcommittee, Member, officer, or employee is made a party defendant and in which there is placed in issue the validity of any proceeding of, or action, including issuance of any subpena or order, taken by the Senate, or such committee, subcommittee, Member, officer, or employee in its or his official or representative capacity; or

(2) defend the Senate or a committee, subcommittee, Member, officer, or employee of the Senate in any proceeding with respect to any subpena or order directed to the Senate or such committee, subcommittee, Member, officer, or employee in its or his official or representative capacity.

(b) Representation of a Member, officer, or employee under subsection (a) of this section shall be undertaken by the Counsel only upon the consent of such Member, officer, or employee.

(Pub. L. 95–521, title VII, § 704, Oct. 26, 1978, 92 Stat. 1877.)

§ 288d. Enforcement of Senate subpena or order

(a) Institution of civil actions

When directed to do so pursuant to section 288b(b) of this title, the Counsel shall bring a civil action under any statute conferring jurisdiction on any court of the United States (including section 1365 of title 28), to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened failure or refusal to comply with, any subpena or order issued by the Senate or a committee or a subcommittee of the Senate authorized to issue a subpena or order.

(b) Actions in name of committees and subcommittees

Any directive to the Counsel to bring a civil action pursuant to subsection (a) of this section in the name of a committee or subcommittee of the Senate shall, for such committee or subcommittee, constitute authorization to bring such action within the meaning of any statute conferring jurisdiction on any court of the United States.

(c) Consideration of resolutions authorizing actions

It shall not be in order in the Senate to consider a resolution to direct the Counsel to bring a civil action pursuant to subsection (a) of this section in the name of a committee or subcommittee unless—

(1) such resolution is reported by a majority of the members voting, a majority being present, of such committee or committee of which such subcommittee is a subcommittee, and

(2) the report filed by such committee or committee of which such subcommittee is a subcommittee contains a statement of—

(A) the procedure followed in issuing such subpena;

(B) the extent to which the party subpenaed has complied with such subpena;

(C) any objections or privileges raised by the subpenaed party; and

(D) the comparative effectiveness of bringing a civil action under this section, certification of a criminal action for contempt of Congress, and initiating a contempt proceeding before the Senate.

(d) Rules of Senate

The provisions of subsection (c) of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate, and, as such, they shall be considered as part of the rules of the Senate, and such rules shall supersede any other rule of the Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules (so far as relating to the procedure in the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(e) Committee reports

A report filed pursuant to subsection (c)(2) of this section shall not be receivable in any court of law to the extent such report is in compliance with such subsection.

(f) Omitted

(g) Certification of failure to testify; contempt

Nothing in this section shall limit the discretion of—

(1) the President pro tempore of the Senate in certifying to the United States Attorney for the District of Columbia any matter pursuant to section 194 of this title; or

(2) the Senate to hold any individual or entity in contempt of the Senate.

(Pub. L. 95–521, title VII, § 705, Oct. 26, 1978, 92 Stat. 1878; Pub. L. 99–336, § 6(a)(2), June 19, 1986, 100 Stat. 639.)

CODIFICATION

Subsec. (f) of this section amended title 28 by adding section 1364 and by adding item 1364 to the chapter analysis.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99–336 substituted ''section 1365 of title 28'' for ''section 1364 of title 28''.

§ 288e. Intervention or appearance

(a) Actions or proceedings

When directed to do so pursuant to section 288b(c) of this title, the Counsel shall intervene or appear as amicus curiae in the name of the Senate, or in the name of an officer, committee, subcommittee, or chairman of a committee or subcommittee of the Senate in any legal action or proceeding pending in any court of the United States or of a State or political subdivision thereof in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue. The Counsel shall be authorized to intervene only if standing to intervene exists under section 2 of article III of the Constitution of the United States.

(b) Notification; publication

The Counsel shall notify the Joint Leadership Group of any legal action or proceeding in which the Counsel is of the opinion that intervention or appearance as amicus curiae under subsection (a) of this section is in the interest of the Senate. Such notification shall contain a description of the legal action or proceeding together with the reasons that the Counsel is of the opinion that intervention or appearance as amicus curiae is in the interest of the Senate. The Joint Leadership Group shall cause said notification to be published in the Congressional Record for the Senate.

(c) Powers and responsibilities of Congress

The Counsel shall limit any intervention or appearance as amicus curiae in an action or proceeding to issues relating to the powers and responsibilities of Congress.

(Pub. L. 95–521, title VII, § 706, Oct. 26, 1978, 92 Stat. 1880.)

§ 288f. Immunity proceedings

When directed to do so pursuant to section 288b(d) of this title, the Counsel shall serve as the duly authorized representative of the Senate or a committee or subcommittee of the Senate in requesting a United States district court to issue an order granting immunity pursuant to section 6005 of title 18.

(Pub. L. 95–521, title VII, § 707, Oct. 26, 1978, 92 Stat. 1880.)

§ 288g. Advisory and other functions

(a) Cooperation with persons, committees, subcommittees, and offices

The Counsel shall advise, consult, and cooperate with—

(1) the United States Attorney for the District of Columbia with respect to any criminal proceeding for contempt of Congress certified by the President pro tempore of the Senate pursuant to section 194 of this title;

(2) the committee of the Senate with the responsibility to identify any court proceeding or action which is of vital interest to the Senate;

(3) the Comptroller General, the Government Accountability Office, the Office of Legislative Counsel of the Senate, and the Congressional Research Service, except that none of the responsibilities and authority assigned by this chapter to the Counsel shall be construed to affect or infringe upon any functions, powers, or duties of the aforementioned;

(4) any Member, officer, or employee of the Senate not represented under section 288c of this title with regard to obtaining private legal counsel for such Member, officer, or employee;

(5) the President pro tempore of the Senate, the Secretary of[1] Senate, the Sergeant-at-

[1] So in original. Probably should be ''of the''.

Arms of the Senate, and the Parliamentarian of the Senate, regarding any subpena, order, or request for withdrawal of papers presented to the Senate which raises a question of the privileges of the Senate; and

(6) any committee or subcommittee of the Senate in promulgating and revising their rules and procedures for the use of congressional investigative powers and with respect to questions which may arise in the course of any investigation.

(b) Legal research files

The Counsel shall compile and maintain legal research files of materials from court proceedings which have involved Congress, a House of Congress, an office or agency of Congress, or any committee, subcommittee, Member, officer, or employee of Congress. Public court papers and other research memoranda which do not contain information of a confidential or privileged nature shall be made available to the public consistent with any applicable procedures set forth in such rules of the Senate as may apply and the interests of the Senate.

(c) Miscellaneous duties

The Counsel shall perform such other duties consistent with the purposes and limitations of this chapter as the Senate may direct.

(Pub. L. 95–521, title VII, § 708, Oct. 26, 1978, 92 Stat. 1880; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Subsec. (a)(3). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

§ 288h. Defense of certain constitutional powers

In performing any function under this chapter, the Counsel shall defend vigorously when placed in issue—

(1) the constitutional privilege from arrest or from being questioned in any other place for any speech or debate under section 6 of article I of the Constitution of the United States;

(2) the constitutional power of the Senate to be judge of the elections, returns, and qualifications of its own Members and to punish or expel a Member under section 5 of article I of the Constitution of the United States;

(3) the constitutional power of the Senate to except from publication such parts of its journal as in its judgment may require secrecy;

(4) the constitutional power of the Senate to determine the rules of its proceedings;

(5) the constitutional power of Congress to make all laws as shall be necessary and proper for carrying into execution the constitutional powers of Congress and all other powers vested by the Constitution in the Government of the United States, or in any department or office thereof;

(6) all other constitutional powers and responsibilities of the Senate or of Congress; and

(7) the constitutionality of Acts and joint resolutions of the Congress.

(Pub. L. 95–521, title VII, § 709, Oct. 26, 1978, 92 Stat. 1881.)

§ 288i. Representation conflict or inconsistency

(a) Notification

In the carrying out of the provisions of this chapter, the Counsel shall notify the Joint Leadership Group, and any party represented or person affected, of the existence and nature of any conflict or inconsistency between the representation of such party or person and the carrying out of any other provision of this chapter or compliance with professional standards and responsibilities.

(b) Solution; publication in Congressional Record; review

Upon receipt of such notification, the members of the Joint Leadership Group shall recommend the action to be taken to avoid or resolve the conflict or inconsistency. If such recommendation is made by a two-thirds vote, the Counsel shall take such steps as may be necessary to resolve the conflict or inconsistency as recommended. If not, the members of the Joint Leadership Group shall cause the notification of conflict or inconsistency and recommendation with respect to resolution thereof to be published in the Congressional Record of the Senate. If the Senate does not direct the Counsel within fifteen days from the date of publication in the Record to resolve the conflict in another manner, the Counsel shall take such action as may be necessary to resolve the conflict or inconsistency as recommended. Any instruction or determination made pursuant to this subsection shall not be reviewable in any court of law.

(c) Computation of period following publication

For purposes of the computation of the fifteen day period in subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which the Senate is not in session because of an adjournment of more than three days to a date certain are excluded.

(d) Reimbursement

The Senate may by resolution authorize the reimbursement of any Member, officer, or employee of the Senate who is not represented by the Counsel for fees and costs, including attorneys' fees, reasonably incurred in obtaining representation. Such reimbursement shall be from funds appropriated to the contingent fund of the Senate.

(Pub. L. 95–521, title VII, § 710, Oct. 26, 1978, 92 Stat. 1882.)

§ 288j. Consideration of resolutions to direct counsel

(a) Procedure; rules

(1) A resolution introduced pursuant to section 288b of this title shall not be referred to a committee, except as otherwise required under section 288d(c) of this title. Upon introduction, or upon being reported if required under section 288d(c) of this title, whichever is later, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. A motion to proceed to the consideration of a resolution shall be highly

privileged and not debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to.

(2) With respect to a resolution pursuant to section 288b(a) of this title, the following rules apply:

(A) If the motion to proceed to the consideration of the resolution is agreed to, debate thereon shall be limited to not more than ten hours, which shall be divided equally between, and controlled by, those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to the resolution shall be in order. No motion to recommit the resolution shall be in order, and it shall not be in order to reconsider the vote by which the resolution is agreed to.

(B) Motions to postpone, made with respect to the consideration of the resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(C) All appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to the resolution shall be decided without debate.

(b) "Committee" defined

For purposes of this chapter, other than section 288b of this title, the term ''committee'' includes standing, select, and special committees of the Senate established by law or resolution.

(c) Rules of the Senate

The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate, and, as such, they shall be considered as part of the rules of the Senate, and such rules shall supersede any other rule of the Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(Pub. L. 95–521, title VII, § 711, Oct. 26, 1978, 92 Stat. 1882.)

§ 288k. Attorney General relieved of responsibility

(a) Upon receipt of written notice that the Counsel has undertaken, pursuant to section 288c(a) of this title, to perform any representational service with respect to any designated party in any action or proceeding pending or to be instituted, the Attorney General shall—

(1) be relieved of any responsibility with respect to such representational service;

(2) have no authority to perform such service in such action or proceeding except at the request or with the approval of the Senate; and

(3) transfer all materials relevant to the representation authorized under section 288c(a) of this title to the Counsel, except that nothing in this subsection shall limit any right of the Attorney General under existing law to intervene or appear as amicus curiae in such action or proceeding.

(b) The Attorney General shall notify Counsel as required by section 530D of title 28.

(Pub. L. 95–521, title VII, § 712, Oct. 26, 1978, 92 Stat. 1883; Pub. L. 107–273, div. A, title II, § 202(b)(2), Nov. 2, 2002, 116 Stat. 1774; Pub. L. 108–7, div. H, title I, § 110(b), Feb. 20, 2003, 117 Stat. 355.)

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–7 made technical amendment to reference in original act which appears in text as reference to section 530D of title 28.

2002—Subsec. (b). Pub. L. 107–273 added subsec. (b) and struck out former subsec. (b) which read as follows: ''The Attorney General shall notify the Counsel with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the Senate to direct the Counsel to intervene as a party in such proceeding pursuant to section 288e of this title.''

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 effective as if included in the enactment of the 21st Century Department of Justice Appropriations Authorization Act, Pub. L. 107–273, see section 110(c) of Pub. L. 108–7, set out as a note under section 130f of this title.

§ 288*l*. Procedural provisions

(a) Intervention or appearance

Permission to intervene as a party or to appear as amicus curiae under section 288e of this title shall be of right and may be denied by a court only upon an express finding that such intervention or appearance is untimely and would significantly delay the pending action or that standing to intervene has not been established under section 2 of article III of the Constitution of the United States.

(b) Compliance with admission requirements

The Counsel, the Deputy Counsel, or any designated Assistant Counsel or counsel specially retained by the Office shall be entitled, for the purpose of performing his functions under this chapter, to enter an appearance in any proceeding before any court of the United States or of a State or political subdivision thereof without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(c) Standing to sue; jurisdiction

Nothing in this chapter shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any officer or employee of a House of Congress or any office or agency of Congress.

(Pub. L. 95–521, title VII, § 713, Oct. 26, 1978, 92 Stat. 1883.)

§ 288m. Contingent fund

The expenses of the Office shall be paid from the contingent fund of the Senate in accordance with section 68 of this title, and upon vouchers approved by the Counsel.

(Pub. L. 95–521, title VII, § 716, Oct. 26, 1978, 92 Stat. 1885.)

§ 288n. Travel and related expenses

Funds expended by the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

(Pub. L. 98–51, title I, § 106, July 14, 1983, 97 Stat. 267.)

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984, and not as part of title VII of Pub. L. 95–521 which in part comprises this chapter.

Section, as it relates to funds expended by the Legislative Counsel of the Senate, is classified to section 276b of this title.

CHAPTER 10—CLASSIFICATION OF EMPLOYEES OF HOUSE OF REPRESENTATIVES

Sec.
291. Congressional declaration of purpose.
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301. Preservation of existing appointing authorities.
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§ 291. Congressional declaration of purpose

It is the purpose of this chapter to provide a classification system for the equitable establishment and adjustment of rates of compensation for, and for the efficient utilization of personnel in, certain positions under the House of Representatives to which this chapter applies, through—

(1) the creation and maintenance of orderly and equitable compensation relationships for such positions—

(A) in accordance with the principle of equal pay for substantially equal work, and

(B) with due regard to (i) differences in the levels of difficulty, responsibility, and qualification requirements of the work, (ii) the kind of work performed, (iii) satisfactory performance, and (iv) length of service;

(2) the application of appropriate position standards and position descriptions for such positions; and

(3) the adoption of organization and position titles in the House which accurately reflect the respective functions, duties, and responsibilities of those organizations and positions in the House to which this chapter applies.

(Pub. L. 88–652, § 2, Oct. 13, 1964, 78 Stat. 1079.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 88–652, Oct. 13, 1964, 78 Stat. 1079, known as the House Employees Position Classification Act, which enacted this chapter and amended sections 88c and 123b of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Section 17 of Pub. L. 88–652 provided that: ''This Act [enacting this chapter and amending sections 88c and 123b of this title] shall become effective on January 1, 1965.''

SHORT TITLE

Section 1 of Pub. L. 88–652 provided that: ''This Act [enacting this chapter and amending sections 88c and 123b of this title] may be cited as the 'House Employees Position Classification Act'.''

SAVINGS PROVISION

Section 15 of Pub. L. 88–652 provided that:

''(a) Notwithstanding any provision of this Act [this chapter], the aggregate (gross) rate of compensation of any employee immediately prior to the effective date of this Act [Jan. 1, 1965] shall not be reduced by reason of the enactment of this Act.

''(b) For the purposes of applicable law relating to the payment to any individual of compensation from more than one civilian office or position, each employee of the House to whom this Act applies who, immediately prior to the effective date of this Act—

''(1) is receiving basic compensation from more than one civilian office or position and

''(2) is in compliance with such law

shall be held and considered to be in compliance with such law on and after such effective date, notwithstanding the enactment of this Act, so long as such employee continues to receive, without break in service of more than thirty days, the same or lower rate of basic compensation in a position to which this Act does not apply.''

§ 292. Positions affected

This chapter shall apply to—

(1) all positions under the Clerk, the Sergeant at Arms, the Chief Administrative Officer, and the Inspector General of the House of Representatives, except the positions of telephone operator and positions on the United States Capitol Police force;

(2) the position of minority pair clerk in the House;

(3) all positions under the House Recording Studio; and

(4) all positions under the House Radio and Television Correspondents' Gallery and the House Periodical Press Gallery.

(Pub. L. 88–652, § 3, Oct. 13, 1964, 78 Stat. 1079; Pub. L. 104–53, title I, § 108(1), Nov. 19, 1995, 109 Stat. 522.)

AMENDMENTS

1995—Par. (1). Pub. L. 104–53 substituted ''Chief Administrative Officer, and the Inspector General'' for ''Doorkeeper, and the Postmaster,''.

§ 293. Compensation schedules

(a)(1) The Committee on House Oversight of the House of Representatives (hereinafter re-

ferred to as the ''committee'') shall establish and maintain, and, from time to time, may revise, for positions to which this chapter applies (other than positions within the purview of subsection (b) of this section the compensation for which is fixed and adjusted from time to time in accordance with prevailing rates), a compensation schedule of per annum rates, which shall be known as the ''House Employees Schedule'' and for which the symbol shall be ''HS'', subject to the following provisions:

(A) Such schedule shall be composed of such number of compensation levels as the committee deems appropriate.

(B) Each compensation level shall consist of twelve compensation steps.

(C) The per annum rate of compensation for each compensation step of each compensation level shall be in such amount as the committee deems appropriate, except that the per annum rate of compensation for the maximum compensation step of the highest compensation level shall not exceed the maximum rate of compensation authorized by chapter 51 and subchapter III of chapter 53 of title 5.

(2) The rates of compensation for such positions shall be in accordance with such schedule.

(b) The committee shall establish and maintain, and, from time to time, may revise, for positions under the Clerk, the Sergeant at Arms, the Chief Administrative Officer, and the Inspector General of the House of Representatives, the compensation for which, in the judgment of the committee, should be fixed and adjusted from time to time in accordance with prevailing rates, a compensation schedule providing for per annum or per hour rates, or both, established in accordance with prevailing rates and consisting of such number of compensation levels and steps as the committee deems appropriate, which shall be known as the ''House Wage Schedule'' and for which the symbol shall be ''HWS''. The rates of compensation for such positions shall be in accordance with such schedule. Notwithstanding any other provision of this chapter, for purposes of applying the adjustment made by the committee under this subsection for 2002 and each succeeding year (other than any period during which a memorandum of understanding described in section 2168(a) of this title is in effect), positions under the Chief Administrative Officer shall include positions of the United States Capitol telephone exchange under the Chief Administrative Officer.

(Pub. L. 88–652, § 4, Oct. 13, 1964, 78 Stat. 1079; Pub. L. 104–53, title I, § 108(2), Nov. 19, 1995, 109 Stat. 522; Pub. L. 104–186, title II, § 209(1), Aug. 20, 1996, 110 Stat. 1743; Pub. L. 107–68, title III, § 310, Nov. 12, 2001, 115 Stat. 592; Pub. L. 108–447, div. G, title II, § 215(d), Dec. 8, 2004, 118 Stat. 3198.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–447 in last sentence substituted ''succeeding year (other than any period during which a memorandum of understanding described in section 2168(a) of this title is in effect),'' for ''succeeding year,''.

2001—Subsec. (b). Pub. L. 107–68 inserted at end ''Notwithstanding any other provision of this chapter, for purposes of applying the adjustment made by the committee under this subsection for 2002 and each succeeding year, positions under the Chief Administrative Officer shall include positions of the United States Capitol telephone exchange under the Chief Administrative Officer.''

1996—Subsec. (a)(1). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

1995—Subsec. (b). Pub. L. 104–53 substituted ''Chief Administrative Officer, and the Inspector General'' for ''Doorkeeper, and the Postmaster,''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–447 applicable with respect to fiscal year 2005 and each succeeding fiscal year, see section 2168(f) of this title.

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 60a–2 and 60a–2a of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§§ 293a to 293c. Omitted

Section 293a, Pub. L. 89–301, § 11(c), Oct. 29, 1965, 79 Stat. 1120, required compensation of employees of House of Representatives whose compensation is fixed under this chapter to be increased by amounts equal to increases provided by section 60e–12(a) of this title.

Section 293b, Pub. L. 89–504, title III, § 302(c), July 18, 1966, 80 Stat. 295, required compensation of employees of House of Representatives whose compensation is fixed under this chapter to be increased by amounts equal to increases provided by section 60e–13(a) of this title.

Section 293c, Pub. L. 90–206, title II, § 214(c), Dec. 16, 1967, 81 Stat. 636, required compensation of employees of House of Representatives whose compensation is fixed under this chapter to be increased by amounts equal to increases provided by section 60e–14(a) of this title.

§ 294. Position standards and descriptions

(a)(1) It shall be the duty of the committee to prescribe, revise, and (on a current basis) maintain position standards which shall apply to positions (in existence on, or established after, January 1, 1965) under the House of Representatives to which this chapter applies.

(2) The position standards shall—

(A) provide for the separation of such positions into appropriate classes for pay and personnel purposes on the basis of reasonable similarity with respect to types of positions, qualification requirements of positions, and levels of difficulty and responsibility of work, and

(B) govern the placement of such positions in their respective appropriate compensation levels of the appropriate compensation schedule.

(b)(1) Subject to review and approval by the committee, the Clerk, the Sergeant at Arms, the Chief Administrative Officer, and the Inspector General of the House of Representatives, shall prepare, revise, and (on a current basis) main-

tain, at such times and in such form as the committee deems appropriate, position descriptions of the respective positions (in existence on, or established after, January 1, 1965) under the House of Representatives to which this chapter applies which are under their respective jurisdictions, including—

(A) with respect to the Clerk, positions under the House Recording Studio,

(B) with respect to the Sergeant at Arms, the position of minority pair clerk in the House, and

(C) with respect to the Chief Administrative Officer, positions under the House Radio and Television Correspondents' Gallery and the House Periodical Press Gallery.

(2) The position descriptions shall—

(A) describe in detail the actual duties, responsibilities, and qualification requirements of the work of each of such positions,

(B) provide a position title for such position which accurately reflects such duties and responsibilities, and

(C) govern the placement of such position in its appropriate class.

(c) The Clerk, the Sergeant at Arms, the Chief Administrative Officer, and the Inspector General of the House of Representatives, shall transmit to the committee, at such times and in such form as the committee deems appropriate, all position descriptions required by subsection (b) of this section to be prepared, provided, and currently maintained by them, together with such other pertinent information as the committee may require, in order that the committee shall have, at all times, current information with respect to such position descriptions, the positions to which such descriptions apply, and related personnel matters within the purview of this chapter. Such information so transmitted shall be kept on file in the committee.

(d) Notwithstanding any other provision of this chapter, the committee shall have authority, which may be exercised at any time in its discretion, to—

(1) conduct surveys and studies of all organization units, and the positions therein, to which this chapter applies;

(2) ascertain on a current basis the facts with respect to the duties, responsibilities, and qualification requirements of any position to which this chapter applies;

(3) prepare and revise the position description of any such position;

(4) place any such position in its appropriate class and compensation level;

(5) decide whether any such position is in its appropriate class and compensation level;

(6) change any such position from one class or compensation level to any other class or compensation level whenever the facts warrant; and

(7) prescribe such organization and position titles as may be appropriate to carry out the purposes of this chapter.

All such actions of the committee shall be binding on the House officer and organization unit concerned and shall be the basis for payment of compensation and for other personnel benefits and transactions until otherwise changed by the committee.

(Pub. L. 88–652, § 5, Oct. 13, 1964, 78 Stat. 1080; Pub. L. 104–53, title I, § 108(3), (4), Nov. 19, 1995, 109 Stat. 522; Pub. L. 104–186, title II, § 209(2), Aug. 20, 1996, 110 Stat. 1743.)

AMENDMENTS

1996—Subsec. (b)(1)(C). Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Doorkeeper''.

1995—Subsec. (b)(1). Pub. L. 104–53 substituted ''Chief Administrative Officer, and the Inspector General'' for ''Doorkeeper, and the Postmaster''.

Subsec. (c). Pub. L. 104–53 substituted ''Chief Administrative Officer, and the Inspector General'' for ''Doorkeeper, and the Postmaster,''.

TRANSFER OF FUNCTIONS

Certain functions of Recording Studio and Officers of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 295. Placement of positions in compensation schedules

The committee shall place each position (in existence on, or established after, January 1, 1965) under the House of Representatives to which this chapter applies in its appropriate class, and in its appropriate compensation level of the appropriate compensation schedule, in accordance with the position standards and position descriptions provided for in section 294 of this title. The committee is authorized, when circumstances so warrant, to change any such position from one class or compensation level to another class or compensation level. All actions of the committee under this section shall be binding on the House officer and organization unit concerned and shall be the basis for payment of compensation and for other personnel benefits and transactions until otherwise changed by the committee.

(Pub. L. 88–652, § 6, Oct. 13, 1964, 78 Stat. 1081.)

§ 296. Step increases; waiting periods; service in Armed Forces; automatic advancement

(a) Each employee in a compensation level of the House Employees Schedule (HS), who has not attained the highest schedule rate of compensation for the compensation level (HS level) in which his position is placed, shall be advanced successively to the next higher step of such HS level, as follows:

(1) to steps 2, 3, and 4, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of one year of satisfactory service in the next lower step;

(2) to steps 5, 6, and 7, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of two years of satisfactory service in the next lower step;

(3) to steps 8, 9, and 10, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of three years of satisfactory service in the next lower step; and

(4) to steps 11 and 12, respectively—at the beginning of the first pay period following the

completion, without break in service of more than thirty months, of five years of satisfactory service in the next lower step.

(b) The receipt of an increase in compensation during any of the waiting periods of service specified in subsection (a) of this section shall cause a new full waiting period of service to commence for further step increases under such subsection.

(c) Any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Employees Schedule, to employees within the purview of subsection (a) of this section shall not be held or considered to be an increase in compensation for the purposes of subsection (b) of this section.

(d) The benefit of successive step increases under subsection (a) of this section shall be preserved, under regulations prescribed by the committee, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.

(e) The committee shall establish and maintain, and, from time to time, may revise, a system of automatic advancement, by successive step increases in compensation, on the basis of satisfactory service performed, without break in service of more than thirty months, for employees subject to the House Wage Schedule (HWS). In the operation of such system of step increases the committee may prescribe regulations to the effect that—

(1) the receipt of an increase in compensation during any of the waiting periods of service required for advancement by step increases under such system shall cause a new full waiting period of service to commence for further step increases under such system;

(2) any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Wage Schedule, to employees within the purview of such system of step increases shall not be held or considered to be an increase in compensation for the purposes of subparagraph (1) of this subsection; and

(3) the benefit of successive step increases under such system of step increases shall be preserved, under regulations prescribed by the committee, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.

(Pub. L. 88–652, § 7, Oct. 13, 1964, 78 Stat. 1081.)

§ 297. Appointments and reclassifications to higher compensation levels

(a) Each employee in a compensation level of the House Employees Schedule (HS), who is appointed to a position in a higher compensation level of such schedule, or whose position is placed in a higher compensation level of such schedule pursuant to a reclassification of such position, shall be paid compensation in such higher compensation level, in accordance with the following provisions, whichever is first applicable in the following numerical order of precedence:

(1) at the rate of the lowest step for which the rate of compensation equals the rate of compensation for that step, in the compensation level from which he is appointed, which is two steps above the step in such level which he had attained immediately prior to such appointment;

(2) at the rate of the lowest step for which the rate of compensation exceeds, by not less than two steps of the compensation level from which he is appointed, his rate of compensation immediately prior to such appointment; or

(3) at the rate of the highest step of such higher compensation level, or at his rate of compensation immediately prior to such appointment, whichever rate is the higher.

(b) The committee may provide by regulations for the payment of compensation, at an appropriate compensation step determined in accordance with such regulations, to each employee subject to the House Wage Schedule (HWS) who is appointed to a position in a higher compensation level of such schedule or whose position is placed in a higher compensation level of such schedule pursuant to a reclassification of such position.

(Pub. L. 88–652, § 8, Oct. 13, 1964, 78 Stat. 1082.)

§ 298. Reductions in compensation level

Each employee in a position of a compensation level of the House Employees Schedule (HS) or the House Wage Schedule (HWS), whose employment in such position and level is terminated and who is reemployed, with or without break in service, in a position in a lower compensation level (HS level or HWS level) of such schedule, or whose position is placed in a lower compensation level of such schedule pursuant to a reclassification of such position, shall be placed by the committee in such step of such lower compensation level as the committee deems appropriate.

(Pub. L. 88–652, § 9, Oct. 13, 1964, 78 Stat. 1083.)

§ 299. Repealed. Pub. L. 106–554, § 1(a)(2) [title I, § 102(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–100

Section, Pub. L. 88–652, § 10, Oct. 13, 1964, 78 Stat. 1083, related to compensation level of individual appointed to position subject to House Employees Schedule or House Wage Schedule.

EFFECTIVE DATE OF REPEAL

Pub. L. 106–554, § 1(a)(2) [title I, § 102(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–100, provided that: ''The amendment made by subsection (a) [repealing this section] shall apply with respect to employees appointed on or after October 1, 2000.''

§ 300. Establishment of positions; payment from applicable accounts

The committee may authorize the establishment of additional positions of the kind to which this chapter applies, on a permanent basis or on a temporary basis of not to exceed six months' duration, whenever, in the judgment of the committee, such action is warranted in the interests of the orderly and efficient operation of the House of Representatives. The compensation of each such position may be paid out of the applicable accounts of the House of Representatives until otherwise provided by law. An addi-

tional position of the kind to which this chapter applies shall not be established without authorization of the committee.

(Pub. L. 88–652, § 11, Oct. 13, 1964, 78 Stat. 1083; Pub. L. 104–186, title II, § 209(3), Aug. 20, 1996, 110 Stat. 1743.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts'' for ''contingent fund''.

§ 301. Preservation of existing appointing authorities

This chapter shall not be held or considered to change or otherwise affect—

(1) any authority to establish positions under the House of Representatives which are not within the purview of this chapter, or

(2) any authority to make appointments to positions under the House of Representatives, irrespective of whether such positions are within the purview of this chapter.

(Pub. L. 88–652, § 12, Oct. 13, 1964, 78 Stat. 1083.)

§ 302. Regulations

The committee is authorized to prescribe such regulations as may be necessary to carry out the purposes of this chapter.

(Pub. L. 88–652, § 13, Oct. 13, 1964, 78 Stat. 1084.)

§ 303. Dual compensation

For the purposes of applicable law relating to the payment to any employee subject to the House Employees Schedule or the House Wage Schedule of compensation from more than one civilian office or position, the rate of basic compensation of each employee subject to any such schedule shall be held and considered to be that rate which, when increased by additional compensation then currently authorized by law for House employees generally, equals or most nearly equals the per annum rate of compensation of such employee under such schedule.

(Pub. L. 88–652, § 14, Oct. 13, 1964, 78 Stat. 1084.)

CHAPTER 10A—PAYROLL ADMINISTRATION IN HOUSE OF REPRESENTATIVES

Sec.
331. Single per annum gross rates of pay for employees.
332. Repealed.
333. Single per annum gross rates of allowances for personal services in offices of Speaker, Leaders, and Whips.
333a. Limits on uses of funds provided under section 333.
334. Repealed.
335. Obsolete references in existing law to basic pay rates.
336. Saving provision.

§ 331. Single per annum gross rates of pay for employees

Whenever the rate of pay of an employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives is fixed or adjusted on or after the effective date of this section, that rate, as so fixed or adjusted, shall be a single per annum gross rate.

(Pub. L. 91–510, title IV, § 471, Oct. 26, 1970, 84 Stat. 1193; Pub. L. 104–186, title II, § 210(1), Aug. 20, 1996, 110 Stat. 1743.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

EFFECTIVE DATE

Chapter effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

INCONSISTENT PROVISIONS

Section 477(b) of Pub. L. 91–510 provided that: ''All provisions of law inconsistent with any provision of this Part [enacting this chapter, amending section 5533(c) of Title 5, Government Organization and Employees, and repealing sections 60g, 60g–1 and 72a(e) of this title] are hereby superseded to the extent of the inconsistency.''

§ 332. Repealed. Pub. L. 104–186, title II, § 210(2)(A), Aug. 20, 1996, 110 Stat. 1743

Section, Pub. L. 91–510, title IV, § 472, Oct. 26, 1970, 84 Stat. 1194, directed single per annum gross rates of clerk hire allowances of Members determined on basis of population.

§ 333. Single per annum gross rates of allowances for personal services in offices of Speaker, Leaders, and Whips

The allowance for additional office personnel in the office of each of the following officials of the House of Representatives shall be at a single per annum gross rate, as follows:

(1) the Speaker, $110,000.
(2) the Majority Leader, $90,000.
(3) the Minority Leader, $55,000.
(4) the Majority Whip, $55,000.
(5) the Minority Whip, $55,000.

(Pub. L. 91–510, title IV, § 473, Oct. 26, 1970, 84 Stat. 1194.)

§ 333a. Limits on uses of funds provided under section 333

The funds provided under the provisions of section 333 of this title shall be limited to use for the compensation of additional personnel and other necessary official expenses.

(Pub. L. 98–51, title I, § 112, July 14, 1983, 97 Stat. 270; Pub. L. 104–186, title II, § 204(16), Aug. 20, 1996, 110 Stat. 1732.)

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984, and not as part of part 6 (§§ 471–477) of title IV of Pub. L. 91–510 which in part comprises this chapter.

Section, as it applies to funds provided under section 74a–4 of this title, is classified to section 74a–5 of this title.

AMENDMENTS

1996—Pub. L. 104–186 made technical amendment to reference in original act which appears in text as reference to section 333 of this title.

§ 334. Repealed. Pub. L. 104–186, title II, § 210(3)(A), Aug. 20, 1996, 110 Stat. 1743

Section, Pub. L. 91–510, title IV, § 474, Oct. 26, 1970, 84 Stat. 1194, directed Clerk of House to convert existing basic pay rates to per annum gross pay rates.

§ 335. Obsolete references in existing law to basic pay rates

In any case in which—

(1) the rate of pay of any employee or position, or class of employees or positions, the pay for whom or for which is disbursed by the Chief Administrative Officer of the House of Representatives, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or House resolution; and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or resolution shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or resolution, under section 334[1] of this title on and after such date.

(Pub. L. 91–510, title IV, § 475, Oct. 26, 1970, 84 Stat. 1195; Pub. L. 104–186, title II, § 210(4), Aug. 20, 1996, 110 Stat. 1743.)

REFERENCES IN TEXT

Section 334 of this title, referred to in text, was repealed by Pub. L. 104–186, title II, § 210(3)(A), Aug. 20, 1996, 110 Stat. 1743.

AMENDMENTS

1996—Par. (1). Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

§ 336. Saving provision

The provisions of this chapter shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, any position for which the pay is disbursed by the Chief Administrative Officer of the House of Representatives; or

(2) affect the continuity of employment of, or reduce the pay of, any employee whose pay is disbursed by the Chief Administrative Officer of the House.

(Pub. L. 91–510, title IV, § 476, Oct. 26, 1970, 84 Stat. 1195; Pub. L. 104–186, title II, § 210(5), Aug. 20, 1996, 110 Stat. 1743.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Part'', meaning part 6 (§§ 471–477) of title IV of Pub. L. 91–510, Oct. 26, 1970, 84 Stat. 1193, which enacted this chapter, amended section 5533 of Title 5, Government Organization and Employees, repealed sections 60g, 60g–1, and 72a of this title, and enacted provisions set out as a note under section 331 of this title. For complete classification of part 6 to the Code, see Tables.

AMENDMENTS

1996—Pars. (1), (2). Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

CHAPTER 11—CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

Sec.
351. Establishment.
352. Membership.
353. Executive Director; additional personnel; detail of personnel of other agencies.
354. Use of United States mails.
355. Administrative support services.
356. Functions.
356a. Omitted.
357. Report by Commission to President with respect to pay.
358. Recommendations of President with respect to pay.
359. Effective date of recommendations of President.
360. Effect of recommendations on existing law and prior recommendations.
361. Publication of recommendations.
362. Requirements applicable to recommendations.
363. Additional function.
364. Provision relating to certain other pay adjustments.

§ 351. Establishment

There is hereby established a commission to be known as the Citizens' Commission on Public Service and Compensation (hereinafter referred to as the ''Commission'').

(Pub. L. 90–206, title II, § 225(a), Dec. 16, 1967, 81 Stat. 642; Pub. L. 101–194, title VII, § 701(a), Nov. 30, 1989, 103 Stat. 1763.)

AMENDMENTS

1989—Pub. L. 101–194 substituted ''Citizens' Commission on Public Service and Compensation'' for ''Commission on Executive, Legislative, and Judicial Salaries''.

EFFECTIVE DATE

Chapter effective Dec. 16, 1967, see section 220(a)(1) of Pub. L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

§ 352. Membership

(1) The Commission shall be composed of 11 members, who shall be appointed from private life as follows:

(A) 2 appointed by the President of the United States;

(B) 1 appointed by the President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate;

(C) 1 appointed by the Speaker of the House of Representatives;

(D) 2 appointed by the Chief Justice of the United States; and

(E) 5 appointed by the Administrator of General Services in accordance with paragraph (4).

(2) No person shall serve as a member of the Commission who is—

(A) an officer or employee of the Federal Government;

(B) registered (or required to register) under the Federal Regulation of Lobbying Act;[1] or

(C) a parent, sibling, spouse, child, or dependent relative, of anyone under subparagraph (A) or (B).

(3) The persons appointed under subparagraphs (A) through (D) of paragraph (1) shall be selected

[1] See References in Text note below.

[1] See References in Text note below.

without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

(4) The Administrator of General Services shall by regulation establish procedures under which persons shall be selected for appointment under paragraph (1)(E). Such procedures—

(A) shall be designed in such a way so as to provide for the maximum degree of geographic diversity practicable among members under paragraph (1)(E);

(B) shall include provisions under which those members shall be chosen by lot from among names randomly selected from voter registration lists; and

(C) shall otherwise comply with applicable provisions of this section.

(5) The chairperson shall be designated by the President.

(6) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(7) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, when engaged in the performance of services for the Commission.

(8)(A) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1993 fiscal year of the Federal Government, and shall begin not later than February 14, 1993.

(B) After the close of the 1993 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1993 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(C)(i) Notwithstanding any provision of subparagraph (A) or (B), members of the Commission may continue to serve after the close of a fiscal year, if the date designated by the President under section 357 of this title (relating to the date by which the Commission is to submit its report to the President) is subsequent to the close of such fiscal year, and only if or to the extent necessary to allow the Commission to submit such report.

(ii) Notwithstanding any provision of section 353 of this title, authority under such section shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve.

(Pub. L. 90–206, title II, § 225(b), Dec. 16, 1967, 81 Stat. 642; Pub. L. 99–190, § 135(a), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(b), Nov. 30, 1989, 103 Stat. 1763.)

REFERENCES IN TEXT

The Federal Regulation of Lobbying Act, referred to in par. (2)(B), is title III of act Aug. 2, 1946, ch. 753, 60 Stat. 839, which was classified generally to chapter 8A (§ 261 et seq.) of this title, prior to repeal by Pub. L. 104–65, § 11(a), Dec. 19, 1995, 109 Stat. 701. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1989—Pub. L. 101–194 amended section generally, substituting pars. (1) to (8) for former pars. (1) to (5).

1985—Par. (3). Pub. L. 99–190 inserted ''and with respect to fiscal year 1987'' at end of first sentence.

§ 353. Executive Director; additional personnel; detail of personnel of other agencies

(1) Without regard to the provisions of title 5 governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subparagraphs (A) and (B) of section 352(8) of this title—

(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5; and

(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5) of such additional personnel as may be necessary to carry out the function of the Commission.

(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subparagraphs (A) and (B) of section 352(8) of this title, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

(Pub. L. 90–206, title II, § 225(c), Dec. 16, 1967, 81 Stat. 643; Pub. L. 101–194, title VII, § 701(c), Nov. 30, 1989, 103 Stat. 1764.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in par. (1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1989—Pub. L. 101–194 substituted ''subparagraphs (A) and (B) of section 352(8) of this title'' for ''section 352(2) and (3) of this title'' in pars. (1) and (2).

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§ 354. Use of United States mails

The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(Pub. L. 90–206, title II, § 225(d), Dec. 16, 1967, 81 Stat. 643.)

§ 355. Administrative support services

The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

(Pub. L. 90–206, title II, § 225(e), Dec. 16, 1967, 81 Stat. 643.)

§ 356. Functions

The Commission shall conduct, in each of the respective fiscal years referred to in subparagraphs (A) and (B) of section 352(8) of this title, a review of the rates of pay of—

(A) the Vice President of the United States, Senators, Members of the House of Representatives, the Resident Commissioner from Puerto Rico, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives;

(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426);

(C) justices, judges, and other personnel in the judicial branch referred to in section 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426) except bankruptcy judges, but including the judges of the United States Court of Federal Claims;

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5; and

(E) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of title 39.

Such review by the Commission shall be made for the purpose of determining and providing—

(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates.

In reviewing the rates of pay of the offices or positions referred to in subparagraph (D) of this section, the Commission shall determine and consider the appropriateness of the executive levels of such offices and positions.

(Pub. L. 90–206, title II, § 225(f), Dec. 16, 1967, 81 Stat. 643; Pub. L. 91–375, § 6(a), Aug. 12, 1970, 84 Stat. 775; Pub. L. 94–82, title II, § 206(a), Aug. 9, 1975, 89 Stat. 423; Pub. L. 95–598, title III, § 301, Nov. 6, 1978, 92 Stat. 2673; Pub. L. 97–164, title I, § 143, Apr. 2, 1982, 96 Stat. 45; Pub. L. 99–190, § 135(b), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 100–202, § 101(a) [title IV, § 408(c)], Dec. 22, 1987, 101 Stat. 1329, 1329–27; Pub. L. 101–194, title VII, § 701(d), Nov. 30, 1989, 103 Stat. 1764; Pub. L. 102–572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

Subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426), referred to in par. (B), are subsecs. (a) to (d) of section 203 of Pub. L. 88–426, title II, Aug. 14, 1964, 78 Stat. 415. Subsecs. (a) and (b), which originally related to compensation of the Comptroller General and Assistant Comptroller General, respectively, of the United States, were classified to section 42a of former Title 31, Money and Finance. Subsec. (c), which originally related to compensation of the General Counsel of the United States General Accounting Office, the Librarian of Congress, the Public Printer, and the Architect of the Capitol, was classified to sections 136a and 1802 of this title, section 51a of former Title 31, and section 39a of former Title 44, Public Printing and Documents. Subsec. (d), which originally related to compensation of the Deputy Librarian of Congress, the Deputy Public Printer, and the Assistant Architect of the Capitol, was classified to section 136a–1 of this title, section 166b of former Title 40, Public Buildings, Property, and Works, and section 39a of former Title 44. Sections 136a (Librarian of Congress) and 136a–1 (Deputy Librarian of Congress) of this title were omitted from the Code as superseded by section 136a–2 of this title. Sections 42a (Comptroller General and Deputy Comptroller General) and 51a (General Counsel of General Accounting Office) of former Title 31 were repealed, and restated in sections 703(f) and 731(c) of Title 31, Money and Finance, by Pub. L. 97–258, §§ 1, 5(b), Sept. 13, 1982, 96 Stat. 889, 897, 1068. Section 166b (Assistant Architect of the Capitol) of former Title 40 was omitted from the Code as superseded by section 166b–3a of former Title 40 (now section 1848 of this title) and was repealed by Pub. L. 107–217, § 6(b), Aug. 21, 2002, 116 Stat. 1304. Section 39a (Public Printer and Deputy Public Printer) of former Title 44 was repealed, and restated in section 303 of Title 44, Public Printing and Documents, by Pub. L. 90–620, §§ 1, 3, Oct. 22, 1968, 82 Stat. 1239, 1306.

The rates of pay of justices, judges, and other personnel in the judicial branch, referred to in par. (C), are set out in section 867 of Title 10, Armed Forces; section 7443 of Title 26, Internal Revenue Code; and sections 5, 44, 135, 173, 213, 252, 603, and 792 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1992—Par. (C). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1989—Pub. L. 101–194 substituted ''subparagraphs (A) and (B) of section 352(8) of this title'' for ''section 352(2) and (3) of this title''.

1987—Par. (C). Pub. L. 100–202 substituted ''except bankruptcy judges, but including'' for ''and magistrates and''.

1985—Pub. L. 99–190 inserted last sentence relating to review of rates of pay of offices or positions.

1982—Par. (C). Pub. L. 97–164 inserted reference to judges of the United States Claims Court.

1978—Par. (C). Pub. L. 95–598 struck out reference to section 402(d) and inserted reference to magistrates.

1975—Par. (A). Pub. L. 94–82 inserted ''the Vice President of the United States'' before ''Senators'', and ''the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives'' after ''Puerto Rico''.

1970—Par. (E). Pub. L. 91–375 added par. (E).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–202 effective Oct. 1, 1988, and any salary affected by the amendment to be ad-

justed at beginning of first applicable pay period commencing on or after such date, see section 101(a) [title IV, § 408(d)] of Pub. L. 100–202, set out as a note under section 153 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE RATES OF PAY PENDING CHANGES IN RATES PURSUANT TO FEDERAL SALARY ACT OF 1967

Section 206(b) of Pub. L. 94–82 provided that: ''Until such time as a change in the rate of pay of the offices referred to in the amendment made by subsection (a) of this section [amending par. (A) of this section] occurs under the provisions of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as amended by subsection (a) of this section, such rates of pay shall be the rates of pay in effect immediately prior to the date of enactment of this Act [Aug. 9, 1975], as adjusted under sections 203 and 204 of this title [amending sections 31, 60a note, 136a and 136a–1 of this title, section 104 of Title 3, The President, sections 42a and 51a of former Title 31, Money and Finance, sections 162a and 166b of former Title 40, Public Buildings, Property, and Works, and section 303 of Title 44, Public Printing and Documents].''

§ 356a. Omitted

CODIFICATION

Section, Pub. L. 94–440, title II, § 100, Oct. 1, 1976, 90 Stat. 1446, the Legislative Branch Appropriation Act, 1977, which provided salary rate limitations for positions or offices referred to in section 356 of this title, applied to fiscal year 1977 and was not repeated in subsequent appropriation acts. See decision B–145492 of the Comptroller General of the United States, dated Sept. 21, 1976. Pub. L. 94–440, title II, § 100, is set out as a note under section 5318 of Title 5, Government Organization and Employees.

§ 357. Report by Commission to President with respect to pay

The Commission shall submit to the President a report of the results of each review conducted by the Commission with respect to rates of pay for the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than December 15 next following the close of the fiscal year in which the review is conducted by the Commission.

(Pub. L. 90–206, title II, § 225(g), Dec. 16, 1967, 81 Stat. 644; Pub. L. 99–190, § 135(c), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(e), Nov. 30, 1989, 103 Stat. 1764.)

AMENDMENTS

1989—Pub. L. 101–194 amended section catchline generally and in text substituted ''Commission with respect to rates of pay for'' for ''Commission of'' and ''December 15 next following the close of the fiscal year in which the review is conducted by the Commission.'' for ''December 15 of the fiscal year in which the review is conducted by the Commission.''

1985—Pub. L. 99–190 substituted ''December 15'' for ''January 1 next following the close''.

1985 FISCAL YEAR RECOMMENDATIONS ON PAY RATES OF OFFICES AND POSITIONS

Section 135(g) of Pub. L. 99–190 provided that: ''Notwithstanding section 225(g) of such Act (2 U.S.C. 357), the Commission on Executive, Legislative, and Judicial Salaries shall not make recommendations on the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of such Act (2 U.S.C. 356) in connection with the review of rates of pay of such offices and positions conducted by the Commission in fiscal year 1985.''

§ 358. Recommendations of President with respect to pay

(1) After considering the report and recommendations of the Commission submitted under section 357 of this title, the President shall transmit to Congress his recommendations with respect to the exact rates of pay, for offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title, which the President considers to be fair and reasonable in light of the Commission's report and recommendations, the prevailing market value of the services rendered in the offices and positions involved, the overall economic condition of the country, and the fiscal condition of the Federal Government.

(2) The President shall transmit his recommendations under this section to Congress on the first Monday after January 3 of the first calendar year beginning after the date on which the Commission submits its report and recommendations to the President under section 357 of this title.

(Pub. L. 90–206, title II, § 225(h), Dec. 16, 1967, 81 Stat. 644; Pub. L. 99–190, § 135(d), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(f), Nov. 30, 1989, 103 Stat. 1765.)

AMENDMENTS

1989—Pub. L. 101–194 amended section generally. Prior to amendment, section read as follows: ''The President shall include, in the budget next transmitted under section 1105(a) of title 31 by him to the Congress after the date of the submission of the report and recommendations of the Commission under section 357 of this title, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title.''

1985—Pub. L. 99–190 inserted reference to section 1105(a) of title 31, and struck out last sentence defining ''budget''.

COMMISSION'S FIRST REPORT AFTER JULY 30, 1983, TO INCLUDE RECOMMENDATION FOR APPROPRIATE SALARY FOR MEMBERS OF CONGRESS; PROHIBITION ON RECEIPT OF HONORARIA

Pub. L. 98–63, title I, § 908(e), July 30, 1983, 97 Stat. 338, which directed Commission on Executive, Legislative, and Judicial Salaries to include in first report required to be submitted by it after July 30, 1983, a recommenda-

tion for an appropriate salary for Members, which recommendation was to assume a prohibition on receipt of honoraria by Members, was repealed by Pub. L. 102–90, title I, § 6(c), Aug. 14, 1991, 105 Stat. 451.

COMPENSATION AND EMOLUMENTS OF ATTORNEY GENERAL

Pub. L. 94–2, Feb. 18, 1975, 89 Stat. 4, provided in part that the compensation and other emoluments attached to the Office of the Attorney General on and after Feb. 4, 1975, shall be those that on or after Feb. 18, 1975, attach to offices and positions at level I of the Executive Schedule (section 5312 of Title 5).

RECOMMENDATIONS FOR INCREASES IN EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Transmitted to Congress Jan. 9, 1989

H.Doc. No. 101–21, Cong. Rec., vol. 135, pt. 1, p. 251, Jan. 19, 1989

Dear Mr. Speaker: (Dear Mr. President:)[1]

As required by section 225 of the Federal Salary Act of 1967, Public Law 90–206 (2 U.S.C. 351 *et seq.*), the latest Quadrennial Commission on Executive, Legislative, and Judicial Salaries (''Commission'') has submitted to me recommendations on salaries for Senators, Representatives, Federal judges, Cabinet officers, and other agency heads, and certain other officials in the executive, legislative, and judicial branches.

The statute requires that, in the budget next submitted after receipt of the report of the Commission, I set forth recommendations for adjustment of these salaries. Pursuant to section 225(i), as amended by section 135 of Public Law 99–190 [2 U.S.C. 359], these recommendations will be effective unless Congress disapproves the recommendation by a joint resolution within 30 days following the transmittal of my budget.

The Commission's report, submitted to me on December 14, 1988, documented both the substantial erosion in the real level of Federal executive pay that has occurred since 1969 and the recruitment and retention problems that have resulted, especially for the Federal judiciary. The Commission is to be commended for its diligent and conscientious effort to address the complicated and complex problems associated with Federal pay levels.

The Commission found that Federal executives and legislators have experienced a decline of approximately 35 percent in real salaries since 1969. In contrast, the salaries of General Schedule employees have declined by only 8 percent over the same period. The Commission's recommendations go a long way towards compensating for this salary erosion, but they do not make up the full gap. For example, for an official at Executive Level II, which is also the Congressional salary rate, the salary level adjusted for inflation since 1969 would be $140,340, while the Commission's recommendation is $135,000.

Every one of the Commissions that has met over the past 20 years concluded that a pay increase for key Federal officials was necessary. Each Commission found that pay for senior Government officials fell far behind that of their counterparts in the private sector. They also surmised that we cannot afford a Government composed primarily of those wealthy enough to serve.

In accepting the Commission's salary recommendations, I recognize that we are under a mandate to reduce the Federal deficit and hold the costs of Government to an absolute minimum. Thus, while I have decided to propose a pay increase that accepts in full the salary recommendations made by the Commissioners in their report to me last month, this proposal will not increase the deficit; the funding for the pay increase will be fully absorbed within proposed budget levels.

This increase fulfills my promise made in January 1987, that, assuming continued progress toward eliminating the deficit and favorable economic conditions, I would recommend another step toward overcoming the erosion of real income.

While this represents a substantial increase in salaries, it is coupled with the salutary recommendation of a ban on receipt of all honoraria in all branches of Government. Although my recommendation concerning honoraria has no legal effect, I urge the swiftest possible consideration of this important reform. The Commission further recommended that Congress enact legislation to bar officials in the three branches from receiving honoraria. I endorse these recommendations of the Commission as an appropriate step toward better government. A salary increase and a prohibition on receipt of honoraria together will help ensure that the Government is able to attract and keep talented senior officials and that the questions that arise from outside payments of honoraria are put to rest.

Accordingly, pursuant to subparagraphs (A), (B), (C), and (D) of section 225(f) and section 225(h) of Public Law 90–206 (81 Stat. 643 and 644), as amended [2 U.S.C. 356(A)–(D), 358] [this section]:

For the Vice President of the United States	$175,000
For offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code, as follows:	
Positions at level I	155,000
Positions at level II	135,000
Positions at level III	125,000
Positions at level IV	120,000
Positions at level V	115,000
For the Speaker of the House of Representatives	175,000
For the President Pro Tempore of the Senate, majority leader and minority leader of the Senate, and majority leader and minority leader of the House of Representatives	155,000
For Senators, Members of the House of Representatives, Delegates to the House of Representatives, and the Resident Commissioner from Puerto Rico	135,000
For other officers and positions in the legislative branch as follows:	
Comptroller General of the United States	135,000
Deputy Comptroller General of the United States, Librarian of Congress, and Architect of the Capitol	125,000
General Counsel of the General Accounting Office, Deputy Librarian of Congress, and Assistant Architect of the Capitol	120,000
For Justices, judges, and other personnel in the judicial branch as follows:	
Chief Justice of the United States	175,000
Associate Justices of the Supreme Court	165,000
Judges:	
U.S. Courts of Appeals	140,000
Court of Military Appeals	140,000
U.S. District Courts	135,000
Court of International Trade	135,000
Tax Court of the United States	135,000
U.S. Claims Court	135,000

Sincerely,

RONALD REAGAN.

[1] **Editorial note**. This is the text of identical letters addressed to the Speaker of the House of Representatives and the President of the Senate, which were transmitted on January 9, 1989.

DISAPPROVAL OF SALARY RECOMMENDATIONS FOR 1989 INCREASES

Pub. L. 101–1, Feb. 7, 1989, 102 Stat. 3, provided: ''That the Congress disapproves in their entirety the recommendations transmitted to the Congress by the Presi-

dent on January 9, 1989, under section 225(h) of the Federal Salary Act of 1967.''

PRIOR SALARY RECOMMENDATIONS

A prior recommendation of the President for increases in executive, legislative, and judicial salaries, which was transmitted to Congress on Jan. 5, 1987 (52 F.R. 4125; 101 Stat. 1967), was disapproved by Pub. L. 100–6, § 3, Feb. 12, 1987, 101 Stat. 94. However, such recommendation became effective pursuant to section 359 of this title.

A prior recommendation of the President for increases in executive, legislative, and judicial salaries, which was transmitted to Congress on Jan. 7, 1981 (H.Doc. No. 97–6, Cong. Rec., vol. 127, pt. 1, p. 241, Jan. 9, 1981), was disapproved by House Resolution No. 109, Ninety-sixth Congress, Mar. 12, 1981, Senate Resolution No. 89, Ninety-sixth Congress, Mar. 12, 1981, Senate Resolution No. 90, Ninety-sixth Congress, Mar. 12, 1981, Senate Resolution No. 91, Ninety-sixth Congress, Mar. 12, 1981, and Senate Resolution No. 92, Ninety-sixth Congress, Mar. 12, 1981.

A prior recommendation of the President for increases in executive, legislative, and judicial salaries was transmitted to Congress on Jan. 17, 1977 (42 F.R. 10297; 91 Stat. 1643).

A prior recommendation of the President for increases in executive, legislative, and judicial salaries was transmitted to Congress on Jan. 15, 1969 (34 F.R. 2241; 83 Stat. 863).

§ 359. Effective date of recommendations of President

(1) None of the President's recommendations under section 358 of this title shall take effect unless approved under paragraph (2).

(2)(A) The recommendations of the President under section 358 of this title shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. This bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

(B)(i) The provisions of this subparagraph are enacted by the Congress—

(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under section 358 of this title, it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority leader of such House (or a designee), approving such recommendations in their entirety.

(3) Except as provided in paragraph (4), any recommended pay adjustment approved under paragraph (2) shall take effect as of the date proposed by the President under section 358 of this title with respect to such adjustment.

(4)(A) Notwithstanding the approval of the President's pay recommendations in accordance with paragraph (2), none of those recommendations shall take effect unless, between the date on which the bill or resolution approving those recommendations is signed by the President (or otherwise becomes law) and the earliest date as of which the President proposes (under section 358 of this title) that any of those recommendations take effect, an election of Representatives shall have intervened.

(B) For purposes of this paragraph, the term ''election of Representatives'' means an election held on the Tuesday following the first Monday of November in any even-numbered calendar year.

(Pub. L. 90–206, title II, § 225(i), Dec. 16, 1967, 81 Stat. 644; Pub. L. 95–19, title IV, § 401(a), Apr. 12, 1977, 91 Stat. 45; Pub. L. 99–190, § 135(e), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(g), Nov. 30, 1989, 103 Stat. 1765.)

AMENDMENTS

1989—Pub. L. 101–194 amended section generally. Prior to amendment, section read as follows:

''(1) The recommendations of the President which are transmitted to the Congress pursuant to section 358 of this title shall be effective as provided in paragraph (2) of this section unless any such recommendation is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period which begins on the date of which such recommendations are transmitted to the Congress.

''(2) The effective date of the rate or rates of pay which take effect for an office or position under paragraph (1) of this section shall be the first day of the first pay period which begins for such office or position after the end of the 30-day period described in such paragraph.''

1985—Par. (1). Pub. L. 99–190 amended par. (1) generally, substituting provisions relating to the effective date of Presidential recommendations transmitted to Congress pursuant to section 358 of this title, for provisions relating to voting requirements and procedures for Presidential recommendations to Congress.

Par. (2). Pub. L. 99–190 amended par. (2) generally, substituting provisions relating to effective date of rates of pay for offices or positions under par. (1), for provisions relating to later operative dates of Presidential recommendations.

1977—Par. (1). Pub. L. 95–19 substituted provisions directing each house of the Congress to conduct a separate vote within sixty days on each Presidential recommendation with respect to the offices and positions described in section 356(A), (B), (C), and (D) of this title, with the votes to be recorded so as to reflect the votes of each individual member and with each recommendation, if approved, to become effective for the offices and positions covered at the beginning of the first pay period which begins after the thirtieth day following the approval of the recommendation by the second house of the Congress to approve the recommendation, for provisions directing that all or part of the recommendations of the President transmitted to the Congress in the budget under section 358 of this title be effective at the beginning of the first pay period beginning after the thirtieth day following the transmittal of the recommendations to the budget, but only to the extent that, between the date of transmittal of the recommendations in the budget and the beginning of the pay period, there has not been enacted into law a statute establishing rates of pay other than the rates set in the recommendation, neither house of the Congress specifically disapproves all or part of the recommendations, or both.

Par. (2). Pub. L. 95–19 reenacted par. (2) without change.

§ 360. Effect of recommendations on existing law and prior recommendations

The recommendations of the President taking effect as provided in section 359 of this title shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under section 358 of this title and ending on the date of their approval under section 359(2) of this title), and

(B) any prior recommendations of the President which take effect under this chapter.

(Pub. L. 90–206, title II, § 225(j), Dec. 16, 1967, 81 Stat. 644; Pub. L. 95–19, title IV, § 401(b), Apr. 12, 1977, 91 Stat. 46; Pub. L. 99–190, § 135(f), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(h), Nov. 30, 1989, 103 Stat. 1766.)

AMENDMENTS

1989—Cl. (A). Pub. L. 101–194 substituted ''(other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under section 358 of this title and ending on the date of their approval under section 359(2) of this title), and'' for ''(other than any provision of law enacted in the period specified section 359 of this title with respect to such recommendations), and''.

1985—Pub. L. 99–190 substituted ''taking effect as provided in section 359 of this title shall'' for ''transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in section 352(2) and (3) of this title shall, if approved by the Congress as provided in section 359 of this title,'', and in cl. (A) struck out ''in paragraph (1) of'' before ''section 359 of this title''.

1977—Pub. L. 95–19 inserted '', if approved by the Congress as provided in section 359 of this title,''.

§ 361. Publication of recommendations

The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

(Pub. L. 90–206, title II, § 225(k), Dec. 16, 1967, 81 Stat. 644.)

§ 362. Requirements applicable to recommendations

Notwithstanding any other provision of this chapter, the recommendations submitted by the Commission to the President under section 357 of this title, and the recommendations transmitted by the President to the Congress under section 358 of this title, shall be in conformance with the following:

(1) Any recommended pay adjustment shall specify the date as of which it is proposed that such adjustment take effect.

(2) The proposed effective date of a pay adjustment may occur no earlier than January 1 of the second fiscal year, and no later than December 31 next following the close of the fifth fiscal year, beginning after the fiscal year in which the Commission conducts its review under section 356 of this title.

(3)(A)(i) The rates of pay recommended for the Speaker of the House of Representatives, the Vice President of the United States, and the Chief Justice of the United States, respectively, shall be equal.

(ii) The rates of pay recommended for the majority and minority leaders of the Senate and the House of Representatives, the President pro tempore of the Senate, and each office or position under section 5312 of title 5 (relating to level I of the Executive Schedule), respectively, shall be equal.

(iii) The rates of pay recommended for a Senator, a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, a Delegate to the House of Representatives, a judge of a district court of the United States, a judge of the United States Court of International Trade, and each office or position under section 5313 of title 5 (relating to level II of the Executive Schedule), respectively, shall be equal.

(B) Nothing in this section shall be considered to require that the rate recommended for any office or position by the President under section 358 of this title be the same as the rate recommended for such office or position by the Commission under section 357 of this title.

(Pub. L. 90–206, title II, § 225(*l*), as added Pub. L. 101–194, title VII, § 701(i), Nov. 30, 1989, 103 Stat. 1766.)

§ 363. Additional function

The Commission shall, whenever it conducts a review under section 356 of this title, also conduct a review under this section relating to any recruitment or retention problems, and any public policy issues involved in maintaining appropriate ethical standards, with respect to any offices or positions within the Federal public service. Any findings or recommendations under this section shall be included by the Commission as part of its report to the President under section 357 of this title.

(Pub. L. 90–206, title II, § 225(m), as added Pub. L. 101–194, title VII, § 701(j), Nov. 30, 1989, 103 Stat. 1767.)

§ 364. Provision relating to certain other pay adjustments

(1) A provision of law increasing the rate of pay payable for an office or position within the purview of subparagraph (A), (B), (C), or (D) of section 356 of this title shall not take effect before the beginning of the Congress following the Congress during which such provision is enacted.

(2) For purposes of this section, a provision of law enacted during the period beginning on the Tuesday following the first Monday of November of an even-numbered year of any Congress and ending at noon on the following January 3 shall be considered to have been enacted during the first session of the following Congress.

(3) Nothing in this section shall be considered to apply with respect to any pay increase—

(A) which takes effect under the preceding sections of this chapter;

(B) which is based on a change in the Employment Cost Index (as determined under section 704(a)(1) of the Ethics Reform Act of 1989) or which is in lieu of any pay adjustment which might otherwise be made in a year based on a change in such index (as so determined); or

(C) which takes effect under section 702 or 703 of the Ethics Reform Act of 1989.

(Pub. L. 90–206, title II, §225(n), as added Pub. L. 101–194, title VII, §701(k), Nov. 30, 1989, 103 Stat. 1767.)

REFERENCES IN TEXT

Sections 702, 703, and 704(a)(1) of the Ethics Reform Act of 1989, referred to in par. (3)(B), (C), are sections 702, 703, and 704(a)(1) of Pub. L. 101–194 which are set out as notes under sections 5303 and 5318 of Title 5, Government Organization and Employees.

CHAPTER 12—CONTESTED ELECTIONS

Sec.
381. Definitions.
382. Notice of contest.
383. Response of contestee.
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385. Default of contestee.
386. Deposition.
387. Notice of depositions.
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393. Filing of pleadings, motions, depositions, appendixes, briefs, and other papers.
394. Computation of time.
395. Death of contestant.
396. Allowance of party's expenses.

§381. Definitions

For purposes of this chapter:

(1) The term ''election'' means an official general or special election to choose a Representative in, or Delegate or Resident Commissioner to, the Congress, but that term does not include a primary election, or a caucus or convention of a political party.

(2) The term ''candidate'' means an individual (A) whose name is printed on the official ballot for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, or (B) notwithstanding his name is not printed on such ballot, who seeks election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress by write-in votes, provided that he is qualified for such office and that, under the law of the State in which the congressional district is located, write-in voting for such office is permitted and he is eligible to receive write-in votes in such election.

(3) The term ''contestant'' means an individual who contests the election of a Member of the House of Representatives under this chapter.

(4) The term ''contestee'' means a Member of the House of Representatives whose election is contested under this chapter.

(5) The term ''Member of the House of Representatives'' means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office but has not taken the oath of office.

(6) The term ''Clerk'' means the Clerk of the House of Representatives.

(7) The term ''committee'' means the Committee on House Oversight of the House of Representatives.

(8) The term ''State'' means a State of the United States and any territory or possession of the United States.

(9) The term ''write-in vote'' means a vote cast for a person whose name does not appear on the official ballot by writing in the name of such person on such ballot or by any other method prescribed by the law of the State in which the election is held.

(Pub. L. 91–138, §2, Dec. 5, 1969, 83 Stat. 284; Pub. L. 104–186, title II, §211(1), (2), Aug. 20, 1996, 110 Stat. 1743, 1744.)

AMENDMENTS

1996—Pub. L. 104–186, §211(1)(A)–(C), substituted ''chapter:'' for ''chapter—'' in introductory provisions, redesignated subdivs. (a) to (i) as pars. (1) to (9), respectively, and realigned margins of pars. (1) to (9).

Par. (1). Pub. L. 104–186, §211(2)(A), substituted '', or Delegate or Resident Commissioner to, the Congress, but that term'' for ''or Resident Commissioner to the Congress of the United States, but''.

Par. (2). Pub. L. 104–186, §211(2)(B), substituted ''office of Representative in, or Delegate or Resident Commissioner to, the Congress'' for ''House of Representatives of the United States'' in subpar. (A) and ''House of Representatives'' in subpar. (B).

Pub. L. 104–186, §211(1)(D), redesignated pars. (1) and (2) as subpars. (A) and (B), respectively.

Pars. (3), (4). Pub. L. 104–186, §211(2)(C), (D), struck out ''of the United States'' after ''House of Representatives''.

Par. (5). Pub. L. 104–186, §211(2)(E), substituted ''term 'Member of the House of Representatives' means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office'' for ''term 'Member' means an incumbent Representative in or Resident Commissioner to the Congress of the United States, or an individual who has been elected to either of such offices''.

Par. (6). Pub. L. 104–186, §211(2)(F), struck out ''of the United States'' after ''House of Representatives''.

Par. (7). Pub. L. 104–186, §211(2)(G), substituted ''House Oversight of the House of Representatives'' for ''House Administration of the House of Representatives of the United States''.

Par. (8). Pub. L. 104–186, §211(2)(H), substituted ''means a State of the United States and any territory or'' for ''includes territory and''.

Par. (9). Pub. L. 104–186, §211(1)(A), (C), redesignated former subsec. (i) as par. (9).

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section 19 of Pub. L. 91–138 provided that: ''The provisions of, and the repeals made by, this Act [enacting this chapter and repealing sections 201 to 226 of this title] shall apply with respect to any general or special election for Representative in, or Resident Commis-

sioner to, the Congress of the United States occurring after the date of enactment of this Act [Dec. 5, 1969].''

SHORT TITLE

Pub. L. 91–138, § 1, Dec. 5, 1969, 83 Stat. 284, provided that: ''This Act [enacting this chapter and repealing sections 201 to 226 of this title] may be cited as the 'Federal Contested Election Act'.''

§ 382. Notice of contest

(a) Filing of notice

Whoever, having been a candidate for election in the last preceding election and claiming a right to such office, intends to contest the election of a Member of the House of Representatives, shall, within thirty days after the result of such election shall have been declared by the officer of Board of Canvassers authorized by law to declare such result, file with the Clerk and serve upon the contestee written notice of his intention to contest such election.

(b) Contents and form of notice

Such notice shall state with particularity the grounds upon which contestant contests the election and shall state that an answer thereto must be served upon contestant under section 383 of this title within thirty days after service of such notice. Such notice shall be signed by contestant and verified by his oath or affirmation.

(c) Service of notice; proof of service

Service of the notice of contest upon contestee shall be made as follows:

(1) by delivering a copy to him personally;

(2) by leaving a copy at his dwelling house or usual place of abode with a person of discretion not less than sixteen years of age then residing therein;

(3) by leaving a copy at his principal office or place of business with some person then in charge thereof;

(4) by delivering a copy to an agent authorized by appointment to receive service of such notice;

(5) by mailing a copy by registered or certified mail addressed to contestee at his residence or principal office or place of business. Service by mail is complete upon mailing; or

(6) the verified return by the person so serving such notice, setting forth the time and manner of such service shall be proof of same, and the return post office receipt shall be proof of the service of said notice mailed by registered or certified mail as aforesaid. Proof of service shall be made to the Clerk promptly and in any event within the time during which the contestee must answer the notice of contest. Failure to make proof of service does not affect the validity of the service.

(Pub. L. 91–138, § 3, Dec. 5, 1969, 83 Stat. 284; Pub. L. 104–186, title II, § 211(3), Aug. 20, 1996, 110 Stat. 1744.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186, § 211(3)(A), struck out ''to the House of Representatives'' after ''for election''.

Subsec. (c)(4), (5). Pub. L. 104–186, § 211(3)(B), struck out ''or'' at end of par. (4) and inserted ''or'' at end of par. (5).

§ 383. Response of contestee

(a) Answer

Any contestee upon whom a notice of contest as described in section 382 of this title shall be served, shall, within thirty days after the service thereof, serve upon contestant a written answer to such notice, admitting or denying the averments upon which contestant relies. If contestee is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this shall have the effect of a denial. Such answer shall set forth affirmatively any other defenses, in law or fact, on which contestee relies. Contestee shall sign and verify such answer by oath or affirmation.

(b) Defenses by motion prior to answer

At the option of contestee, the following defenses may be made by motion served upon contestant prior to contestee's answer:

(1) Insufficiency of service of notice of contest.

(2) Lack of standing of contestant.

(3) Failure of notice of contest to state grounds sufficient to change result of election.

(4) Failure of contestant to claim right to contestee's seat.

(c) Motion for more definite statement

If a notice of contest to which an answer is required is so vague or ambiguous that the contestee cannot reasonably be required to frame a responsive answer, he may move for a more definite statement before interposing his answer. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the committee is not obeyed within ten days after notice of the order or within such other time as the committee may fix, the committee may dismiss the action, or make such order as it deems just.

(d) Time for serving answer after service of motion

Service of a motion permitted under this section alters the time for serving the answer as follows, unless a different time is fixed by order of the committee: If the committee denies the motion or postpones its disposition until the hearing on the merits, the answer shall be served within ten days after notice of such action. If the committee grants a motion for a more definite statement the answer shall be served within ten days after service of the more definite statement.

(Pub. L. 91–138, § 4, Dec. 5, 1969, 83 Stat. 285.)

§ 384. Service and filing of papers other than notice of contest

(a) Modes of service

Except for the notice of contest, every paper required to be served shall be served upon the attorney representing the party, or, if he is not represented by an attorney, upon the party himself. Service upon the attorney or upon a party shall be made:

(1) by delivering a copy to him personally;

(2) by leaving it at his principal office with some person then in charge thereof; or if the office is closed or the person to be served has

no office, leaving it at his dwelling house or usual place of abode with a person of discretion not less than sixteen years of age then residing therein; or

(3) by mailing it addressed to the person to be served at his residence or principal office. Service by mail is complete upon mailing.

(b) Filing of papers with clerk

All papers subsequent to the notice of contest required to be served upon the opposing party shall be filed with the Clerk either before service or within a reasonable time thereafter.

(c) Proof of service

Papers filed subsequent to the notice of contest shall be accompanied by proof of service showing the time and manner of service, made by affidavit of the person making service or by certificate of an attorney representing the party in whose behalf service is made. Failure to make proof of service does not affect the validity of such service.

(Pub. L. 91–138, § 5, Dec. 5, 1969, 83 Stat. 286.)

§ 385. Default of contestee

The failure of contestee to answer the notice of contest or to otherwise defend as provided by this chapter shall not be deemed an admission of the truth of the averments in the notice of contest. Notwithstanding such failure, the burden is upon contestant to prove that the election results entitle him to contestee's seat.

(Pub. L. 91–138, § 6, Dec. 5, 1969, 83 Stat. 286.)

§ 386. Deposition

(a) Oral examination

Either party may take the testimony of any person, including the opposing party, by deposition upon oral examination for the purpose of discovery or for use as evidence in the contested election case, or for both purposes. Depositions shall be taken only within the time for the taking of testimony prescribed in this section.

(b) Scope of examination

Witnesses may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending contested election case, whether it relates to the claim or defense of the examining party or the claim or defense of the opposing party, including the existence, description, nature, custody, condition and location of any books, papers, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. After the examining party has examined the witness the opposing party may cross examine.

(c) Order and time of taking testimony

The order in which the parties may take testimony shall be as follows:

(1) Contestant may take testimony within thirty days after service of the answer, or, if no answer is served within the time provided in section 383 of this title, within thirty days after the time for answer has expired.

(2) Contestee may take testimony within thirty days after contestant's time for taking testimony has expired.

(3) If contestee has taken any testimony or has filed testimonial affidavits or stipulations under section 387(c) of this title, contestant may take rebuttal testimony within ten days after contestee's time for taking testimony has expired.

(d) Officer before whom testimony may be taken

Testimony shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

(e) Subpena

Attendance of witnesses may be compelled by subpena as provided in section 388 of this title.

(f) Taking of testimony by party or his agent

At the taking of testimony, a party may appear and act in person, or by his agent or attorney.

(g) Conduct of examination; recordation of testimony; notation of objections; interrogatories

The officer before whom testimony is to be taken shall put the witness under oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. All objections made at the time of examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party served with a notice of deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(h) Examination of deposition by witness; signature of witness or officer; use of deposition

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and the parties. Any changes in the form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and note on the deposition the fact of the waiver or of the illness or the absence of the witness or the fact of refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the committee rules that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(Pub. L. 91–138, § 7, Dec. 5, 1969, 83 Stat. 286.)

§ 387. Notice of depositions

(a) Time for service; form

A party desiring to take the deposition of any person upon oral examination shall serve writ-

ten notice on the opposing party not later than two days before the date of the examination. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. A copy of such notice, together with proof of such service thereof, shall be attached to the deposition when it is filed with the Clerk.

(b) Testimony by stipulation

By written stipulation of the parties, the deposition of a witness may be taken without notice. A copy of such stipulation shall be attached to the deposition when it is filed with the Clerk.

(c) Testimony by affidavit; time for filing

By written stipulation of the parties, the testimony of any witness of either party may be filed in the form of an affidavit by such witness or the parties may agree what a particular witness would testify to if his deposition were taken. Such testimonial affidavits or stipulations shall be filed within the time limits prescribed for the taking of testimony in section 386 of this title.

(Pub. L. 91–138, § 8, Dec. 5, 1969, 83 Stat. 287.)

§ 388. Subpena for attendance at deposition

(a) Issuance

Upon application of any party, a subpena for attendance at a deposition shall be issued by:

(1) a judge or clerk of the United States district court for the district in which the place of examination is located;

(2) a judge or clerk of any court of record of the State in which the place of examination is located; or

(3) a judge or clerk of any court of record of the county in which the place of examination is located.

(b) Time, method, and proof of service

Service of the subpena shall be made upon the witness no later than three days before the day on which his attendance is directed. A subpena may be served by any person who is not a party to the contested election case and is not less than eighteen years of age. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fee for one day's attendance and the mileage allowed by section 389 of this title. Written proof of service shall be made under oath by the person making same and shall be filed with the Clerk.

(c) Place of examination

A witness may be required to attend an examination only in the county wherein he resides or is employed, or transacts his business in person, or is served with a subpena, or within forty miles of the place of service.

(d) Form

Every subpena shall state the name and title of the officer issuing same and the title of the contested election case, and shall command each person to whom it is directed to attend and give testimony at a time and place and before an officer specified therein.

(e) Production of documents

A subpena may also command the person to whom it is directed to produce the books, papers, documents, or other tangible things designated therein, but the committee, upon motion promptly made and in any event at or before the time specified in the subpena for compliance therewith, may (1) quash or modify the subpena if it is unreasonable or oppressive, or (2) condition denial of the motion upon the advancement by the party in whose behalf the subpena is issued of the reasonable cost of producing the books, papers, documents, or tangible things. In the case of public records or documents, copies thereof, certified by the person having official custody thereof, may be produced in lieu of the originals.

(Pub. L. 91–138, § 9, Dec. 5, 1969, 83 Stat. 288.)

§ 389. Officer and witness fees

(a) Each judge, clerk of court, or other officer who issues any subpena or takes a deposition and each person who serves any subpena or other paper herein authorized shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the district courts of the United States.

(b) Witnesses whose depositions are taken shall be entitled to receive from the party at whose instance the witness appeared the same fees and travel allowance paid to witnesses subpenaed to appear before the House of Representatives or its committees.

(Pub. L. 91–138, § 10, Dec. 5, 1969, 83 Stat. 288.)

§ 390. Penalty for failure to appear, testify, or produce documents

Every person who, having been subpenaed as a witness under this chapter to give testimony or to produce documents, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the contested election case, shall be deemed guilty of a misdemeanor punishable by fine of not more than $1,000 nor less than $100 or imprisonment for not less than one month nor more than twelve months, or both.

(Pub. L. 91–138, § 11, Dec. 5, 1969, 83 Stat. 288.)

§ 391. Certification and filing of depositions

(a) Sealing of papers; deposit with clerk

The officer before whom any deposition is taken shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition, together with any papers produced by the witness and the notice of deposition or stipulation, if the deposition was taken without notice, in an envelope endorsed with the title of the contested election case and marked ''Deposition of (here insert name of witness)'' and shall within thirty days after completion of the witness' testimony, file it with the Clerk.

(b) Notification of filing

After filing the deposition, the officer shall promptly notify the parties of its filing.

(c) Copy of deposition to parties or deponents

Upon payment of reasonable charges therefor, not to exceed the charges allowed in the district

court of the United States for the district wherein the place of examination is located, the officer shall furnish a copy of deposition to any party or the deponent.

(Pub. L. 91–138, § 12, Dec. 5, 1969, 83 Stat. 289.)

§ 392. Record

(a) Hearing on papers, depositions, and exhibits

Contested election cases shall be heard by the committee on the papers, depositions, and exhibits filed with the Clerk. Such papers, depositions, and exhibits shall constitute the record of the case.

(b) Appendix to contestant's brief

Contestant shall print as an appendix to his brief those portions of the record which he desires the committee to consider in order to decide the case and such other portions of the record as may be prescribed by the rules of the committee.

(c) Appendix to contestee's brief

Contestee shall print as an appendix to his brief those portions of the record not printed by contestant which contestee desires the committee to consider in order to decide the case.

(d) Contestant's brief; service on contestee

Within forty-five days after the time for both parties to take testimony has expired, contestant shall serve on contestee his printed brief of the facts and authorities relied on to establish his case together with his appendix.

(e) Contestee's brief; service on contestant

Within thirty days of service of contestant's brief and appendix, contestee shall serve on contestant his printed brief of the facts and authorities relied on to establish his case together with his appendix.

(f) Reply brief of contestant

Within ten days after service of contestee's brief and appendix, contestant may serve on contestee a printed reply brief.

(g) Form of briefs; number of copies served and filed

The form and length of the briefs, the form of the appendixes, and the number of copies to be served and filed shall be in accordance with such rules as the committee may prescribe.

(Pub. L. 91–138, § 13, Dec. 5, 1969, 83 Stat. 289.)

§ 393. Filing of pleadings, motions, depositions, appendixes, briefs, and other papers

(a) Filings of pleadings, motions, depositions, appendixes, briefs, and other papers shall be accomplished by:

(1) delivering a copy thereof to the Clerk of the House of Representatives at his office in Washington, District of Columbia, or to a member of his staff at such office; or

(2) mailing a copy thereof, by registered or certified mail, addressed to the Clerk at the House of Representatives, Washington, District of Columbia: *Provided*, That if such copy is not actually received, another copy shall be filed within a reasonable time; and

(3) delivering or mailing, simultaneously with the delivery or mailing of a copy thereof under paragraphs (1) and (2) of this subsection, such additional copies as the committee may by rule prescribe.

(b) All papers filed with the Clerk pursuant to this chapter shall be promptly transmitted by him to the committee.

(Pub. L. 91–138, § 14, Dec. 5, 1969, 83 Stat. 289.)

§ 394. Computation of time

(a) Method of computing time

In computing any period of time prescribed or allowed by this chapter or by the rules or any order of the committee, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. For the purposes of this chapter, ''legal holiday'' shall mean New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States.

(b) Service by mail

Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a pleading, motion, notice, brief, or other paper upon him, which is served upon him by mail, three days shall be added to the prescribed period.

(c) Enlargement of time

When by this chapter or by the rules or any order of the committee an act is required or allowed to be done at or within a specified time, the committee, for good cause shown, may at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect, but it shall not extend the time for serving and filing the notice of contest under section 382 of this title.

(Pub. L. 91–138, § 15, Dec. 5, 1969, 83 Stat. 290.)

§ 395. Death of contestant

In the event of the death of the contestant, the contested election case shall abate.

(Pub. L. 91–138, § 16, Dec. 5, 1969, 83 Stat. 290.)

§ 396. Allowance of party's expenses

The committee may allow any party reimbursement from the applicable accounts of the House of Representatives of his reasonable expenses of the contested election case, including reasonable attorneys fees, upon the verified application of such party accompanied by a complete and detailed account of his expenses and supporting vouchers and receipts.

(Pub. L. 91–138, § 17, Dec. 5, 1969, 83 Stat. 290; Pub. L. 104–186, title II, § 211(4), Aug. 20, 1996, 110 Stat. 1744.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts'' for ''contingent fund''.

CHAPTER 13—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

§§ 411 to 417. Repealed. Pub. L. 104–186, title II, § 212(1)(A), (2), Aug. 20, 1996, 110 Stat. 1745

Section 411, Pub. L. 91–510, title IV, § 401, Oct. 26, 1970, 84 Stat. 1187, created a 10-member Joint Committee on Congressional Operations.

Section 412, Pub. L. 91–510, title IV, § 402, Oct. 26, 1970, 84 Stat. 1187, enumerated duties of Joint Committee.

Section 412a, based on H. Res. No. 988, § 206, Ninety-third Congress, Oct. 8, 1974, enacted into permanent law by Pub. L. 93–554, title I, ch. III, § 101, Dec. 27, 1974, 88 Stat. 1777, related to continuing study of jurisdiction of House standing committees by House members of Joint Committee, periodic report to House Committee on Rules, and contents and purposes of such report.

Section 413, Pub. L. 91–510, title IV, § 403, Oct. 26, 1970, 84 Stat. 1188, related to powers of Joint Committee, including rulemaking, issuing subpenas, and administering oaths.

Section 414, Pub. L. 91–510, title IV, § 404, Oct. 26, 1970, 84 Stat. 1188, authorized Joint Committee to appoint and manage professional staff members and to utilize Government services, personnel, consultants, and experts.

Section 415, Pub. L. 91–510, title IV, § 405, Oct. 26, 1970, 84 Stat. 1188, related to records of Joint Committee.

Section 416, Pub. L. 91–510, title IV, § 406, Oct. 26, 1970, 84 Stat. 1189, established Office of Placement and Office Management which was subject to supervision and control of Joint Committee.

Section 417, Pub. L. 91–510, title IV, § 407, Oct. 26, 1970, 84 Stat. 1189, directed that expenses of Joint Committee be paid from contingent fund of House of Representatives.

CHAPTER 14—FEDERAL ELECTION CAMPAIGNS

SUBCHAPTER I—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

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SUBCHAPTER I—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

§ 431. Definitions

When used in this Act:

(1) The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term ''candidate'' means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000.

(3) The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term ''political committee'' means—

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 441b(b) of this title; or

(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in paragraphs (8) and (9) aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

(5) The term ''principal campaign committee'' means a political committee designated and authorized by a candidate under section 432(e)(1) of this title.

(6) The term ''authorized committee'' means the principal campaign committee or any other political committee authorized by a candidate under section 432(e)(1) of this title to receive contributions or make expenditures on behalf of such candidate.

(7) The term ''connected organization'' means any organization which is not a political committee but which directly or indirectly establishes, administers or financially supports a political committee.

(8)(A) The term ''contribution'' includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

(B) The term ''contribution'' does not include—

(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

(III) shall bear the usual and customary interest rate of the lending institution;

(viii) any legal or accounting services rendered to or on behalf of—

(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with

this Act or chapter 95 or chapter 96 of title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(ix) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(x) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or referenced to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising): *Provided*, That such payments are made from contributions subject to the limitations and prohibitions of this Act;

(xi) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;

(xii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access;

(xiii) any honorarium (within the meaning of section 441i of this title); and

(xiv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person's business.

(9)(A) The term ''expenditure'' includes—

(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

(ii) a written contract, promise, or agreement to make an expenditure.

(B) The term ''expenditure'' does not include—

(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;

(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 434(a)(4)(A)(i) of this title, and in accordance with section 434(a)(4)(A)(ii) of this title with respect to any general election;

(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of

such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 441a(b) of this title, but all such costs shall be reported in accordance with section 434(b) of this title;

(vii) the payment of compensation for legal or accounting services—

(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided*, That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

(10) The term ''Commission'' means the Federal Election Commission.

(11) The term ''person'' includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

(12) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(13) The term ''identification'' means—

(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(B) in the case of any other person, the full name and address of such person.

(14) The term ''national committee'' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term ''State committee'' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term ''political party'' means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

(17) INDEPENDENT EXPENDITURE.—The term ''independent expenditure'' means an expenditure by a person—

(A) expressly advocating the election or defeat of a clearly identified candidate; and

(B) that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.

(18) The term ''clearly identified'' means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(19) The term ''Act'' means the Federal Election Campaign Act of 1971 as amended.

(20) FEDERAL ELECTION ACTIVITY.—

(A) IN GENERAL.—The term ''Federal election activity'' means—

(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in

which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

(B) EXCLUDED ACTIVITY.—The term ''Federal election activity'' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

(iii) the costs of a State, district, or local political convention; and

(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

(21) GENERIC CAMPAIGN ACTIVITY.—The term ''generic campaign activity'' means a campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate.

(22) PUBLIC COMMUNICATION.—The term ''public communication'' means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.

(23) MASS MAILING.—The term ''mass mailing'' means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

(24) TELEPHONE BANK.—The term ''telephone bank'' means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.

(25) ELECTION CYCLE.—For purposes of sections 441a(i) and 441a–1 of this title and paragraph (26), the term ''election cycle'' means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

(26) PERSONAL FUNDS.—The term ''personal funds'' means an amount that is derived from—

(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

(i) legal and rightful title; or

(ii) an equitable interest;

(B) income received during the current election cycle of the candidate, including—

(i) a salary and other earned income from bona fide employment;

(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

(iii) bequests to the candidate;

(iv) income from trusts established before the beginning of the election cycle;

(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

(vii) proceeds from lotteries and similar legal games of chance; and

(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property.

(Pub. L. 92–225, title III, § 301, Feb. 7, 1972, 86 Stat. 11; Pub. L. 93–443, title II, §§ 201(a), 208(c)(1), Oct. 15, 1974, 88 Stat. 1272, 1286; Pub. L. 94–283, title I, §§ 102, 115(d), (h), May 11, 1976, 90 Stat. 478, 495, 496; Pub. L. 96–187, title I, § 101, Jan. 8, 1980, 93 Stat. 1339; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 106–346, § 101(a) [title V, § 502(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A–49; Pub. L. 107–155, title I, §§ 101(b), 103(b)(1), title II, § 211, title III, § 304(c), Mar. 27, 2002, 116 Stat. 85, 87, 92, 100.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, as amended, referred to in par. (19), is Pub. L. 92–225, Feb. 7, 1972, 86 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title notes set out below and Tables.

AMENDMENTS

2002—Par. (8)(B)(viii) to (xv). Pub. L. 107–155, § 103(b)(1), redesignated cls. (ix) to (xv) as (viii) to (xiv), respectively, and struck out former cl. (viii) which read as follows: ''any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office;''.

Par. (17). Pub. L. 107–155, § 211, added par. (17) and struck out former par. (17) which read as follows: ''The term 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any

authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.''

Pars. (20) to (24). Pub. L. 107–155, §101(b), added pars. (20) to (24).

Pars. (25), (26). Pub. L. 107–155, §304(c), added pars. (25) and (26).

2000—Par. (8)(B)(xv). Pub. L. 106–346 added cl. (xv).

1986—Pars. (8)(B)(ix)(II), (9)(A)(vii)(II). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Pub. L. 96–187 changed the section designations from letters to numbers, and as so redesignated, substantially redefined the terms applicable to the provisions of this Act.

1976—Subsec. (a)(2). Pub. L. 94–283, §102(a), substituted ''party which has authority to nominate'' for ''party held to nominate''.

Subsec. (e)(2). Pub. L. 94–283, §102(b), substituted ''written contract, promise, or agreement,'' for ''contract, promise, or agreement, expressed or implied,''.

Subsec. (e)(4). Pub. L. 94–283, §102(c), inserted provisions establishing an exception for legal or accounting services.

Subsec. (e)(5). Pub. L. 94–283, §§102(d), (e), 115(d) (1), substituted ''section 441b(b) of this title'' for ''the last paragraph of section 610 of title 18, United States Code'' in cl. (F), added cls. (G), (H), and (I), and, in the provisions following cl. (I), substituted ''person'' for ''individual''.

Subsec. (f)(4). Pub. L. 94–283, §§102(f), 115(d)(2), inserted provisions in cl. (C) requiring the reporting to the Commission of costs directly attributable to a communication expressly advocating the election or defeat of a clearly identifiable candidate if those costs should exceed $2,000 per election, substituted ''section 441b(b) of this title'' for ''the last paragraph of section 610 of title 18, United States Code'' in cl. (H), and added cls. (I), (J), and (K).

Subsec. (n). Pub. L. 94–283, §115(h), substituted ''section 432(e) (1) of this title'' for ''section 432(f)(1) of this title''.

Subsec. (*o*) to (q). Pub. L. 94–283, §102(g)(3), added subsecs. (*o*) to (q).

1974—Pub. L. 93–443, §201(a) (1), inserted introductory reference to title IV of this Act, which for purposes of codification is translated as subchapter II of this chapter.

Subsec. (a)(5). Pub. L. 93–443, §201(a)(2), struck out from definition of ''election'' the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

Subsec. (d). Pub. L. 93–443, §201(a)(3), inserted reference to ''club,'' before ''association'' and substituted ''other group of persons'' and ''receives'' for ''organization'' and ''accepts''.

Subsec. (e). Pub. L. 93–443, §201(a)(4), transferred the word ''means'' after introductory word ''contribution'' to become the initial word in pars. (1) to (4); in par. (1), incorporated existing provisions in provisions designated subpars. (A) and (B), and deleted former provisions respecting contributions for the purpose of influencing the nomination for election, or election, of any person as a presidential election or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States; in par. (2), provided for express or implied transactions; in par. (3), substitution of ''funds received by a political committee which are transferred to such committee from another political committee or other source'' for ''a transfer of funds between political committees''; inserted at end of par. (4) the word ''but''; and added par. (5.)

Subsec. (f). Pub. L. 93–443, §201(a)(5), transferred the word ''means'' following introductory word ''expenditure'' to become the initial word in pars. (1) to (3); in par. (1), incorporated existing provisions in provisions designated subpars. (A) to (C) and deleted end text reading '', or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States''; in par. (2), provided for express or implied transactions; in par. (3), substituted ''the transfer of funds by a political committee to another political committee; but'' for ''a transfer of funds between political committees''; and added par. (4).

Subsec. (g). Pub. L. 93–443, §208(c)(1), substituted definition of ''Commission'' for ''supervisory officer''.

Subsecs. (j) to (n). Pub. L. 93–443, §201(a)(6)–(8), added subsecs. (j) to (n).

EFFECTIVE DATE OF 2002 AMENDMENT; REGULATIONS

Pub. L. 107–155, title IV, §402, Mar. 27, 2002, 116 Stat. 112, provided that:

''(a) GENERAL EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in the succeeding provisions of this section, the effective date of this Act [see Short Title of 2002 Amendment note below], and the amendments made by this Act, is November 6, 2002.

''(2) MODIFICATION OF CONTRIBUTION LIMITS.—The amendments made by—

''(A) section 102 [amending section 441a of this title] shall apply with respect to contributions made on or after January 1, 2003; and

''(B) section 307 [amending section 441a of this title] shall take effect as provided in subsection (e) of such section [enacting provisions set out as a note under section 441a of this title].

''(3) SEVERABILITY; EFFECTIVE DATES AND REGULATIONS; JUDICIAL REVIEW.—Title IV [enacting provisions set out as notes under sections 437h and 454 of this title] shall take effect on the date of enactment of this Act [Mar. 27, 2002].

''(4) PROVISIONS NOT TO APPLY TO RUNOFF ELECTIONS.—Section 323(b) of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i(b)] (as added by section 101(a)), section 103(a) [amending section 434 of this title], title II [amending this section and sections 434, 441a, and 441b of this title and enacting provisions set out as notes under sections 434 and 441a of this title], sections 304 [amending this section and sections 434 and 441a of this title] (including section 315(j) of Federal Election Campaign Act of 1971 [2 U.S.C. 441a(j)], as added by section 304(a)(2)), 305 [amending section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and enacting provisions set out as a note under section 315 of Title 47] (notwithstanding subsection (c) of such section [enacting provisions set out as a note under section 315 of Title 47]), 311 [amending section 441d of this title], 316 [amending section 441a of this title], 318 [enacting section 441k of this title], and 319 [enacting section 441a–1 of this title and amending section 441a of this title], and title V [enacting section 438a of this title and amending section 434 of this title and section 315 of Title 47] (and the amendments made by such sections and titles) shall take effect on November 6, 2002, but shall not apply with respect to runoff elections, recounts, or election contests resulting from elections held prior to such date.

''(b) SOFT MONEY OF NATIONAL POLITICAL PARTIES.—

''(1) IN GENERAL.—Except for subsection (b) of such section, section 323 of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i] (as added by section 101(a)) shall take effect on November 6, 2002.

''(2) TRANSITIONAL RULES FOR THE SPENDING OF SOFT MONEY OF NATIONAL POLITICAL PARTIES.—

''(A) IN GENERAL.—Notwithstanding section 323(a) of the Federal Election Campaign Act of 1971 [2 U.S.C. 441i(a)] (as added by section 101(a)), if a national committee of a political party described in such section (including any person who is subject to such section under paragraph (2) of such section), has received funds described in such section prior to November 6, 2002, the rules described in subparagraph (B) shall apply with respect to the spending

of the amount of such funds in the possession of such committee as of such date.

''(B) USE OF EXCESS SOFT MONEY FUNDS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the national committee of a political party may use the amount described in subparagraph (A) prior to January 1, 2003, solely for the purpose of—

''(I) retiring outstanding debts or obligations that were incurred solely in connection with an election held prior to November 6, 2002; or

''(II) paying expenses or retiring outstanding debts or paying for obligations that were incurred solely in connection with any runoff election, recount, or election contest resulting from an election held prior to November 6, 2002.

''(ii) PROHIBITION ON USING SOFT MONEY FOR HARD MONEY EXPENSES, DEBTS, AND OBLIGATIONS.—A national committee of a political party may not use the amount described in subparagraph (A) for any expenditure (as defined in section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9))) or for retiring outstanding debts or obligations that were incurred for such an expenditure.

''(iii) PROHIBITION OF BUILDING FUND USES.—A national committee of a political party may not use the amount described in subparagraph (A) for activities to defray the costs of the construction or purchase of any office building or facility.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Election Commission shall promulgate regulations to carry out this Act [see Short Title of 2002 Amendment note below] and the amendments made by this Act that are under the Commission's jurisdiction not later than 270 days after the date of enactment of this Act [Mar. 27, 2002].

''(2) SOFT MONEY OF POLITICAL PARTIES.—Not later than 90 days after the date of enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out title I of this Act [enacting section 441i of this title and amending this section and sections 434, 441a, and 453 of this title] and the amendments made by such title.''

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–346, § 101(a) [title V, § 502(d)], Oct. 23, 2000, 114 Stat. 1356, 1356A–50, provided that: ''The amendments made by this section [amending this section and section 434 of this title] shall apply with respect to elections occurring after January 2001.''

EFFECTIVE DATE OF 1980 AMENDMENT

Section 301 of Pub. L. 96–187 provided that:

''(a) Except as provided in subsection (b), the amendments made by this Act [see Short Title of 1980 Amendment note set out below] are effective upon enactment [Jan. 8, 1980].

''(b) For authorized committees of candidates for President and Vice President, section 304(b) of the Federal Election Campaign Act of 1971 [section 434(b) of this title] shall be effective for elections occurring after January 1, 1981.''

EFFECTIVE DATE OF 1974 AMENDMENT

Section 410 of Pub. L. 93–443 provided that:

''(a) Except as provided by subsection (b) and subsection (c), the foregoing provisions of this Act [enacting sections 437a to 437h, 439a to 439c, 455 and 456 of this title sections 614 to 617 of Title 18, Crimes and Criminal Procedure, and sections 9031 to 9042 of Title 26, Internal Revenue Code, amending sections 431 to 437, 438, 439, 451 to 453 of this title, sections 1501 to 1503 of Title 5, Government Organization and Employees, sections 591, 608, 610, 611, and 613 of Title 18, sections 276, 6012, and 9002 to 9012 of Title 26, and section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, repealing section 440 of this title, section 9021 of Title 26, and sections 801 to 805 of Title 47, and enacting provisions set out as notes under this section and sections 432, 434, 437c, and 438 of this title, sections 591 and 608 of Title 18, and section 9006 of Title 26] shall become effective January 1, 1975.

''(b) Section 104 [set out as a note under section 591 of Title 18] and the amendment made by section 301 [amending section 453 of this title] shall become effective on the date of the enactment of this Act [Oct. 15, 1974].

''(c)(1) The amendments made by sections 403(a), 404, 405, 406, 408, and 409 [enacting sections 9031 to 9042, amending sections 276, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, and 9012, and repealing section 9021 of Title 26] shall apply with respect to taxable years beginning after December 31, 1974.

''(2) The amendment made by section 407 [amending section 6012 of Title 26] shall apply with respect to taxable years beginning after December 31, 1971.''

EFFECTIVE DATE

Section 408, formerly § 406, of Pub. L. 92–225 as renumbered Pub. L. 93–443, title III, § 302, Oct. 15, 1974, 88 Stat. 1289, provided that: ''Except as provided in section 401 of this Act [section 451 of this title], the provisions of this Act [see Short Title note set out below] shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act [Feb. 7, 1972], whichever is later.''

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–155, § 1(a), Mar. 27, 2002, 116 Stat. 81, provided that: ''This Act [enacting sections 438a, 439a, 441a–1, 441i, and 441k of this title and section 510 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, amending this section, sections 434, 437g, 441a, 441b, 441d, 441e, 441h, 453, and 455 of this title, section 607 of Title 18, Crimes and Criminal Procedure, and section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, transferring section 510 of Title 36 to section 511 of Title 36, repealing section 439a of this title, enacting provisions set out as notes under this section, sections 434, 437g, 437h, 441a, 454, and 455 of this title, and section 315 of Title 47, and amending provisions set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Bipartisan Campaign Reform Act of 2002'.''

SHORT TITLE OF 1980 AMENDMENT

Section 1 of Pub. L. 96–187 provided: ''That this Act [amending this section and sections 432 to 434, 437, 437c, 437d, 437f to 439a, 439c, 441a to 441i of this title, section 3132 of Title 5, Government Organization and Employees, sections 602, 603, and 607 of Title 18, Crimes and Criminal Procedure, section 901a of Title 22, Foreign Relations and Intercourse, section 9008 of Title 26, Internal Revenue Code, and section 5043 of Title 42, The Public Health and Welfare; repealing sections 435, 436, 437b, 437e, 439b, and 441j of this title and section 591 of Title 18; and enacting provisions set out as notes under this section] may be cited as the 'Federal Election Campaign Act Amendments of 1979'.''

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94–283 provided that: ''This Act [enacting sections 441a to 441j of this title, amending this section and sections 432, 434, 436, 437b to 439c, and 455 of this title, section 591 of Title 18, Crimes and Criminal Procedure, and sections 9002, 9003, 9004, 9006, 9007, 9008, 9009, 9012, 9032, 9033, 9034, 9035, and 9039 of Title 26, Internal Revenue Code, repealing sections 437a, 441, and 456 of this title and sections 608, 610, 611, 612, 613, 614, 615, 616, and 617 of Title 18, and enacting provisions set out as notes under sections 437c, 437f, and 441 of this title and sections 9002, 9004, and 9035 of Title 26] may be cited as the 'Federal Election Campaign Act Amendments of 1976'.''

SHORT TITLE OF 1974 AMENDMENT

Section 1 of Pub. L. 93–443 provided: ''That this Act [enacting sections 437a to 437h, 439a to 439c, 455, and 456

of this title, sections 614 to 617 of Title 18, Crimes and Criminal Procedure, and sections 9031 to 9042 of Title 26, Internal Revenue Code; amending this section and sections 432 to 437, 438, 439 and 451 to 453 of this title, sections 1501 to 1503 of Title 5, Government Organization and Employees, sections 591, 608, 610, 611, and 613 of Title 18, sections 276, 6012, 9002 to 9012 of Title 26, and section 315 of Title 47, Telegraphs, Telephones, and Radiotelegraphs; repealing section 440 of this title, section 9021 of Title 26, and sections 801 to 805 of Title 47; and enacting provisions set out as notes under this section and sections 434, 437c, and 438 of this title, sections 591 and 608 of Title 18, and section 9006 of Title 26] may be cited as the 'Federal Election Campaign Act Amendments of 1974'.''

SHORT TITLE

Section 1 of Pub. L. 92–225 provided: ''That this Act [enacting this chapter and chapter 7 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, amending sections 591, 600, 608, 610, and 611 of Title 18, Crimes and Criminal Procedure, and sections 312 and 315 of Title 47, repealing sections 241 to 256 of this title and section 609 of Title 18, and enacting provisions set out as notes under this section and section 801 of Title 47] may be cited as the 'Federal Election Campaign Act of 1971'.''

TRANSFER OF FUNCTIONS

Federal Savings and Loan Insurance Corporation abolished and functions transferred, see Pub. L. 101–73, title IV, §§ 401–406, Aug. 9, 1989, 103 Stat. 354–363, set out as a note under section 1437 of Title 12, Banks and Banking.

TRANSITION PROVISIONS

Section 303 of Pub. L. 96–187 provided that:

''(a) The Federal Election Commission shall transmit to the Congress proposed rules and regulations necessary for the purpose of implementing the provisions of this Act, and the amendments made by this Act [see Short Title of 1980 Amendment note set out above], prior to February 29, 1980.

''(b) The provisions of section 311(d) of the Federal Election Campaign Act of 1971 [section 438(d) of this title] allowing disapproval of rules and regulations by either House of Congress within 30 legislative days after receipt shall, with respect to rules and regulations required to be proposed under subsection (a) of this section, be deemed to allow such disapproval within 15 legislative days after receipt.''

STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS

Pub. L. 107–155, title III, § 310, Mar. 27, 2002, 116 Stat. 104, provided that:

''(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term 'clean money clean elections' means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

''(b) STUDY.—

''(1) IN GENERAL.—The Comptroller General shall conduct a study of the clean money clean elections of Arizona and Maine.

''(2) MATTERS STUDIED.—

''(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General shall determine—

''(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

''(I) the office for which they were candidates;

''(II) whether the candidate was an incumbent or a challenger; and

''(III) whether the candidate was successful in the candidate's bid for public office; and

''(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

''(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

''(c) REPORT.—Not later than 1 year after the date of enactment of this Act [Mar. 27, 2002], the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b).''

VOTING SYSTEM STUDY; REPORT TO CONGRESS; COST OF STUDY

Section 302 of Pub. L. 96–187, as amended by Pub. L. 100–418, title V, § 5115(c), Aug. 23, 1988, 102 Stat. 1433, provided that: ''The Federal Election Commission with the cooperation and assistance of the National Institute of Standards and Technology, shall conduct a preliminary study with respect to the future development of voluntary engineering and procedural performance standards for voting systems used in the United States. The Commission shall report to the Congress the results of the study, and such report shall include recommendations, if any, for the implementation of a program of such standards (including estimates of the costs and time requirements of implementing such a program). The cost of the study shall be paid out of any funds otherwise available to defray the expenses of the Commission.''

§ 432. Organization of political committees

(a) Treasurer; vacancy; official authorizations

Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

(b) Account of contributions; segregated funds

(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) Recordkeeping

The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

(d) Preservation of records and copies of reports

The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed. For any report filed in electronic format under section 434(a)(11) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.

(e) Principal and additional campaign committees; designations, status of candidate, authorized committees, etc.

(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1) of this section.

(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

(B) As used in this section, the term ''support'' does not include a contribution by any authorized committee in amounts of $2,000 or less to an authorized committee of any other candidate.

(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

(5) The name of any separate segregated fund established pursuant to section 441b(b) of this title shall include the name of its connected organization.

(f) Filing with and receipt of designations, statements, and reports by principal campaign committee

(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate's principal campaign committee.

(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

(g) Filing with and receipt of designations, statements, and reports by Secretary of Senate; forwarding to Commission; filing requirements with Commission; public inspection and preservation of designations, etc.

(1) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, by the principal campaign committee of such candidate, and by the Republican and Democratic Senatorial Campaign Committees shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports, as custodian for the Commission.

(2) The Secretary of the Senate shall forward a copy of any designation, statement, or report filed with the Secretary under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

(3) All designations, statements, and reports required to be filed under this Act, except designations, statements, and reports filed in accordance with paragraph (1), shall be filed with the Commission.

(4) The Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the same manner as the Commission under section 438(a)(4) of this title, and shall preserve such designations, statements, and reports in the same manner as the Commission under section 438(a)(5) of this title.

(h) Campaign depositories; designations, maintenance of accounts, etc.; petty cash fund for disbursements; record of disbursements

(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corpora-

tion, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5) of this section.

(i) Reports and records, compliance with requirements based on best efforts

When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of title 26.

(Pub. L. 92–225, title III, §302, Feb. 7, 1972, 86 Stat. 12; Pub. L. 93–443, title II, §§202, 208(c)(2), Oct. 15, 1974, 88 Stat. 1275, 1286; Pub. L. 94–283, title I, §103, May 11, 1976, 90 Stat. 480; Pub. L. 96–187, title I, §102, Jan. 8, 1980, 93 Stat. 1345; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–79, §§1(b), 3(a), Dec. 28, 1995, 109 Stat. 791, 792; Pub. L. 105–61, title VI, §637, Oct. 10, 1997, 111 Stat. 1316; Pub. L. 108–447, div. H, title V, §525, Dec. 8, 2004, 118 Stat. 3271.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

AMENDMENTS

2004—Subsec. (e)(3)(B). Pub. L. 108–447 substituted ''$2,000'' for ''$1,000''.

1997—Subsec. (g)(1). Pub. L. 105–55 struck out ''and'' after ''Senator,'' and inserted ''and by the Republican and Democratic Senatorial Campaign Committees'' after ''candidate,''.

1995—Subsec. (d). Pub. L. 104–79, §1(b), inserted at end ''For any report filed in electronic format under section 434(a)(11) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.''

Subsec. (g)(1). Pub. L. 104–79, §3(a)(1), (2), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: ''Designations, statements, and reports required to be filed under this Act by a candidate or by an authorized committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and by the principal campaign committee of such a candidate, shall be filed with the Clerk of the House of Representatives, who shall receive such designations, statements, and reports as custodian for the Commission.''

Subsec. (g)(2). Pub. L. 104–79, §3(a)(2), (3), redesignated par. (3) as (2), struck out ''Clerk of the House of Representatives and the'' before ''Secretary of the Senate'', and substituted ''filed with the Secretary'' for ''filed with them''. Former par. (2) redesignated (1).

Subsec. (g)(3). Pub. L. 104–79, §3(a)(2), (4), redesignated par. (4) as (3) and substituted ''paragraph (1)'' for ''paragraphs (1) and (2)''. Former par. (3) redesignated (2).

Subsec. (g)(4). Pub. L. 104–79, §3(a)(2), (5), redesignated par. (5) as (4) and struck out ''Clerk of the House of Representatives and the'' before ''Secretary of the Senate''. Former par. (4) redesignated (3).

Subsec. (g)(5). Pub. L. 104–79, §3(a)(2), redesignated par. (5) as (4).

1986—Subsec. (i). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187 struck out reference to the chairman as a person authorized to accept or make a contribution on behalf of a political committee.

Subsec. (b). Pub. L. 96–187 redesignated subsec. (b) as par. (1) of subsec. (b), substituted ''for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of the receipt.'' for ''in excess of $50 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount of the contribution and the identification of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.'', and added pars. (2) and (3).

Subsec. (c). Pub. L. 96–187 substituted ''The treasurer of a political committee shall keep an account of'' for ''It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of'' in introductory clause; substituted in par. (1) ''all contributions received by or on behalf of such political committee'' for ''all contributions made to or for such committee''; substituted in par. (2) ''the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person'' for ''the identification of every person making a contribution in excess of $50, and the date and amount thereof and, if a person's contributions aggregating more than $100, the account shall include occupation, and the principal place of business (if any)''; substituted in par. (3) ''the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution'' for ''all expenditures made by or on behalf of such committee; and''; substituted in par. (4) ''the identification of any political committee which makes a contribution, together with the date and amount of any such contribution, and'' for ''the identification of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made'', and added par. (5).

Subsec. (d). Pub. L. 96–187 substituted provisions requiring the treasurer to preserve all records required by this section and copies of all reports to be filed by this subchapter for 3 years after the filing of the report for provisions requiring the treasurer to keep receipted bills for expenditures in excess of $100, and for expenditures of lesser amounts if the aggregate amount to the same person during a calendar year exceeds $100, such receipts to be kept for a period to be determined by the Secretary.

Subsec. (e). Pub. L. 96–187 in par. (1) substituted provisions requiring a written designation of a political committee no later than 15 days after becoming a candidate, with the designation of additional committees to be filed with the principal committee, for provisions prohibiting the designation of a committee as the principal campaign committee of more than one candidate except that the presidential candidate may nominate

the national committee of a political party as his principal campaign committee; in par. (2) substituted provisions considering any candidate receiving a contribution or loan or making a disbursement as an agent of the authorized committees for provisions requiring the filing of any report or statement of contributions required to be filed with the Commission to be filed instead with the principal campaign committee; in par. (3) redesignated existing provisions as introductory clause of par. (3)(A), and in such clause as so redesignated, substituted provision that no political committee which supports or has supported more than one candidate may be designated as an authorized committee for provisions requiring principal committee to receive reports and statements and to compile and file such reports and statements together with its own reports and statements with the Commission, and added pars. (3)(A)(i), (ii), (4) and (5).

Subsecs. (f) to (i). Pub. L. 96–187 added subsecs. (f) to (i).

1976—Subsec. (b). Pub. L. 94–283, § 103(a), substituted ''$50'' for ''$10''.

Subsec. (c)(2). Pub. L. 94–283, § 103(b), substituted ''$50'' for ''$10''.

Subsecs. (e), (f). Pub. L. 94–283, § 103(c), (d), redesignated subsec. (f) as (e) and in par. (1) of subsec. (e) as so redesignated inserted provision that occasional, isolated, or incidental support of a candidate not be construed as support for such a candidate for purposes of determining whether a political committee supports more than one candidate. Former subsec. (e) providing for the giving of notice by a candidate that a political committee soliciting funds on his behalf is not authorized to do so and that he is not responsible for the activities of that committee was eliminated.

1974—Subsec. (b). Pub. L. 93–443, § 202(a)(1), substituted ''of the contribution and the identification'' for '', the name and address (occupation and principal place of business, if any)''.

Subsec. (c)(2). Pub. L. 93–443, § 202(a)(2), (3), substituted ''identification'' for ''full name and mailing address (occupation and the principal place of business, if any)'' before ''of every person'' and inserted end text reading ''and, if a person's contributions aggregate more than $100, the account shall include occupation, and the principal place of business (if any)''.

Subsec. (c)(4). Pub. L. 93–443, § 202(a)(2), substituted ''identification'' for ''full name and mailing address (occupation and the principal place of business, if any)'' before ''of every person''.

Subsec. (d). Pub. L. 93–443, § 208(c)(2), substituted ''Commission'' for ''supervisory officers''.

Subsec. (f). Pub. L. 93–443, § 202(b), substituted provisions respecting principal campaign committees for prior provisions respecting notice of funds solicitation by political committees and availability for purchase of annual reports of the political committees from the Superintendent of Documents made available through the Public Printer, now covered in section 435(b) of this title.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 1(c) of Pub. L. 104–79 provided that: ''The amendments made by subsection (a) and subsection (b) [amending this section and section 434 of this title] shall apply with respect to reports for periods beginning after December 31, 1996.''

Section 3(d) of Pub. L. 104–79 provided that: ''The amendments made by this section [amending this section and sections 434 and 438 of this title] shall apply with respect to reports, designations, and statements required to be filed after December 31, 1995.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

TRANSFER OF FUNCTIONS

Federal Savings and Loan Insurance Corporation abolished and functions transferred, see Pub. L. 101–73, title IV, §§ 401–406, Aug. 9, 1989, 103 Stat. 354–363, set out as a note under section 1437 of Title 12, Banks and Banking.

§ 433. Registration of political committees

(a) Statements of organizations

Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 432(e)(1) of this title. Each separate segregated fund established under the provisions of section 441b(b) of this title shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 431(4) of this title.

(b) Contents of statements

The statement of organization of a political committee shall include—

(1) the name, address, and type of committee;

(2) the name, address, relationship, and type of any connected organization or affiliated committee;

(3) the name, address, and position of the custodian of books and accounts of the committee;

(4) the name and address of the treasurer of the committee;

(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and

(6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

(c) Change of information in statements

Any change in information previously submitted in a statement of organization shall be reported in accordance with section 432(g) of this title no later than 10 days after the date of the change.

(d) Termination, etc., requirements and authorities

(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 432(g) of this title, that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

(A) the determination of insolvency with respect to any political committee;

(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

(C) the termination of an insolvent political committee after such liquidation and application of assets.

(Pub. L. 92–225, title III, § 303, Feb. 7, 1972, 86 Stat. 14; Pub. L. 93–443, title II, §§ 203, 208(c)(3),

Oct. 15, 1974, 88 Stat. 1276, 1286; Pub. L. 96–187, title I, § 103, Jan. 8, 1980, 93 Stat. 1347.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96–187 substituted provisions requiring each authorized campaign committee, each segregated fund established under section 441b(b) of this title, and all other committees to file a statement of organization 10 days after establishment for provisions requiring each political committee anticipating the receipt or expenditure during the calendar year of an amount exceeding $1,000 to file with the Commission a statement of organization within 10 days after organization or 10 days after receipt of information causing the anticipation of receipt or expenditure in excess of $1,000 and requiring each committee in existence on the date of enactment of this Act to file a statement of organization at such time as the Commission prescribes.

Subsec. (b). Pub. L. 96–187 inserted ''of a political committee'' in introductory clause; in par. (1) inserted reference to type of committee; in par. (2) inserted reference to type of organization or affiliated committee; in par. (3) substituted provisions relating to the name, address and position of custodian of books and accounts for provisions relating to area, scope or jurisdiction of the committee; in par. (4) substituted provisions relating to the name and address of the treasurer for provisions relating to the name, address and position of the custodian of books and accounts; in par. (5) substituted provisions relating to the name, address, office sought and party affiliation of the candidate for provisions relating to the name, address and position of principal officers including officers of the finance committee; in par. (6) substituted provisions relating to listings of banks, safety deposit boxes, etc. for provisions relating to name and address, office sought and political affiliation of supported candidates, and struck out pars. (7) to (11) relating to other information.

Subsec. (c). Pub. L. 96–187 substituted ''in accordance with section 432(g) of this title no later than 10 days after the date of the change'' for ''to the Commission within a ten-day period following the change''.

Subsec. (d). Pub. L. 96–187 redesignated existing provisions as par. (1), substituted provisions relating to termination of a political committee by written statement in accordance with section 432(g) of this title for provisions relating to notification to the Commission in the event of disbandment or determination no longer to receive contributions during the calendar year of an amount exceeding $1,000, and added par. (2).

Subsec. (e). Pub. L. 96–187 struck out subsec. (e) relating to filing of required reports and notifications with the appropriate principal campaign committee instead of the Commission in the case of a political committee which is not a principal campaign committee.

1974—Pub. L. 93–443, § 208(c)(3)(A), substituted ''Commission'' for ''supervisory officer'' wherever appearing.

Subsec. (a). Pub. L. 93–443, § 208(c)(3)(B), substituted ''it prescribes'' for ''he prescribes''.

Subsec. (e). Pub. L. 93–443, § 203, added subsec. (e).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 434. Reporting requirements

(a) Receipts and disbursements by treasurers of political committees; filing requirements

(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is[1] regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance

[1] So in original. Probably should be followed by ''a''.

with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

(B) in any other calendar year, the treasurer shall file either—

(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

(4) All political committees other than authorized committees of a candidate shall file either—

(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1) of this section) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1) of this section) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.

(6)(A) The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

(i) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—In this subparagraph, the term ''expenditure from personal funds'' means—

(I) an expenditure made by a candidate using personal funds; and

(II) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee.

(ii) DECLARATION OF INTENT.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State competitive and fair campaign formula with—

(I) the Commission; and

(II) each candidate in the same election.

(iii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

(I) the Commission; and
(II) each candidate in the same election.

(iv) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed[2] $10,000 with—
(I) the Commission; and
(II) each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

(v) CONTENTS.—A notification under clause (iii) or (iv) shall include—
(I) the name of the candidate and the office sought by the candidate;
(II) the date and amount of each expenditure; and
(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 441a(i) of this title) and the manner in which the candidate or the candidate's authorized committee used such funds.

(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 437g of this title.

(E) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—
(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and
(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.

(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(D) As used in this paragraph, the term ''report'' means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.

(12) SOFTWARE FOR FILING OF REPORTS.—
(A) IN GENERAL.—The Commission shall—
(i) promulgate standards to be used by vendors to develop software that—
(I) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;
(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and
(III) allows the Commission to post the information on the Internet immediately upon receipt; and

(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a

[2] So in original. Probably should be ''exceeds''.

designation, statement, or report in electronic form under this Act.

(B) ADDITIONAL INFORMATION.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

(C) REQUIRED USE.—Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate's authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

(D) REQUIRED POSTING.—The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

(b) Contents of reports

Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts, and the total amount of all receipts in the following categories:

(A) contributions from persons other than political committees;

(B) for an authorized committee, contributions from the candidate;

(C) contributions from political party committees;

(D) contributions from other political committees;

(E) for an authorized committee, transfers from other authorized committees of the same candidate;

(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

(G) for an authorized committee, loans made by or guaranteed by the candidate;

(H) all other loans;

(I) rebates, refunds, and other offsets to operating expenditures;

(J) dividends, interest, and other forms of receipts; and

(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of title 26;

(3) the identification of each—

(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

(C) authorized committee which makes a transfer to the reporting committee;

(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and

(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;

(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories:

(A) expenditures made to meet candidate or committee operating expenses;

(B) for authorized committees, transfers to other committees authorized by the same candidate;

(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;

(E) repayment of all other loans;

(F) contribution refunds and other offsets to contributions;

(G) for an authorized committee, any other disbursements;

(H) for any political committee other than an authorized committee—

(i) contributions made to other political committees;

(ii) loans made by the reporting committees;

(iii) independent expenditures;

(iv) expenditures made under section 441a(d) of this title; and

(v) any other disbursements; and

(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 441a(b) of this title;

(5) the name and address of each—

(A) person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

(B) authorized committee to which a transfer is made by the reporting committee;

(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;

(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and

(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement;

(B) for any other political committee, the name and address of each—

(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 441a(d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office); and

(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

(c) Statements by other than political committees; filing; contents; indices of expenditures

(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) of this section for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2) of this section, and shall include—

(A) the information required by subsection (b)(6)(B)(iii) of this section, indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(C) the identification of each person who made a contribution in excess of $200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on

a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii) of this section, made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(d) Filing by facsimile device or electronic mail

(1) Any person who is required to file a statement under subsection (c) or (g) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) of this section may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(e) Political committees

(1) National and congressional political committees

The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

(2) Other political committees to which section 441i applies

(A) In general

In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 441i(b)(1) of this title applies shall report all receipts and disbursements made for activities described in section 431(20)(A) of this title, unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

(B) Specific disclosure by State and local parties of certain non-Federal amounts permitted to be spent on Federal election activity

Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 431(20)(A) of this title shall include a disclosure of all receipts and disbursements described in section 441i(b)(2)(A) and (B) of this title.

(3) Itemization

If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b) of this section.

(4) Reporting periods

Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B) of this section.

(f) Disclosure of electioneering communications

(1) Statement required

Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(2) Contents of statement

Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business of the person making the disbursement, if not an individual.

(C) The amount of each disbursement of more than $200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 1101(a)(20) of title 8) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(3) Electioneering communication

For purposes of this subsection—

(A) In general

(i) The term ''electioneering communication'' means any broadcast, cable, or satellite communication which—

(I) refers to a clearly identified candidate for Federal office;

(II) is made within—

(aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or

(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and

(III) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(ii) If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term ''electioneering communication'' means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subparagraph shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

(B) Exceptions

The term ''electioneering communication'' does not include—

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) a communication which constitutes an expenditure or an independent expenditure under this Act;

(iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(iv) any other communication exempted under such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 431(20)(A)(iii) of this title.

(C) Targeting to relevant electorate

For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is ''targeted to the relevant electorate'' if the communication can be received by 50,000 or more persons—

(i) in the district the candidate seeks to represent, in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or

(ii) in the State the candidate seeks to represent, in the case of a candidate for Senator.

(4) Disclosure date

For purposes of this subsection, the term ''disclosure date'' means—

(A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000; and

(B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

(5) Contracts to disburse

For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(6) Coordination with other requirements

Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.

(7) Coordination with title 26

Nothing in this subsection may be construed to establish, modify, or otherwise affect the definition of political activities or electioneering activities (including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of title 26.

(g) Time for reporting certain expenditures

(1) Expenditures aggregating $1,000

(A) Initial report

A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.

(B) Additional reports

After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

(2) Expenditures aggregating $10,000

(A) Initial report

A person (including a political committee) that makes or contracts to make independ-

ent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

(B) Additional reports

After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

(3) Place of filing; contents

A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(iii) of this section, including the name of each candidate whom an expenditure is intended to support or oppose.

(4) Time of filing for expenditures aggregating $1,000

Notwithstanding subsection (a)(5) of this section, the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.

(h) Reports from Inaugural Committees

The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36 accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.

(Pub. L. 92–225, title III, § 304, Feb. 7, 1972, 86 Stat. 14; Pub. L. 93–443, title II, §§ 204(a)–(d), 208(c)(4), Oct. 15, 1974, 88 Stat. 1276–1278, 1286; Pub. L. 94–283, title I, § 104, May 11, 1976, 90 Stat. 480; Pub. L. 96–187, title I, § 104, Jan. 8, 1980, 93 Stat. 1348; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–79, §§ 1(a), 3(b), Dec. 28, 1995, 109 Stat. 791, 792; Pub. L. 106–58, title VI, §§ 639(a), 641(a), Sept. 29, 1999, 113 Stat. 476, 477; Pub. L. 106–346, § 101(a) [title V, § 502(a), (c)], Oct. 23, 2000, 114 Stat. 1356, 1356A–49; Pub. L. 107–155, title I, § 103(a), title II, §§ 201(a), 212, title III, §§ 304(b), 306, 308(b), title V, §§ 501, 503, Mar. 27, 2002, 116 Stat. 87, 88, 93, 99, 102, 104, 114, 115; Pub. L. 108–199, div. F, title VI, § 641, Jan. 23, 2004, 118 Stat. 359.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (c) of this section were contained in section 305 of Pub. L. 92–225, title III, Feb. 7, 1972, 86 Stat. 16 (section 435 of this title) prior to amendment of section 305 of Pub. L. 92–225 by Pub. L. 93–433.

AMENDMENTS

2004—Subsec. (a)(2)(A)(i), (4)(A)(ii). Pub. L. 108–199, § 641(1), substituted ''(or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before)'' for ''(or posted by registered or certified mail no later than the 15th day before)''.

Subsec. (a)(5). Pub. L. 108–199, § 641(2), added par. (5) and struck out former par. (5) which read as follows: ''If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1) of this section) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.''

2002—Subsec. (a)(2)(B). Pub. L. 107–155, § 503(a), substituted ''the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.'' for ''the following reports shall be filed:

''(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

''(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.''

Subsec. (a)(4). Pub. L. 107–155, § 503(b), inserted concluding provisions.

Subsec. (a)(5). Pub. L. 107–155, § 212(b)(2)(A), substituted ''subsection (g)(1) of this section'' for ''the second sentence of subsection (c)(2) of this section''.

Subsec. (a)(6)(B) to (E). Pub. L. 107–155, § 304(b), added subpars. (B) to (D) and redesignated former subpar. (B) as (E).

Subsec. (a)(11)(B). Pub. L. 107–155, § 501, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.''

Subsec. (a)(12). Pub. L. 107–155, § 306, added par. (12).

Subsec. (c)(2). Pub. L. 107–155, § 212(a)(1), struck out concluding provisions which read as follows: ''Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be filed within 24 hours after such independent expenditure is made. Such statement shall be filed with the Secretary or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) of this section indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved. Notwithstanding subsection (a)(5) of this section, the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.''

Subsec. (d)(1). Pub. L. 107–155, § 212(b)(2)(B), inserted ''or (g)'' after ''subsection (c)''.

Subsec. (e). Pub. L. 107–155, § 103(a), added subsec. (e).

Subsec. (f). Pub. L. 107–155, § 201(a), added subsec. (f).

Subsec. (g). Pub. L. 107–155, § 212(a)(2), added subsec. (g).

Subsec. (g)(4). Pub. L. 107–155, § 212(b)(1), added par. (4).

Subsec. (h). Pub. L. 107–155, § 308(b), added subsec. (h).

2000—Subsec. (a)(5). Pub. L. 106–346, § 101(a) [title V, § 502(c)(2)], substituted ''or (4)(A)(ii), or the second sentence of subsection (c)(2) of this section'' for ''or (4)(A)(ii)''.

Subsec. (c)(2). Pub. L. 106–346, § 101(a) [title V, § 502(c)(1)], in concluding provisions, substituted ''shall

be filed within'' for ''shall be reported within'' and inserted at end ''Notwithstanding subsection (a)(5) of this section, the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.''

Subsec. (d). Pub. L. 106–346, §101(a) [title V, §502(a)], added subsec. (d).

1999—Subsec. (a)(11). Pub. L. 106–58, §639(a), added par. (11) and struck out former par. (11) which read as follows:

''(11)(A) The Commission shall permit reports required by this Act to be filed and preserved by means of computer disk or any other appropriate electronic format or method, as determined by the Commission.

''(B) In carrying out subparagraph (A) with respect to filing of reports, the Commission shall provide for one or more methods (other than requiring a signature on the report being filed) for verifying reports filed by means of computer disk or other electronic format or method. Any verification under the preceding sentence shall be treated for all purposes (including penalties for perjury) in the same manner as a verification by signature.

''(C) As used in this paragraph, the term 'report' means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.''

Subsec. (b)(2) to (4), (6), (7). Pub. L. 106–58, §641(a), which directed insertion of ''(or election cycle, in the case of an authorized committee of a candidate for Federal office)'' after ''calendar year'' wherever appearing in pars. (2)–(4), (6), (7) of section 304(b) of the Federal Election Campaign Act, was executed by making the insertions in this section, which is section 304(b) of the Federal Election Campaign Act of 1971, to reflect the probable intent of Congress.

1995—Subsec. (a)(6)(A). Pub. L. 104–79, §3(b)(1), substituted ''notify the Secretary'' for ''notify the Clerk, the Secretary,'' in first sentence.

Subsec. (a)(11). Pub. L. 104–79, §1(a), added par. (11).

Subsec. (c)(2). Pub. L. 104–79, §3(b)(2), substituted ''filed with the Secretary'' for ''filed with the Clerk, the Secretary,'' in last sentence.

1986—Subsec. (b)(2)(K). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Pub. L. 96–187 completely revised this section by changing the reporting requirements of candidates and committees so as to substantially reduce the maximum number of reports to be filed while maintaining full and adequate disclosure of campaign activities.

1976—Subsec. (a)(1)(C). Pub. L. 94–283, §104(a), inserted provisions covering reports which must be filed in any year in which a candidate is not on the ballot for election to Federal office.

Subsec. (a)(2). Pub. L. 94–283, §104(b), substituted ''committee authorized by a candidate to raise contributions or make expenditures on his behalf, other than the candidate's principal campaign committee, shall file the reports required under this section with the candidate's principal campaign committee'' for ''committee which is not a principal campaign committee shall file the reports required under this section with the appropriate principal campaign committee''.

Subsec. (b). Pub. L. 94–283, §104(c), added par. (13), redesignated former par. (13) as (14), and provided that committee treasurers and candidates be deemed to be in compliance with this subsection when they show that best efforts have been used to obtain and submit the information required by this subsection.

Subsec. (e). Pub. L. 94–283, §104(d), designated existing provisions as par. (1), substituted ''independent expenditures expressly advocating the election or defeat of a clearly identifiable candidate'' for ''expenditures'' ''$100 during a calendar year'' for ''$100 within a calendar year'', and '', on a form prepared by the Commission, a statement containing the information required of a person who makes a contribution in excess of $100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution'' for ''a statement containing the information required by this section. Statements required by this subsection shall be filed on the dates on which reports by political committees are filed but need not be cumulative'', and added pars. (2) and (3).

1974—Subsec. (a)(1). Pub. L. 93–443, §§204(a)(1), (2), 208(c)(4)(A), substituted provisions of cls. (A) to (D) respecting filing of reports and that ''Any contribution of $1,000 or more received after the fifteenth day, but more than 48 hours, before any election shall be reported within 48 hours after its receipt.'' for prior requirement that ''Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of $5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.''; designated existing provisions as par. (1), inserting introductory text ''Except as provided by paragraph (2),''; and substituted ''Commission'' and ''it'' for ''appropriate supervisory officer'' and ''him'' in first sentence, respectively.

Subsec. (a)(2), (3). Pub. L. 93–443, §204(a)(2), added pars. (2) and (3).

Subsec. (b)(5). Pub. L. 93–443, §204(b)(1), required information respecting guarantors.

Subsec. (b)(8). Pub. L. 93–443, §204(b)(2), required the report to disclose the total receipts less transfers between political committees which support the same candidate and which do not support more than one candidate.

Subsec. (b)(9), (10). Pub. L. 93–443, §204(b)(3), substituted ''identification'' for ''full name and mailing address (occupation and the principal place of business, if any)'' in pars. (9) and (10).

Subsec. (b)(11). Pub. L. 93–443, §204(b)(4), required the report to disclose the total expenditures less transfers between political committees which support the same candidate and which do not support more than one candidate.

Subsec. (b)(12). Pub. L. 93–443, §§204(b)(5), 208(c)(4)(B), required the report to include a statement as to the circumstances and conditions under which any debt or obligation is extinguished and the consideration therefor and substituted ''Commission'' for ''supervisory officer''.

Subsec. (b)(13). Pub. L. 93–443, §208(c)(4)(B), substituted ''Commission'' for ''supervisory officer''.

Subsecs. (d), (e). Pub. L. 93–443, §204(c), added subsec. (d) and incorporated provisions of former section 435 of this title in provisions designated as subsec. (e), substituting ''Commission'' for ''supervisory officer'' therein.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, except that amendment by sections 103(a), 201(a), 212, 304(b), 501, and 503 of Pub. L. 107–155 not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–346 applicable with respect to elections occurring after January 2001, see section 101(a) [title V, §502(d)] of Pub. L. 106–346, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–58, title VI, §639(b), Sept. 29, 1999, 113 Stat. 476, provided that: ''The amendments made by this sec-

tion [amending this section] shall be effective for reporting periods beginning after December 31, 2000.''

Pub. L. 106–58, title VI, § 641(b), Sept. 29, 1999, 113 Stat. 477, provided that: ''The amendment made by this section [amending this section] shall become effective with respect to reporting periods beginning after December 31, 2000.''

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by section 1(a) of Pub. L. 104–79 applicable with respect to reports for periods beginning after Dec. 31, 1996, see section 1(c) of Pub. L. 104–79, set out as a note under section 432 of this title.

Amendment by section 3(b) of Pub. L. 104–79 applicable with respect to reports, designations, and statements required to be filed after Dec. 31, 1995, see section 3(d) of Pub. L. 104–79, set out as a note under section 432 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, with subsec. (b) of this section applicable to authorized committees for President and Vice President in elections occurring after Jan. 1, 1981, see section 301 of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

RESPONSIBILITIES OF FEDERAL COMMUNICATIONS COMMISSION

Pub. L. 107–155, title II, § 201(b), Mar. 27, 2002, 116 Stat. 90, provided that: ''The Federal Communications Commission shall compile and maintain any information the Federal Election Commission may require to carry out section 304(f) of the Federal Election Campaign Act of 1971 [2 U.S.C. 434(f)] (as added by subsection (a)), and shall make such information available to the public on the Federal Communication Commission's website.''

REPORT REQUIRED TO BE FILED BY JANUARY 31, 1975

Section 204(e) of Pub. L. 93–443 provided that notwithstanding the amendment to this section as to the time to file reports, nothing in Pub. L. 93–443 [see Short Title note set out under section 431 of this title] is to be construed as waiving the report required to be filed by Jan. 31, 1975 under the provisions of this section as in effect on Oct. 15, 1974, the date of enactment of Pub. L. 93–443.

§§ 435, 436. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section 435, Pub. L. 92–225, title III, § 305, Feb. 7, 1972, 86 Stat. 16; Pub. L. 93–443, title II, § 205(a), Oct. 15, 1974, 88 Stat. 1278, related to requirements for campaign advertising.

Section 436, Pub. L. 92–225, title III, § 306, Feb. 7, 1972, 86 Stat. 16; Pub. L. 93–443, title II, §§ 206, 207, 208(c)(5), Oct. 15, 1974, 88 Stat. 1278, 1279, 1286; Pub. L. 94–283, title I, § 115(a), May 11, 1976, 90 Stat. 495, set forth formal requirements respecting reports and statements.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 437. Reports on convention financing

Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within 60 days following the end of the convention (but not later than 20 days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purpose for which such funds were expended.

(Pub. L. 92–225, title III, § 305, formerly § 307, Feb. 7, 1972, 86 Stat. 16; Pub. L. 93–443, title II, § 208(c)(6), Oct. 15, 1974, 88 Stat. 1286; renumbered § 305 and amended Pub. L. 96–187, title I, §§ 105(2), 112(a), Jan. 8, 1980, 93 Stat. 1354, 1366.)

PRIOR PROVISIONS

A prior section 305 of Pub. L. 92–225 was classified to section 435 of this title, prior to repeal by Pub. L. 96–187.

AMENDMENTS

1980—Pub. L. 96–187 substituted ''60'' and ''20'' for ''sixty'' and ''twenty'', respectively, and struck out ''Federal Election'' before ''Commission''.

1974—Pub. L. 93–443 substituted ''Federal Election Commission'' and ''it'' for ''Comptroller General of the United States'' and ''he'', respectively.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 437a. Repealed. Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481

Section, Pub. L. 92–225, title III, § 308, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1279, required the filing of reports with the Commission by certain named persons other than individuals who act to influence others to vote for or against political candidates. See section 441d et seq. of this title.

SAVINGS PROVISION

Repeal by Pub. L. 94–283 not to release or extinguish any penalty, forfeiture, or liability incurred under this section, with this section or penalty to be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability, see section 114 of Pub. L. 94–283, set out as a note under section 441 of this title.

§ 437b. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section, Pub. L. 92–225, title III, § 308, formerly § 309, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1280; renumbered § 308 and amended Pub. L. 94–283, title I, §§ 105, 106, 115(i), May 11, 1976, 90 Stat. 481, 496, set forth provisions respecting designation, etc., of campaign depositories.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 437c. Federal Election Commission

(a) Establishment; membership; term of office; vacancies; qualifications; compensation; chairman and vice chairman

(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2)(A) Members of the Commission shall serve for a single term of 6 years, except that of the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

(b) Administration, enforcement, and formulation of policy; exclusive jurisdiction of civil enforcement; Congressional authorities or functions with respect to elections for Federal office

(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of title 26. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.

(c) Voting requirements; delegation of authorities

All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of title 26.

(d) Meetings

The Commission shall meet at least once each month and also at the call of any member.

(e) Rules for conduct of activities; judicial notice of seal; principal office

The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).

(f) Staff director and general counsel; appointment and compensation; appointment and compensation of personnel and procurement of intermittent services by staff director; use of assistance, personnel, and facilities of Federal agencies and departments; counsel for defense of actions

(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of title 5 governing appointments in the competitive service.

(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332).

(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

(4) Notwithstanding the provisions of paragraph (2), the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in its office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5 governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

(Pub. L. 92–225, title III, § 306, formerly § 310, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1280; renumbered § 309 and amended Pub. L. 94–283, title I, §§ 101(a)–(d), 105, May 11, 1976, 90 Stat. 475, 476, 481; renumbered § 306 and amended Pub. L. 96–187, title I, §§ 105(3), (6), 112(b), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105–61, title V, § 512(a), Oct. 10, 1997, 111 Stat. 1305.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b), (c), and (f)(3), (4), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (f)(1), (4), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 306 of Pub. L. 92–225 was classified to section 436 of this title, prior to repeal by Pub. L. 96–187.

AMENDMENTS

1997—Subsec. (a)(2)(A). Pub. L. 105–61 substituted ''for a single term of 6 years'' for ''for terms of 6 years'' in introductory provisions.

1986—Subsec. (c). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187, § 105(6), in par. (1) inserted ''or their designees,'' before ''ex officio'', and struck out ''of the United States'' after ''President''; in par. (2)(B) inserted ''or her'' after ''his'' in two places; in par. (2)(C) inserted ''or she'' after ''he''; in par. (3) struck out ''maturity'' before ''experience'', substituted ''and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission'' for ''and shall be chosen from among individuals who, at the time of their appointment'', substituted ''Such members of the Commission'' for ''Members of the Commission'' and substituted ''of his or her appointment to the Commission'' for ''such individual begins to serve as a member of the Commission''; and in par. (5) substituted ''A member may serve as Chairman only once'' for ''No member may serve as Chairman more often than once''.

Subsec. (b)(1). Pub. L. 96–187, § 105(6), substituted ''exclusive jurisdiction'' for ''exclusive primary jurisdiction''.

Subsec. (c). Pub. L. 96–187, § 105(6), substituted ''provisions of this Act'' for ''provisions of this subchapter'' in first sentence, and substituted ''A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of title 26.'' for ''except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to establish guidelines for compliance with the provisions of this Act or with chapter 95 or chapter 96 of title 26, or for the Commission to take any action in accordance with paragraph (6), (7), (8), or (10) of section 437d(a) of this title. A member of the Commission may not delegate to any person his vote or any decisionmaking authority or duty vested in the Commission by the provisions of this subchapter''.

Pub. L. 96–187, § 112(b), purported to substitute ''section 307(a)'' for ''section 310(a)'', referred to in text as ''section 437d(a) of this title''. However, that substitution had been made in the general amendment of the subsection by section 105(6) of Pub. L. 96–187. See preceding paragraph.

Subsec. (f). Pub. L. 96–187, § 105(6), in par. (1) inserted ''or she'' after ''as he''; in par. (3) struck out ''Government'' after ''United States''; and added par. (4).

1976—Subsec. (a)(1). Pub. L. 94–283, § 101(a), changed provisions covering the appointment and confirmation of the six members of the Commission other than the Secretary of the Senate and the Clerk of the House of Representatives by substituting a requirement that they be appointed by the President of the United States, by and with the advice and consent of the Senate, for a requirement that appointment be made by the President, the President pro tempore of the Senate, and the Speaker of the House, with confirmation by a majority of both Houses of the Congress, and made technical changes in the provisions covering the political affiliation of the six appointees so as to accommodate the changed appointment and confirmation procedures.

Subsec. (a)(2). Pub. L. 94–283, § 101(b), provided that members of the Commission serve for terms of 6 years, except that members first appointed serve for staggered terms as designated by the President, and inserted provision that a member may serve on the Commission after the expiration of his term until his successor has taken office as a member of the Commission.

Subsec. (a)(3). Pub. L. 94–283, § 101(c)(1), inserted provisions that Commission members may not engage in other businesses, vocations, or employment, but allowed appointees one year after beginning service as members of the Commission to terminate or liquidate other businesses, vocations, or employment which they may be engaged in when they begin their service as Commission members.

Subsec. (b). Pub. L. 94–283, § 101(c)(2), designated existing provisions as par. (1), substituted ''chapter 95 and chapter 96 of title 26'' for ''sections 608, 610, 611, 613, 614, 615, 616, and 617 of Title 18'' and ''shall have exclusive primary jurisdiction'' for ''has primary jurisdiction'', and added par. (2).

Subsec. (c). Pub. L. 94–283, § 101(c)(3), provided that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to establish guidelines for compliance with the provisions of this Act or with chapter 95 or chapter 96 of title 26, or for the Commission to take any action in accordance with paragraph (6), (7), (8), or (10) of section 437d(a) of this title.

Subsec. (f)(1). Pub. L. 94–283, § 101(d), provided that the appointment and the fixing of pay of additional personnel by the staff director may be done without regard to the provisions of title 5 governing appointments in the competitive service.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 512(b) of Pub. L. 105–61, as amended by Pub. L. 105–119, title VI, § 631, Nov. 26, 1997, 111 Stat. 2523, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to individuals nominated by the President to be members of the Federal Election Commission after December 31, 1997 unless the President announced his intent to nominate the individual prior to November 30, 1997.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

OPERATION OF FEDERAL ELECTION COMMISSION AFTER 1976 AMENDMENT OF FEDERAL ELECTION CAMPAIGN ACT; APPOINTMENT OF COMMISSION MEMBERS; TRANSFER OF PERSONNEL, LIABILITIES, CONTRACTS, PROPERTY, AND RECORDS, OF COMMISSION; REFERENCES TO COMMISSION PRIOR TO AMENDMENT DEEMED REFERENCES TO COMMISSION AS CONSTITUTED AFTER 1976 AMENDMENT OF FEDERAL ELECTION CAMPAIGN ACT

Section 101(e)–(g) of Pub. L. 94–283 provided for the transition of the Federal Election Commission as it was reconstituted under the Federal Election Campaign Act of 1971 as amended by Pub. L. 94–283 by providing for appointment of members, transfer of personnel, liabilities, contracts, property, and records, and savings provisions for orders, determinations, rules opinions, and proceedings issued, pending, or commenced before such amendments.

TRANSITIONAL PROVISION PENDING APPOINTMENT AND QUALIFICATION OF MEMBERS AND GENERAL COUNSEL OF FEDERAL ELECTION COMMISSION AND TRANSFER OF RECORDS, DOCUMENTS, MEMORANDUMS, AND OTHER PAPERS

Section 208(b) of Pub. L. 93–443 provided transitional authority for the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives pending the appointment and qualification of the members and general counsel of the Federal Election Commission and authority for transfer of records, documents, memorandums, and other papers to the Commission.

§ 437d. Powers of Commission

(a) Specific authorities

The Commission has the power—

(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;

(2) to administer oaths or affirmations;

(3) to require by subpena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 437g(a)(8) of this title) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of title 26, through its general counsel;

(7) to render advisory opinions under section 437f of this title;

(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of title 26; and

(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

(b) Judicial orders for compliance with subpenas and orders of Commission; contempt of court

Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) Civil liability for disclosure of information

No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(d) Concurrent transmissions to Congress or Member of budget estimates, etc.; prior submission of legislative recommendations, testimony, or comments on legislation

(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for ap-

proval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(e) Exclusive civil remedy for enforcement

Except as provided in section 437g(a)(8) of this title, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.

(Pub. L. 92–225, title III, § 307, formerly § 311, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1282; renumbered § 310 and amended Pub. L. 94–283, title I, §§ 105, 107, 115(b), May 11, 1976, 90 Stat. 481, 495; renumbered § 307 and amended Pub. L. 96–187, title I, §§ 105(3), 106, Jan. 8, 1980, 93 Stat. 1354, 1356; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(6), (8), and (e), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 307 of Pub. L. 92–225 was renumbered section 305, and is classified to section 437 of this title.

AMENDMENTS

1986—Subsec. (a)(6), (8). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187, § 106, in par. (1) substituted ''under oath, such written reports and answers to questions as the Commission may prescribe'' for ''in writing such reports and answers to questions as the Commission may prescribe'' and struck out provision that such submission be made within such reasonable time and under oath as determined by the Commission; in par. (4) struck out ''of this subsection'' after ''paragraph (3)''; in par. (6) substituted ''section 437g(a)(8)'' for ''section 437g(a)(9)'', and substituted ''to enforce the provisions of this Act'' for ''for the purpose of enforcing the provisions of this Act''; struck out par. (9) relating to formulation of general policy respecting administration of this Act and chapters 95 and 96 of title 26; and redesignated former par. (10) as (9).

Subsec. (b). Pub. L. 96–187, § 106, reworded subsec. (b) without substantive changes.

Subsec. (c). Pub. L. 96–187, § 106, reenacted subsec. (c) without change.

Subsec. (d). Pub. L. 96–187, § 106, struck out ''of the United States'' after ''President'' in pars. (1) and (2).

Subsec. (e). Pub. L. 96–187, § 106, substituted ''section 437g(a)(8)'' for ''section 437g(a)(9)''.

1976—Subsec. (a)(6). Pub. L. 94–283, § 107(b)(1), substituted ''civil actions'' for ''civil proceedings'' and inserted ''(in the case of any civil action brought under section 437g(a) (9) of this title)'' after ''defend'' and ''and chapter 95 and chapter 96 of title 26'' after ''this Act''.

Subsec. (a)(7). Pub. L. 94–283, § 115(b), substituted ''section 312'' for ''section 313'' in the original to accommodate the renumbering of section 313 of Pub. L. 92–225 as section 312 of Pub. L. 92–225 by section 105 of Pub. L. 94–283. Since both the original and substituted references translate as ''section 437f of this title'' no change in text was required.

Subsec. (a)(8). Pub. L. 94–283, § 107(a)(1), inserted ''to develop such prescribed forms and to'' before ''to make, amend, and repeal'' and inserted ''and chapter 95 and chapter 96 of title 26'' after ''provisions of this Act''.

Subsec. (a)(9). Pub. L. 94–283, § 107(a)(2), substituted ''and chapter 95 and chapter 96 of title 26; and'' for ''and sections 608, 610, 611, 613, 614, 615, 616, and 617 of title 18;''.

Subsecs. (a)(10), (11). Pub. L. 94–283, § 107(a)(3), redesignated par. (11) as par. (10). Former par. (10), which covered the development of prescribed forms under subsection (a)(1) of this section, was struck out.

Subsec. (e). Pub. L. 94–283, § 107(b)(2), added subsec. (e).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 437e. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section, Pub. L. 92–225, title III, § 311, formerly § 312, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1283; renumbered § 311, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481, related to reports to the President and Congress.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 437f. Advisory opinions

(a) Requests by persons, candidates, or authorized committees; subject matter; time for response

(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of title 26, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

(b) Procedures applicable to initial proposal of rules or regulations, and advisory opinions

Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

(c) Persons entitled to rely upon opinions; scope of protection for good faith reliance

(1) Any advisory opinion rendered by the Commission under subsection (a) of this section may be relied upon by—

(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

(B) any person involved in any specific transaction or activity which is indistinguish-

able in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(d) Requests made public; submission of written comments by interested public

The Commission shall make public any request made under subsection (a) of this section for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.

(Pub. L. 92–225, title III, § 308, formerly § 313, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1283; renumbered § 312 and amended Pub. L. 94–283, title I, §§ 105, 108(a), May 11, 1976, 90 Stat. 481, 482; renumbered § 308 and amended Pub. L. 96–187, title I, §§ 105(4), 107(a), Jan. 8, 1980, 93 Stat. 1354, 1357; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1), (b), and (c)(2), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 308 of Pub. L. 92–225 was classified to section 437b of this title, prior to repeal by Pub. L. 96–187.

Another prior section 308 of Pub. L. 92–225 was classified to section 437a of this title, prior to repeal by Pub. L. 94–283.

Another prior section 308 of Pub. L. 92–225 was renumbered section 311, and is classified to section 438 of this title.

AMENDMENTS

1986—Subsecs. (a)(1), (b), (c)(2). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187, § 107, redesignated existing provisions as par. (1), substituted provisions requiring the Commission to render a written advisory opinion no later than 60 days after receiving a written request concerning the application of this Act, chapters 95 or 96 of title 26, or a rule or regulation for provisions requiring a written advisory opinion within a reasonable time in response to a written request by any individual holding Federal office, candidate for Federal office, any political committee or the national committee of a political party, provisions requiring promulgation of a rule or regulation pursuant to procedures established by section 438(c) of this title, and prohibiting issuance of advisory opinions except in accordance with the provisions of this section, and added par. (2).

Subsec. (b). Pub. L. 96–187, § 107, struck out the par. (1) and (2) designations and substituted provisions requiring any rule of law not stated in this Act or chapter 95 or 96 of title 26 be initially proposed as a rule or regulation pursuant to the procedures of section 438(d) of this title, and provisions prohibiting issuance of an advisory opinion except in accordance with the provisions of this section for provisions holding any person relying upon an advisory opinion free from any sanction provided by this Act or chapter 95 or 96 of title 26, and provisions allowing reliance on an advisory opinion by any person involved in the specific transaction and any person involved in a transaction indistinguishable from the transaction with respect to which such opinion was rendered.

Subsec. (c). Pub. L. 96–187, § 107, redesignated existing provisions as par. (1), substituted provisions allowing reliance on any advisory opinion by any person involved in the specific transaction or activity to which such opinion was rendered and any person involved in a transaction or activity indistinguishable from the transaction with respect to which such opinion was rendered for provisions mandating that any request for an advisory opinion be made public and allowing any interested party to transmit written comments to the Commission prior to the rendering of its opinion, and added par. (2).

Subsec. (d). Pub. L. 96–187, § 107, added subsec. (d).

1976—Subsec. (a). Pub. L. 94–283, § 108(a), added national committees of political parties to the enumeration of persons and political bodies authorized to request advisory opinions, substituted the application of general rules of law as stated in the Act or in chapter 95 or 96 of title 26 or as prescribed by rules or regulations of the Commission to specific factual situations for the resolution of the question of whether or not any specific transaction or activity by an individual, candidate, or political committee would constitute a violation of the Act as the subject matter of advisory opinions, and inserted requirement that rules or regulations forming the basis for rules of law be rules or regulations proposed pursuant to section 438(c) of this title and that advisory opinions be issued only in accordance with the provisions of this section.

Subsec. (b). Pub. L. 94–283, § 108(a), designated existing provisions as par. (1), substituted provisions that any person who relies upon any finding or provision of an advisory opinion in accordance with the provisions of paragraph (2) and who acts in good faith in accordance with the provisions and findings of the advisory opinion shall not, as a result of that act, be subject to any sanctions provided by the Act or by chapter 95 or 96 of title 26 for provisions that any person with respect to whom an advisory opinion was rendered under subsection (a) who acted in good faith in accordance with the provisions and findings of an advisory opinion would be presumed to be in compliance with the Act, and added par. (2).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

CONFORMANCE OF ADVISORY OPINIONS ISSUED PRIOR TO MAY 11, 1976, TO REQUIREMENTS IMPOSED UNDER 1976 AMENDMENTS

Section 108(b) of Pub. L. 94–283 provided that: ''The Commission shall, no later than 90 days after the date of the enactment of this Act [May 11, 1976], conform the advisory opinions issued before such date of enactment to the requirements established by section 312 (a) of the Act [subsec. (a) of this section], as amended by subsection (a) of this section. The provisions of section 312(b) of the Act [subsec. (b) of this section], as amended by subsection (a) of this section, shall apply with respect to all advisory opinions issued before the date of the enactment of this Act as conformed to meet the requirements of section 312(a) of the Act, as amended by subsection (a) of this section.''

§ 437g. Enforcement

(a) Administrative and judicial practice and procedure

(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of title 26 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of title 26, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

(4)(A)(i) Except as provided in clauses[1] (ii) and subparagraph (C), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of title 26, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of title 26, the Commission shall make public such determination.

(C)(i) Notwithstanding subparagraph (A), in the case of a violation of any requirement of section 434(a) of this title, the Commission may—

(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

(II) based on such finding, require the person to pay a civil money penalty in an amount determined under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate.

(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.

(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.

(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.

[1] So in original. Probably should be ''clause''.

(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 441f of this title, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation).

(C) If the Commission by an affirmative vote of 4 of its members, determines that there is probable cause to believe that a knowing and willful violation of this Act which is subject to subsection (d) of this section, or a knowing and willful violation of chapter 95 or chapter 96 of title 26, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of title 26, by the methods specified in paragraph (4), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of title 26.

(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of title 26, the court may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 441f of this title, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation).

(7) In any action brought under paragraph (5) or (6), subpenas for witnesses who are required to attend a United States district court may run into any other district.

(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.

(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(10) Repealed. Pub. L. 98–620, title IV, § 402(1)(A), Nov. 8, 1984, 98 Stat. 3357.

(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

(b) Notice to persons not filing required reports prior to institution of enforcement action; publication of identity of persons and unfiled reports

Before taking any action under subsection (a) of this section against any person who has failed to file a report required under section

434(a)(2)(A)(iii) of this title for the calendar quarter immediately preceding the election involved, or in accordance with section 434(a)(2)(A)(i) of this title, the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 438(a)(7) of this title, publish before the election the name of the person and the report or reports such person has failed to file.

(c) Reports by Attorney General of apparent violations

Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

(d) Penalties; defenses; mitigation of offenses

(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, or imprisoned for not more than 5 years, or both; or

(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

(B) In the case of a knowing and willful violation of section 441b(b)(3) of this title, the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 441b(b)(3) of this title may incorporate a violation of section 441c(b), 441f, or 441g of this title.

(C) In the case of a knowing and willful violation of section 441h of this title, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

(D) Any person who knowingly and willfully commits a violation of section 441f of this title involving an amount aggregating more than $10,000 during a calendar year shall be—

(i) imprisoned for not more than 2 years if the amount is less than $25,000 (and subject to imprisonment under subparagraph (A) if the amount is $25,000 or more);

(ii) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

(I) $50,000; or

(II) 1,000 percent of the amount involved in the violation; or

(iii) both imprisoned under clause (i) and fined under clause (ii).

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of title 26, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) of this section which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of title 26, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

(Pub. L. 92–225, title III, § 309, formerly § 314, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1284; renumbered § 313 and amended Pub. L. 94–283, title I, §§ 105, 109, May 11, 1976, 90 Stat. 481, 483; renumbered § 309 and amended Pub. L. 96–187, title I, §§ 105(4), 108, Jan. 8, 1980, 93 Stat. 1354, 1358; Pub. L. 98–620, title IV, § 402(1)(A), Nov. 8, 1984, 98 Stat. 3357; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 106–58, title VI, § 640(a), (b), Sept. 29, 1999, 113 Stat. 476, 477; Pub. L. 107–155, title III, §§ 312(a), 315(a), (b), Mar. 27, 2002, 116 Stat. 106, 108.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (d), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) of this section were contained in section 308(d) of Pub. L. 92–225, title III, Feb. 7, 1972, 86 Stat. 18 (section 438(d) of this title), prior to amendment of section 308 of Pub. L. 92–225 by Pub. L. 93–443.

A prior section 309 of Pub. L. 92–225 was renumbered section 306, and is classified to section 437c of this title.

Another prior section 309 of Pub. L. 92–225 was renumbered section 308, and was classified to section 437b of this title, prior to repeal by Pub. L. 96–187.

Another prior section 309 of Pub. L. 92–225 was renumbered section 312, and is classified to section 439 of this title.

AMENDMENTS

2002—Subsec. (a)(5)(B). Pub. L. 107–155, § 315(a)(1), inserted before period at end "(or, in the case of a violation of section 441f of this title, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation)".

Subsec. (a)(6)(C). Pub. L. 107–155, § 315(a)(2), inserted before period at end "(or, in the case of a violation of section 441f of this title, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation)".

Subsec. (d)(1)(A). Pub. L. 107–155, § 312(a), amended subpar. (A) generally. Prior to amendment, subpar. (A)

read as follows: ''Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution or expenditure aggregating $2,000 or more during a calendar year shall be fined, or imprisoned for not more than one year, or both. The amount of this fine shall not exceed the greater of $25,000 or 300 percent of any contribution or expenditure involved in such violation.''

Subsec. (d)(1)(D). Pub. L. 107–155, § 315(b), added subpar. (D).

1999—Subsec. (a)(4)(A)(i). Pub. L. 106–58, § 640(a)(1), substituted ''clauses (ii) and subparagraph (C)'' for ''clause (ii)''.

Subsec. (a)(4)(C). Pub. L. 106–58, § 640(a)(2), added subpar. (C).

Subsec. (a)(6)(A). Pub. L. 106–58, § 640(b), substituted ''paragraph (4)'' for ''paragraph (4)(A)''.

1986—Subsecs. (a)(1), (2), (4)(A)(i), (B)(ii), (5)(A) to (C), (6), (d)(2), (3). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1984—Subsec. (a)(10). Pub. L. 98–620 struck out par. (10) which provided that any action brought under subsec. (a) be advanced on the docket of the court in which filed and put ahead of all other actions (other than other actions brought under this subsec. or under section 437h of this title).

1980—Pub. L. 96–187, § 108, substantially revised provisions of this section in order to facilitate the Commission's more expeditious handling of complaints, and implementation of enforcement proceedings.

1976—Subsec. (a). Pub. L. 94–283, § 109, generally revised provisions of subsec. (a) to reflect enactment of sections 441a to 441j of this title and repeal of sections 608 and 610 to 617 of title 18 and to update the operations of the Commission.

Subsecs. (b), (c). Pub. L. 94–283, § 109, reenacted subsec. (b) without change and added subsec. (c).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–155, title III, § 312(b), Mar. 27, 2002, 116 Stat. 106, provided that: ''The amendment made by this section [amending this section] shall apply to violations occurring on or after the effective date of this Act [for general effective date of Pub. L. 107–155, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title].''

Pub. L. 107–155, title III, § 315(c), Mar. 27, 2002, 116 Stat. 108, provided that: ''The amendments made by this section [amending this section] shall apply with respect to violations occurring on or after the effective date of this Act [for general effective date of Pub. L. 107–155, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title].''

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–58, title VI, § 640(c), Sept. 29, 1999, 113 Stat. 477, as amended by Pub. L. 107–67, title VI, § 642, Nov. 12, 2001, 115 Stat. 555; Pub. L. 108–199, div. F, title VI, § 639, Jan. 23, 2004, 118 Stat. 359; Pub. L. 109–115, div. A, title VII, § 721. Nov. 30, 2005, 119 Stat. 2493, provided that: ''The amendments made by this section [amending this section] shall apply with respect to violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2008.''

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 437h. Judicial review

The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(Pub. L. 92–225, title III, § 310, formerly § 315, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1285; renumbered § 314 and amended Pub. L. 94–283, title I, §§ 105, 115(e), May 11, 1976, 90 Stat. 481, 496; renumbered § 310 and amended Pub. L. 96–187, title I, §§ 105(4), 112(c), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 98–620, title IV, § 402(1)(B), Nov. 8, 1984, 98 Stat. 3357; Pub. L. 100–352, § 6(a), June 27, 1988, 102 Stat. 663.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 310 of Pub. L. 92–225 was renumbered section 307, and is classified to section 437d of this title.

Another prior section 310 of Pub. L. 92–225 was renumbered section 306, and is classified to section 437c of this title.

Another prior section 310 of Pub. L. 92–225 was classified to section 440 of this title, prior to repeal by Pub. L. 93–443.

AMENDMENTS

1988—Pub. L. 100–352 struck out ''(a)'' before ''The Commission'' and struck out subsec. (b) which read as follows: ''Notwithstanding any other provision of law, any decision on a matter certified under subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought no later than 20 days after the decision of the court of appeals.''

1984—Subsec. (c). Pub. L. 98–620 struck out subsec. (c) which provided for advancement on appellate docket and expedited disposition of any matter certified under subsec. (a) of this section.

1980—Subsec. (a). Pub. L. 96–187, § 112(c), struck out ''of the United States'' after ''office of President''.

1976—Subsec. (a). Pub. L. 94–283, § 115(e), struck out references to sections 608, 610, 611, 613, 614, 615, 616, and 617 of title 18.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–352 effective ninety days after June 27, 1988, except that such amendment not to apply to cases pending in Supreme Court on such effective date or affect right to review or manner of reviewing judgment or decree of court which was entered before such effective date, see section 7 of Pub. L. 100–352, set out as a note under section 1254 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620,

set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

JUDICIAL REVIEW

Pub. L. 107–155, title IV, § 403, Mar. 27, 2002, 116 Stat. 113, provided that:

''(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act [see Short Title of 2002 Amendment note set out under section 431 of this title] or any amendment made by this Act, the following rules shall apply:

''(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

''(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

''(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

''(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

''(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

''(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

''(d) APPLICABILITY.—

''(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such section.

''(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2006, the provisions of subsection (a) shall not apply to any action described in such section unless the person filing such action elects such provisions to apply to the action.''

§ 438. Administrative provisions

(a) Duties of Commission

The Commission shall—

(1) prescribe forms necessary to implement this Act;

(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Secretary or the Commission shall exclude these lists from the public record;

(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d) of this section; and

(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate.

(b) Audits and field investigations

The Commission may conduct audits and field investigations of any political committee required to file a report under section 434 of this title. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of title 26 shall be given priority. Prior to conducting any audit under this subsection, the Com-

mission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of 4 of its members, conduct an audit and field investigation of any committee which does meet the threshold requirements established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

(c) Statutory provisions applicable to forms and information-gathering activities

Any forms prescribed by the Commission under subsection (a)(1) of this section, and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512[1] of title 44.

(d) Rules, regulations, or forms; issuance, procedures applicable, etc.

(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term ''legislative day'' means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms ''rule'' and ''regulation'' mean a provision or series of interrelated provisions stating a single, separable rule of law.

(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

(e) Scope of protection for good faith reliance upon rules or regulations

Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(f) Promulgation of rules, regulations, and forms by Commission and Internal Revenue Service; report to Congress on cooperative efforts

In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection.

(Pub. L. 92–225, title III, §311, formerly §308, Feb. 7, 1972, 86 Stat. 16; renumbered §316 and amended Pub. L. 93–443, title II, §§208(a), (c)(7)–(10), 209(a)(1), (b), Oct. 15, 1974, 88 Stat. 1279, 1286, 1287; renumbered §315 and amended Pub. L. 94–283, title I, §§105, 110, May 11, 1976, 90 Stat. 481, 486; renumbered §311 and amended Pub. L. 96–187, title I, §§105(4), 109, Jan. 8, 1980, 93 Stat. 1354, 1362; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–79, §3(c), Dec. 28, 1995, 109 Stat. 792; Pub. L. 107–252, title VIII, §801(b), Oct. 29, 2002, 116 Stat. 1726.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

Section 3512 of title 44, referred to in subsec. (c), which related to requirements for the collection of information by independent Federal regulatory agencies, was a part of chapter 35 of Title 44, Public Printing and Documents. Chapter 35 was amended generally by the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and subsequently by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

PRIOR PROVISIONS

A prior section 311 of Pub. L. 92–225 was classified to section 437e of this title, prior to repeal by Pub. L. 96–187.

Another prior section 311 of Pub. L. 92–225 was renumbered section 307, and is classified to section 437d of this title.

Another prior section 311 of Pub. L. 92–225 was renumbered section 320, and was classified to section 441 of this title, prior to repeal by Pub. L. 94–283.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–252 inserted ''and'' at end of par. (8), substituted a period for ''; and'' at end of par. (9), and struck out par. (10) and concluding sentences which read as follows: ''serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections. The Commission may enter into contracts for the purpose of conducting studies under this paragraph. Reports or studies made under this paragraph shall be available to the public upon the payment of the cost thereof, except that copies shall be made

[1] See References in Text note below.

available without cost, upon request, to agencies and branches of the Federal Government.''

1995—Subsec. (a)(4). Pub. L. 104–79 substituted ''Secretary'' for ''Clerk, Secretary,''.

1986—Subsecs. (b), (e). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96–187, § 109, substituted in introductory clause ''The Commission shall'' for ''It shall be the duty of the Commission''.

Subsec. (a)(1). Pub. L. 96–187, § 109, substituted ''prescribe forms necessary to implement this Act'' for ''to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with it under this subchapter''.

Subsec. (a)(2). Pub. L. 96–187, § 109, substituted ''prepare, publish, and furnish to all persons required to file reports and statements under this Act'' for ''to prepare, publish, and furnish to the person required to file such reports and statements''.

Subsec. (a)(3). Pub. L. 96–187, § 109, struck out ''to'' before ''develop'' and substituted ''consistent with the purposes of this Act'' for ''consonant with the purposes of this subchapter''.

Subsec. (a)(4). Pub. L. 96–187, § 109, substituted provisions making available for inspection and copying reports and statements within 48 hours after receipt and prohibiting the sale or use of any information for soliciting contributions or for commercial purposes other than using names and addresses of any political committee and allowing a political committee to submit 10 pseudonyms on each report to protect against illegal use of names and addresses of contributors, such lists to be excluded from the public record, for provisions making available for public inspection and copying reports and statements as soon as practicable but no later than the end of the second day following the day during which it was received, and to permit copying by hand or duplicating machine at the person's own expense, provided that no information so copied be sold or utilized for purposes of soliciting contributions or for commercial purposes.

Subsec. (a)(5). Pub. L. 96–187, § 109, substituted ''keep such designations, reports'' for ''to preserve such reports'', ''except that designations, reports, and statements that relate'' for ''except that reports and statements relating'' and ''shall be kept'' for ''shall be preserved''.

Subsec. (a)(6). Pub. L. 96–187, § 109, redesignated existing provisions as subpar. (A), added subpars. (B) and (C), and in subpar. (A) as so designated substituted provisions for the compilation and maintenance of a cumulative index of designations, reports, and statements filed under this Act, to be published at regular intervals and made available for direct or mail purchase for provisions for compilation and maintenance of such index to be published in the Federal Register at regular intervals to be made available for direct or mail purchase at reasonable prices, and for compilation and maintenance of a separate cumulative index of reports and statements of political committees supporting more than one candidate including a listing of the date of registration of such committee and the date of qualification to make expenditures under section 441a(a)(2), to be revised on the same basis as the other cumulative indices.

Subsec. (a)(7). Pub. L. 96–187, § 109, substituted provisions requiring preparation and publication periodically lists of committees failing to file reports as required by this Act for provisions requiring preparation and publication from time to time of special reports listing candidates for whom reports were filed as required and candidates for whom reports were not filed.

Subsec. (a)(8). Pub. L. 96–187, § 109, substituted provisions for rules, regulations and forms to carry out the provisions of this Act in accordance with subsec. (d) for provisions mandating audits and field investigations with respect to reports and statements and failure to file such and giving priority to auditing and field investigation verification and receipt and use of payments received by a candidate.

Subsec. (a)(9). Pub. L. 96–187, § 109, substituted provisions for transmittal to the President and Congress no later than June 1 of each year a report of Commission activities and recommendations for legislation for provisions for reporting apparent violations of law to appropriate law enforcement authorities.

Subsec. (a)(10). Pub. L. 96–187, § 109, substituted provisions authorizing the Commission to serve as a national clearinghouse for compilation of information and review procedures with respect to administration of Federal elections, and to enter into contracts to conduct studies, to be made available to the public upon payment of costs except that copies be made available without cost to agencies and branches of the Federal Government for provisions for prescription of rules and regulations to carry out the provisions of this subchapter in accordance with the provisions of subsec. (c) of this section.

Subsec. (b). Pub. L. 96–187, § 109, substituted provisions for the conduct of audits and field investigations with priority to verification for, and receipt and use of payments received by a candidate or committee under chapter 95 or 96 of title 26, and performance of internal review of reports of selected committees to determine compliance with threshold requirements of this Act, such requirements to be established by the Commission, audits and investigations to be undertaken upon affirmative vote of 4 members within 30 days of such vote except audits of an authorized committee of a candidate to be commenced within 6 months of the election for which such committee was authorized, for provisions declaring it the duty of the Commission to act as a national clearinghouse for information in respect to administration of elections, to enter into contracts to conduct independent studies of administration of elections, such studies to be published by the Commission and copies made available to the general public.

Subsec. (c). Pub. L. 96–187, § 109, substituted provisions exempting from the provisions of section 3512 of title 44 any forms prescribed by the Commission and any information-gathering activities of the Commission for provisions of pars. (1) to (5) relating to prescribing of rules and regulations and approval thereof by either the Senate or the House of Representatives, and definition of ''legislative days'' and ''rule or regulation''.

Subsec. (d)(1). Pub. L. 96–187, § 109, substituted provisions for transmittal to Congress of a statement with respect to any rule, regulation or form prior to its prescription, such statement setting forth such rule, etc., and a detailed explanation and justification, for provisions of subpars. (A) to (C) prescribing rules and regulations to carry out the provisions of this subchapter including rules and regulations relating to reports and statements to be filed by a candidate or delegate or Resident Commissioner to Congress, candidate for office of Senator, such reports to be made available to the public by the Clerk and Secretary of the House of Representatives and Senate, respectively.

Subsec. (d)(2). Pub. L. 96–187, § 109, substituted provisions permitting the Commission to prescribe a rule or regulation in the absence of disapproval by resolution of either House of Congress within 30 legislative days after the date of receipt of such proposed rule or regulation or within 10 legislative days after receipt of such proposed form for provisions that it is the duty of the Clerk and Secretary of the House of Representatives and Senate, respectively, to cooperate with the Commission in carrying out its duties under this Act and to furnish such services and facilities as may be required.

Subsec. (d)(3), (4). Pub. L. 96–187, § 109, added pars. (3) and (4).

Subsecs. (e), (f). Pub. L. 96–187, § 109, added subsecs. (e) and (f).

1976—Subsec. (a)(6). Pub. L. 94–283, § 110(a)(1), inserted provisions covering and index of reports and state-

ments filed by committees supporting more than one candidate.

Subsec. (a)(8). Pub. L. 94–283, § 110(a)(2), inserted provisions giving priority to auditing and field investigating of the verification for, and the receipt and use of, any payments received by a candidate under chapter 95 or 96 of title 26.

Subsec. (c)(2). Pub. L. 94–283, § 110(b)(1), inserted provision for priority consideration by the House of Representatives of a motion to consider resolutions relating to a rule or regulation reported by a committee of the House.

Subsec. (c)(5). Pub. L. 94–283, § 110(b)(2), added par. (5).

1974—Subsec. (a). Pub. L. 93–443, § 208(c)(8), substituted ''Commission'' for ''supervisory officer'' in introductory provision.

Subsec. (a)(1), (4). Pub. L. 93–443, § 208(c)(9)(A), (B), substituted ''him'' for ''it'' in pars. (1) and (4).

Subsec. (a)(6). Pub. L. 93–443, § 209(a)(1), substituted provisions respecting index of reports and statements and publication thereof in Federal Register for provisions respecting compilation and maintenance of current list of candidate statements.

Subsec. (a)(7). Pub. L. 93–443, § 209(a)(1), substituted provision for preparation and publication of special reports listing candidates for whom reports were filed as required by this subchapter and those candidates for whom such reports were not filed as so required for provisions respecting publication of annual reports and compilations of data.

Subsec. (a)(8). Pub. L. 93–443, § 209(a)(1), redesignated par. (11) as (8) and struck out former par. (8) provision for preparation and publication of special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections.

Subsec. (a)(9). Pub. L. 93–443, § 209(a)(1), redesignated par. (12) as (9) and struck out former par. (9) provision for preparation and publication of other reports.

Subsec. (a)(10). Pub. L. 93–443, § 209(a)(1), (b)(1), redesignated par. (13) as (10), inserted end text reading '', in accordance with the provisions of subsection (c) of this section'', and struck out former par. (10) provision for dissemination of information.

Subsec. (a)(11) to (13). Pub. L. 93–443, § 209(a)(1), redesignated pars. (11) to (13) as (8) to (10), respectively.

Subsec. (b). Pub. L. 93–443, §§ 208(c)(10)(A), (B), 209(b)(2)(A), substituted ''Commission'' for ''Comptroller General'' wherever appearing and ''its'' for ''his'' in second sentence and struck out provision that ''Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.'', redesignated subsec. (c) as (b) and struck out former subsec. (b) provisions respecting Federal and State filing of reports, including procedures for Federal copies in satisfaction of State requirements to eliminate multiple filings.

Subsec. (c). Pub. L. 93–443, § 209(b)(2)(A), (B), added subsec. (c) and redesignated former subsec. (c) as (b).

Subsec. (d). Pub. L. 93–443, § 209(b)(2)(A), (B), added subsec. (d) and struck out former subsec. (d) provisions respecting violations, the paragraphs relating to: (1) complaints, investigations, notice and hearing, Federal civil actions for injunction, restraining orders, or other appropriate orders, venue, and bond; (2) subpenas; (3) review by court of appeals and time for petition of review; (4) finality of appellate judgment and review by Supreme Court; and (5) docket advancement and priorities, provisions now covered by section 437g(a) of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–252 effective upon appointment of all members of the Election Assistance Commission under section 15323 of Title 42, The Public Health and Welfare, see section 15534(a) of Title 42.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–79 applicable with respect to reports, designations, and statements required to be filed after Dec. 31, 1995, see section 3(d) of Pub. L. 104–79, set out as a note under section 432 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsecs. (a)(9) and (f) of this section relating to submittal of annual reports to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 168 of House Document No. 103–7.

TRANSITION PROVISIONS

Disapproval of rules and regulations by either House of Congress under subsec. (d) of this section within 30 legislative days after receipt to be deemed to allow such disapproval within 15 days with respect to rules and regulations implementing Pub. L. 96–187 proposed under section 303(a) of Pub. L. 96–187, see section 303(b) of Pub. L. 96–187, set out as a note under section 431 of this title.

ANNUAL REPORTS FOR CALENDAR YEARS BEGINNING AFTER DEC. 31, 1972

Section 209(a)(2) of Pub. L. 93–443 provided that: ''Notwithstanding section 308(a)(7) of the Federal Election Campaign Act of 1971 [subsec. (a)(7) of this section] (relating to an annual report by the supervisory officer), as in effect on the day before the effective date of the amendments made by paragraph (1) of this subsection, no such annual report shall be required with respect to any calendar year beginning after December 31, 1972.''

§ 438a. Maintenance of website of election reports

(a) In general

The Federal Election Commission shall maintain a central site on the Internet to make accessible to the public all publicly available election-related reports and information.

(b) Election-related report

In this section, the term ''election-related report'' means any report, designation, or statement required to be filed under the Federal Election Campaign Act of 1971.

(c) Coordination with other agencies

Any Federal executive agency receiving election-related information which that agency is required by law to publicly disclose shall cooperate and coordinate with the Federal Election Commission to make such report available through, or for posting on, the site of the Federal Election Commission in a timely manner.

(Pub. L. 107–155, title V, § 502, Mar. 27, 2002, 116 Stat. 115.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, referred to in subsec. (b), is Pub. L. 92–225, Feb. 7, 1972, 86 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 431 of this title and Tables.

CODIFICATION

Section was enacted as part of the Bipartisan Campaign Reform Act of 2002, and not as a part of the Federal Election Campaign Act of 1971 which comprises this chapter.

EFFECTIVE DATE

Section effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 439. Statements filed with State officers; "appropriate State" defined; duties of State officers; waiver of duplicate filing requirement for States with electronic access

(a) Statements filed; "appropriate State" defined

(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

(2) For purposes of this subsection, the term ''appropriate State'' means—

(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

(b) Duties of State officers

The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1) of this section, shall—

(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and

(4) compile and maintain a current list of all reports and statements pertaining to each candidate.

(c) Waiver; electronic access

Subsections (a) and (b) of this section shall not apply with respect to any State that, as determined by the Commission, has a system that permits electronic access to, and duplication of, reports and statements that are filed with the Commission.

(Pub. L. 92–225, title III, § 312, formerly § 309, Feb. 7, 1972, 86 Stat. 18; renumbered § 317 and amended Pub. L. 93–443, title II, § 208(a), (c)(11), Oct. 15, 1974, 88 Stat. 1279, 1287; renumbered § 316, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481; renumbered § 312 and amended Pub. L. 96–187, title I, §§ 105(4), 110, Jan. 8, 1980, 93 Stat. 1354, 1364; Pub. L. 104–79, § 2, Dec. 28, 1995, 109 Stat. 791.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (b)(1), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 312 of Pub. L. 92–225 was renumbered section 308, and is classified to section 437f of this title.

Another prior section 312 of Pub. L. 92–225 was renumbered section 311, and was classified to section 437e of this title, prior to repeal by Pub. L. 96–187.

AMENDMENTS

1995—Subsec. (c). Pub. L. 104–79 added subsec. (c).

1980—Subsec. (a). Pub. L. 96–187, § 110, in revising text, added par. (1), incorporating part of first sentence reading ''A copy of each statement required to be filed with the Commissioner by this subchapter shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State.''; and reenacted as par. (2) definition provision of second sentence, redesignating as cl. (A) prior cl. (1) provisions, inserting reference to statements respecting the campaign, striking out reference to campaign for election and provision for expenditure by the candidate, and redesignating as cl. (B) prior cl. (2), inserting reference to statements respecting the campaign and requirement only for political committees other than authorized committees to file and Secretaries of State to keep that portion of report applicable to candidates seeking election in that State.

Subsec. (b). Pub. L. 96–187, § 110, in revising text, provided for performance of the prescribed duties by the officer designated under subsec. (a)(1); substituted in cl. (1) ''reports and statements required by this Act to be filed therewith'' for ''reports and statements required by this subchapter to be filed with him''; substituted in cl. (2) requirement of a 2 year retention period for reports and statements after receipt in original form or in facsimile copy by microfilm for ten year retention period after such receipt and five year period when relating to House of Representatives candidates; required in cl. (3) that filed reports and statements be available within 48 hours of receipt rather than no later than end of day of receipt; and provided in cl. (4) for inclusion of reports in current list and exclusion of parts of statements.

1974—Subsec. (a). Pub. L. 93–443, § 208(c)(11), substituted ''the Commission'' for ''a supervisory officer''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 439a. Use of contributed amounts for certain purposes

(a) Permitted uses

A contribution accepted by a candidate, and any other donation received by an individual as

support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

(1) for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual;

(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

(3) for contributions to an organization described in section 170(c) of title 26;

(4) for transfers, without limitation, to a national, State, or local committee of a political party;

(5) for donations to State and local candidates subject to the provisions of State law; or

(6) for any other lawful purpose unless prohibited by subsection (b) of this section.

(b) Prohibited use

(1) In general

A contribution or donation described in subsection (a) of this section shall not be converted by any person to personal use.

(2) Conversion

For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including—

(A) a home mortgage, rent, or utility payment;

(B) a clothing purchase;

(C) a noncampaign-related automobile expense;

(D) a country club membership;

(E) a vacation or other noncampaign-related trip;

(F) a household food item;

(G) a tuition payment;

(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

(I) dues, fees, and other payments to a health club or recreational facility.

(Pub. L. 92–225, title III, § 313, as added Pub. L. 107–155, title III, § 301, Mar. 27, 2002, 116 Stat. 95; amended Pub. L. 108–447, div. H, title V, § 532, Dec. 8, 2004, 118 Stat. 3272.)

PRIOR PROVISIONS

A prior section 439a, Pub. L. 92–225, title III, § 313, formerly § 318, as added Pub. L. 93–443, title II, § 210, Oct. 15, 1974, 88 Stat. 1288; renumbered § 317, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481; renumbered § 313 and amended Pub. L. 96–187, title I, §§ 105(4), 113, Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–194, title V, § 504(a), Nov. 30, 1989, 103 Stat. 1755, also related to use of contributed amounts for certain purposes, prior to repeal by Pub. L. 107–155, title III, § 301, Mar. 27, 2002, 116 Stat. 95.

A prior section 313 of Pub. L. 92–225 was renumbered section 309, and is classified to section 437g of this title.

Another prior section 313 of Pub. L. 92–225 was renumbered section 308, and is classified to section 437f of this title.

AMENDMENTS

2004—Subsec. (a)(5), (6). Pub. L. 108–447, which directed the amendment of section 312a(a) of the Federal Election Campaign Act of 1971 by adding pars. (5) and (6), was executed by making the amendments to this section, which is section 313 of the Federal Election Campaign Act of 1971, to reflect the probable intent of Congress.

EFFECTIVE DATE

Section effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 439b. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section, Pub. L. 92–225, title III, § 318, formerly § 319, as added Pub. L. 93–443, title II, § 210, Oct. 15, 1974, 88 Stat. 1289; renumbered § 318, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481, set forth prohibitions respecting franked solicitations.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 439c. Authorization of appropriations

There are authorized to be appropriated to the Commission for the purpose of carrying out its functions under this Act, and under chapters 95 and 96 of title 26, not to exceed $5,000,000 for the fiscal year ending June 30, 1975. There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $6,000,000 for the fiscal year ending September 30, 1977, $7,811,500 for the fiscal year ending September 30, 1978, and $9,400,000 (of which not more than $400,000 are authorized to be appropriated for the national clearinghouse function described in section 438(a)(10)[1] of this title) for the fiscal year ending September 30, 1981.

(Pub. L. 92–225, title III, § 314, formerly § 320, as added Pub. L. 93–443, title II, § 210, Oct. 15, 1974, 88 Stat. 1289; renumbered § 319 and amended Pub. L. 94–283, title I, §§ 105, 113, May 11, 1976, 90 Stat. 481, 495; Pub. L. 95–127, Oct. 12, 1977, 91 Stat. 1110; renumbered § 314, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; Pub. L. 96–253, May 29, 1980, 94 Stat. 398; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

Section 438(a)(10) of this title, referred to in text, was repealed by Pub. L. 107–252, title VIII, § 801(b)(3), Oct. 29, 2002, 116 Stat. 1726.

PRIOR PROVISIONS

A prior section 314 of Pub. L. 92–225 was renumbered section 310, and is classified to section 437h of this title.

Another prior section 314 of Pub. L. 92–225 was renumbered section 309, and is classified to section 437g of this title.

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

[1] See References in Text note below.

1980—Pub. L. 96–253 inserted provisions authorizing appropriations of $9,400,000 for fiscal year ending Sept. 30, 1981.

1977—Pub. L. 95–127 inserted provisions authorizing appropriations of $7,811,500 for fiscal year ending Sept. 30, 1978.

1976—Pub. L. 94–283, § 113, inserted provisions authorizing appropriations through fiscal year ending Sept. 30, 1977.

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 440. Repealed. Pub. L. 93–443, title I, § 101(f)(4), Oct. 15, 1974, 88 Stat. 1268

Section, Pub. L. 92–225, title III, § 310, Feb. 7, 1972, 86 Stat. 19, related to prohibition of contributions in the name of another. See section 441f of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 441. Repealed. Pub. L. 94–283, title I, § 112(1), May 11, 1976, 90 Stat. 486

Section, Pub. L. 92–225, title III, § 320, formerly § 311, Feb. 7, 1972, 86 Stat. 19; renumbered § 321, Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1279; renumbered § 320, Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481, provided penalties of not more than $1,000 fine or not more than 1 year imprisonment, or both for violations of this subchapter. See section 441j of this title.

SAVINGS PROVISION

Section 114 of Pub. L. 94–283 provided that: ''Except as otherwise provided by this Act [see Short Title of 1976 Amendment note set out under section 431 of this title], the repeal by this Act of any section or penalty shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred under such section or penalty, and such section or penalty shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability.''

§ 441a. Limitations on contributions and expenditures

(a) Dollar limits on contributions

(1) Except as provided in subsection (i) of this section and section 441a–1 of this title, no person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $2,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $25,000;

(C) to any other political committee (other than a committee described in subparagraph (D)) in any calendar year which, in the aggregate, exceed $5,000; or

(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed $15,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(3) During the period which begins on January 1 of an odd-numbered year and ends on December 31 of the next even-numbered year, no individual may make contributions aggregating more than—

(A) $37,500, in the case of contributions to candidates and the authorized committees of candidates;

(B) $57,500, in the case of any other contributions, of which not more than $37,500 may be attributable to contributions to political committees which are not political committees of national political parties.

(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term ''multicandidate political committee'' means a political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fund raising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2) all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is

actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of title 26. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his behalf shall be considered to be contributions made to such candidate;

(B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

(ii) expenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee; and

(iii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and[1]

(C) if—

(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 434(f)(3) of this title); and

(ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee;

such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party; and

(D) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

(b) Dollar limits on expenditures by candidates for office of President of United States

(1) No candidate for the office of President of the United States who is eligible under section 9003 of title 26 (relating to condition for eligibility for payments) or under section 9033 of title 26 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

(A) $10,000,000, in the case of a campaign for nomination for election to such office, except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e) of this section), or $200,000; or

(B) $20,000,000 in the case of a campaign for election to such office.

(2) For purposes of this subsection—

(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

(c) Increases on limits based on increases in price index

(1)(A) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period.

(B) Except as provided in subparagraph (C), in any calendar year after 2002—

[1] So in original. The word "and" probably should not appear.

(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) of this section shall be increased by the percent difference determined under subparagraph (A);

(ii) each amount so increased shall remain in effect for the calendar year; and

(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

(C) In the case of limitations under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of this section, increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election.

(2) For purposes of paragraph (1)—

(A) the term ''price index'' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(B) the term ''base period'' means—

(i) for purposes of subsections (b) and (d) of this section, calendar year 1974; and

(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of this section, calendar year 2001.

(d) Expenditures by national committee, State committee, or subordinate committee of State committee in connection with general election campaign of candidates for Federal office

(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection.

(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—

(A) in the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—

(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e) of this section); or

(ii) $20,000; and

(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, no committee of the political party may make—

(i) any coordinated expenditure under this subsection with respect to the candidate during the election cycle at any time after it makes any independent expenditure (as defined in section 431(17) of this title) with respect to the candidate during the election cycle; or

(ii) any independent expenditure (as defined in section 431(17) of this title) with respect to the candidate during the election cycle at any time after it makes any coordinated expenditure under this subsection with respect to the candidate during the election cycle.

(B) APPLICATION.—For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

(C) TRANSFERS.—A committee of a political party that makes coordinated expenditures under this subsection with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.

(e) Certification and publication of estimated voting age population

During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term ''voting age population'' means resident population, 18 years of age or older.

(f) Prohibited contributions and expenditures

No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

(g) Attribution of multi-State expenditures to candidate's expenditure limitation in each State

The Commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(h) Senatorial candidates

Notwithstanding any other provision of this Act, amounts totaling not more than $35,000 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

(i) Increased limit to allow response to expenditures from personal funds

(1) Increase

(A) In general

Subject to paragraph (2), if the opposition personal funds amount with respect to a candidate for election to the office of Senator exceeds the threshold amount, the limit under subsection (a)(1)(A) of this section (in this subsection referred to as the ''applicable limit'') with respect to that candidate shall be the increased limit.

(B) Threshold amount

(i) State-by-State competitive and fair campaign formula

In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount equal to the sum of—

(I) $150,000; and

(II) $0.04 multiplied by the voting age population.

(ii) Voting age population

In this subparagraph, the term ''voting age population'' means in the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under subsection (e) of this section).

(C) Increased limit

Except as provided in clause (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—

(i) 2 times the threshold amount, but not over 4 times that amount—

(I) the increased limit shall be 3 times the applicable limit; and

(II) the limit under subsection (a)(3) of this section shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution;

(ii) 4 times the threshold amount, but not over 10 times that amount—

(I) the increased limit shall be 6 times the applicable limit; and

(II) the limit under subsection (a)(3) of this section shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(iii) 10 times the threshold amount—

(I) the increased limit shall be 6 times the applicable limit;

(II) the limit under subsection (a)(3) of this section shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(III) the limits under subsection (d) of this section with respect to any expenditure by a State or national committee of a political party shall not apply.

(D) Opposition personal funds amount

The opposition personal funds amount is an amount equal to the excess (if any) of—

(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 434(a)(6)(B) of this title) that an opposing candidate in the same election makes; over

(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

(E) Special rule for candidate's campaign funds

(i) In general

For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) Gross receipts advantage

For purposes of clause (i), the term ''gross receipts advantage'' means the excess, if any, of—

(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year

preceding the year in which a general election is held.

(2) Time to accept contributions under increased limit

(A) In general

Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under section 434(a)(6)(B) of this title; and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

(B) Effect of withdrawal of an opposing candidate

A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(3) Disposal of excess contributions

(A) In general

The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) Return to contributors

A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

(j) Limitation on repayment of personal loans

Any candidate who incurs personal loans made after the effective date of the Bipartisan Campaign Reform Act of 2002 in connection with the candidate's campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.

(Pub. L. 92–225, title III, § 315, formerly § 320, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 486; renumbered § 315, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 107–155, title I, § 102, title II, §§ 202, 213, 214(a), title III, §§ 304(a), 307(a)–(d), 316, 319(b), Mar. 27, 2002, 116 Stat. 86, 90, 94, 97, 102, 103, 108, 112.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(5) and (h), means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

For effective date of the Bipartisan Campaign Reform Act of 2002, referred to in subsec. (j), see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

PRIOR PROVISIONS

A prior section 315 of Pub. L. 92–225 was renumbered section 311, and is classified to section 438 of this title.

Another prior section 315 of Pub. L. 92–225 was renumbered section 310, and is classified to section 437h of this title.

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107–155, §§ 304(a)(1), 319(b), substituted ''Except as provided in subsection (i) of this section and section 441a–1 of this title, no person'' for ''No person'' in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 107–155, § 307(a)(1), substituted ''$2,000'' for ''$1,000''.

Subsec. (a)(1)(B). Pub. L. 107–155, §§ 102(1), 307(a)(2), substituted ''$25,000;'' for ''$20,000; or''.

Subsec. (a)(1)(C). Pub. L. 107–155, § 102(2), inserted ''(other than a committee described in subparagraph (D))'' after ''committee'' and substituted ''; or'' for period at end.

Subsec. (a)(1)(D). Pub. L. 107–155, § 102(3), added subpar. (D).

Subsec. (a)(3). Pub. L. 107–155, § 307(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''No individual shall make contributions aggregating more than $25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.''

Subsec. (a)(7)(B)(ii), (iii). Pub. L. 107–155, § 214(a), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (a)(7)(C), (D). Pub. L. 107–155, § 202, added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (c)(1). Pub. L. 107–155, § 307(d)(1), redesignated existing provisions as subpar. (A), struck out at end ''Each limitation established by subsection (b) of this section and subsection (d) of this section shall be increased by such percent difference. Each amount so increased shall be the amount in effect for such calendar year.'', and added subpars. (B) and (C).

Subsec. (c)(2)(B). Pub. L. 107–155, § 307(d)(2), substituted ''means—'' for ''means the calendar year 1974'' and added cls. (i) and (ii).

Subsec. (d)(1). Pub. L. 107–155, § 213(1), substituted ''paragraphs (2), (3), and (4)'' for ''paragraphs (2) and (3)''.

Subsec. (d)(4). Pub. L. 107–155, § 213(2), added par. (4).

Subsec. (h). Pub. L. 107–155, § 307(c), substituted ''$35,000'' for ''$17,500''.

Subsec. (i). Pub. L. 107–155, § 304(a)(2), added subsec. (i).

Subsec. (i)(1)(E). Pub. L. 107–155, § 316, added subpar. (E).

Subsec. (j). Pub. L. 107–155, § 304(a)(2), added subsec. (j).

1986—Subsecs. (a)(5), (b)(1). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–155, title III, § 307(e), Mar. 27, 2002, 116 Stat. 103, provided that: ''The amendments made by this section [amending this section] shall apply with respect to contributions made on or after January 1, 2003.''

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, except that amendments by sections 102 and 307 of the Act applicable with respect to contributions made on or after Jan. 1, 2003, and amendments by sections 202, 213, 214(a), 304(a), 316, and 319(b) of the Act not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

REGULATIONS BY THE FEDERAL ELECTION COMMISSION

Pub. L. 107–155, title II, § 214(c), Mar. 27, 2002, 116 Stat. 95, provided that: ''The Federal Election Commission shall promulgate new regulations on coordinated communications paid for by persons other than candidates, authorized committees of candidates, and party committees. The regulations shall not require agreement or formal collaboration to establish coordination. In addition to any subject determined by the Commission, the regulations shall address—

''(1) payments for the republication of campaign materials;

''(2) payments for the use of a common vendor;

''(3) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party; and

''(4) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party.''

§ 441a–1. Modification of certain limits for House candidates in response to personal fund expenditures of opponents

(a) Availability of increased limit

(1) In general

Subject to paragraph (3), if the opposition personal funds amount with respect to a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress exceeds $350,000—

(A) the limit under subsection (a)(1)(A)[1] with respect to the candidate shall be tripled;

(B) the limit under subsection (a)(3)[1] shall not apply with respect to any contribution made with respect to the candidate if the contribution is made under the increased limit allowed under subparagraph (A) during a period in which the candidate may accept such a contribution; and

(C) the limits under subsection (d)[1] with respect to any expenditure by a State or national committee of a political party on behalf of the candidate shall not apply.

(2) Determination of opposition personal funds amount

(A) In general

The opposition personal funds amount is an amount equal to the excess (if any) of—

(i) the greatest aggregate amount of expenditures from personal funds (as defined in subsection (b)(1) of this section) that an opposing candidate in the same election makes; over

(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

(B) Special rule for candidate's campaign funds

(i) In general

For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (A), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) Gross receipts advantage

For purposes of clause (i), the term ''gross receipts advantage'' means the excess, if any, of—

(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

(3) Time to accept contributions under increased limit

(A) In general

Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under subsection (b)(1) of this section; and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 100 percent of the opposition personal funds amount.

(B) Effect of withdrawal of an opposing candidate

A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(4) Disposal of excess contributions

(A) In general

The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased

[1] See References in Text note below.

limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) Return to contributors

A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

(b) Notification of expenditures from personal funds

(1) In general

(A) Definition of expenditure from personal funds

In this paragraph, the term ''expenditure from personal funds'' means—

(i) an expenditure made by a candidate using personal funds; and

(ii) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee.

(B) Declaration of intent

Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed $350,000.

(C) Initial notification

Not later than 24 hours after a candidate described in subparagraph (B) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of $350,000 in connection with any election, the candidate shall file a notification.

(D) Additional notification

After a candidate files an initial notification under subparagraph (C), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceeds $10,000. Such notification shall be filed not later than 24 hours after the expenditure is made.

(E) Contents

A notification under subparagraph (C) or (D) shall include—

(i) the name of the candidate and the office sought by the candidate;

(ii) the date and amount of each expenditure; and

(iii) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(F) Place of filing

Each declaration or notification required to be filed by a candidate under subparagraph (C), (D), or (E) shall be filed with—

(i) the Commission; and

(ii) each candidate in the same election and the national party of each such candidate.

(2) Notification of disposal of excess contributions

In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under subsection (a) of this section) and the manner in which the candidate or the candidate's authorized committee used such funds.

(3) Enforcement

For provisions providing for the enforcement of the reporting requirements under this subsection, see section 437g of this title.

(Pub. L. 92–225, title III, § 315A, as added Pub. L. 107–155, title III, § 319(a), Mar. 27, 2002, 116 Stat. 109.)

REFERENCES IN TEXT

Subsections (a)(1)(A), (3), and (d), referred to in subsec. (a)(1), probably mean subsections (a)(1)(A), (3), and (d) of section 441a of this title.

EFFECTIVE DATE

Section effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441b. Contributions or expenditures by national banks, corporations, or labor organizations

(a) In general

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b) Definitions; particular activities prohibited or allowed

(1) For the purposes of this section the term ''labor organization'' means any organization of

any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) For purposes of this section and section 79*l*(h) of title 15,[1] the term ''contribution or expenditure'' includes a contribution or expenditure, as those terms are defined in section 431 of this title, and also includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section or for any applicable electioneering communication, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful—

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation and who does not make such a contribution.

(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

(7) For purposes of this section, the term ''executive or administrative personnel'' means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

[1] See References in Text note below.

(c) Rules relating to electioneering communications

(1) Applicable electioneering communication

For purposes of this section, the term ''applicable electioneering communication'' means an electioneering communication (within the meaning of section 434(f)(3) of this title) which is made by any entity described in subsection (a) of this section or by any other person using funds donated by an entity described in subsection (a) of this section.

(2) Exception

Notwithstanding paragraph (1), the term ''applicable electioneering communication'' does not include a communication by a section 501(c)(4) organization or a political organization (as defined in section 527(e)(1) of title 26) made under section 434(f)(2)(E) or (F) of this title if the communication is paid for exclusively by funds provided directly by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 1101(a)(20) of title 8). For purposes of the preceding sentence, the term ''provided directly by individuals'' does not include funds the source of which is an entity described in subsection (a) of this section.

(3) Special operating rules

(A) Definition under paragraph (1)

An electioneering communication shall be treated as made by an entity described in subsection (a) of this section if an entity described in subsection (a) of this section directly or indirectly disburses any amount for any of the costs of the communication.

(B) Exception under paragraph (2)

A section 501(c)(4) organization that derives amounts from business activities or receives funds from any entity described in subsection (a) of this section shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute, as described in section 434(f)(2)(E) of this title.

(4) Definitions and rules

For purposes of this subsection—

(A) the term ''section 501(c)(4) organization'' means—

(i) an organization described in section 501(c)(4) of title 26 and exempt from taxation under section 501(a) of such title; or

(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

(B) a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(5) Coordination with title 26

Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of title 26 to carry out any activity which is prohibited under such title.

(6) Special rules for targeted communications

(A) Exception does not apply

Paragraph (2) shall not apply in the case of a targeted communication that is made by an organization described in such paragraph.

(B) Targeted communication

For purposes of subparagraph (A), the term ''targeted communication'' means an electioneering communication (as defined in section 434(f)(3) of this title) that is distributed from a television or radio broadcast station or provider of cable or satellite television service and, in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(C) Definition

For purposes of this paragraph, a communication is ''targeted to the relevant electorate'' if it meets the requirements described in section 434(f)(3)(C) of this title.

(Pub. L. 92–225, title III, § 316, formerly § 321, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 490; renumbered § 316 and amended Pub. L. 96–187, title I, §§ 105(5), 112(d), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 107–155, title II, §§ 203, 204, 214(d), Mar. 27, 2002, 116 Stat. 91, 92, 95.)

REFERENCES IN TEXT

Section 79*l* of title 15, referred to in subsec. (b)(2), was repealed by Pub. L. 109–58, title XII, § 1263, Aug. 8, 2005, 119 Stat. 974.

PRIOR PROVISIONS

A prior section 316 of Pub. L. 92–225 was renumbered section 312, and is classified to section 439 of this title.

Another prior section 316 of Pub. L. 92–225 was renumbered section 311, and is classified to section 438 of this title.

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107–155, §§ 203(a), 214(d), substituted '''contribution or expenditure' includes a contribution or expenditure, as those terms are defined in section 431 of this title, and also includes'' for '''contribution or expenditure' shall include'' and inserted ''or for any applicable electioneering communication'' before '', but shall not include (A)''.

Subsec. (c). Pub. L. 107–155, § 203(b), added subsec. (c).

Subsec. (c)(6). Pub. L. 107–155, § 204, added par. (6).

1980—Subsec. (b)(4)(B). Pub. L. 96–187, § 112(d), substituted ''It'' for ''it''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

§ 441c. Contributions by government contractors

(a) Prohibition

It shall be unlawful for any person—

(1) who enters into any contract with the United States or any department or agency

thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

(b) Separate segregated funds

This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 441b of this title prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 441b of this title applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

(c) "Labor organization" defined

For purposes of this section, the term ''labor organization'' has the meaning given it by section 441b(b)(1) of this title.

(Pub. L. 92–225, title III, §317, formerly §322, as added Pub. L. 94–283, title I, §112(2), May 11, 1976, 90 Stat. 492; renumbered §317, Pub. L. 96–187, title I, §105(5), Jan. 8, 1980, 93 Stat. 1354.)

REFERENCES IN TEXT

Section 441b of this title, referred to in subsecs. (b) and (c), was in the original ''section 321'' meaning section 321 of Pub. L. 92–225 which is classified to section 441g of this title. In view of the renumbering of section 321 as section 316 by section 105(5) of Pub. L. 96–187, the reference has been translated as reading ''section 316'' to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 317 of Pub. L. 92–225 was renumbered section 313, and is classified to section 439a of this title.

Another prior section 317 of Pub. L. 92–225 was renumbered section 312, and is classified to section 439 of this title.

§441d. Publication and distribution of statements and solicitations

(a) Identification of funding and authorizing sources

Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising or makes a disbursement for an electioneering communication (as defined in section 434(f)(3) of this title), such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or[1]

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;[1]

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(b) Charge for newspaper or magazine space

No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

(c) Specification

Any printed communication described in subsection (a) of this section shall—

(1) be of sufficient type size to be clearly readable by the recipient of the communication;

(2) be contained in a printed box set apart from the other contents of the communication; and

(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

(d) Additional requirements

(1) Communications by candidates or authorized persons

(A) By radio

Any communication described in paragraph (1) or (2) of subsection (a) of this sec-

[1] So in original. The word ''or'' probably should appear at the end of par. (2).

tion which is transmitted through radio shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(B) By television

Any communication described in paragraph (1) or (2) of subsection (a) of this section which is transmitted through television shall include, in addition to the requirements of that paragraph, a statement that identifies the candidate and states that the candidate has approved the communication. Such statement—

(i) shall be conveyed by—

(I) an unobscured, full-screen view of the candidate making the statement, or

(II) the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and

(ii) shall also appear in writing at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(2) Communications by others

Any communication described in paragraph (3) of subsection (a) of this section which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following audio statement: ''_____ is responsible for the content of this advertising.'' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall be conveyed by an unobscured, full-screen view of a representative of the political committee or other person making the statement, or by a representative of such political committee or other person in voice-over, and shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(Pub. L. 92–225, title III, § 318, formerly § 323, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 493; renumbered § 318 and amended Pub. L. 96–187, title I, §§ 105(5), 111, Jan. 8, 1980, 93 Stat. 1354, 1365; Pub. L. 107–155, title III, § 311, Mar. 27, 2002, 116 Stat. 105.)

PRIOR PROVISIONS

A prior section 318 of Pub. L. 92–225 was classified to section 439b of this title, prior to repeal by Pub. L. 96–187.

Another prior section 318 of Pub. L. 92–225 was renumbered section 313, and is classified to section 439a of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–155, § 311(1)(A)(iv), which directed insertion of ''or makes a disbursement for an electioneering communication (as defined in section 434(f)(3) of this title)'' after ''public political advertising'' in introductory provisions, was executed by making the insertion after those words the second time appearing, to reflect the probable intent of Congress.

Pub. L. 107–155, § 311(1)(A)(i)–(iii), in introductory provisions, substituted ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement'' for ''Whenever any person makes an expenditure'' and struck out ''direct'' before ''mailing,'' the second time appearing.

Subsec. (a)(3). Pub. L. 107–155, § 311(1)(B), inserted ''and permanent street address, telephone number, or World Wide Web address'' after ''name''.

Subsecs. (c), (d). Pub. L. 107–155, § 311(2), added subsecs. (c) and (d).

1980—Subsec. (a). Pub. L. 96–187, § 111, designated existing provisions as subsec. (a), and in revising text, provided for solicitation of contributions; prescribed three categories of communications: (1) paid for and authorized by the candidate, (2) paid for by others but authorized by the candidate, and (3) not authorized by the candidate for prior two categories where (1) authorized and (2) not authorized by the candidate; struck out requirement for statement in accordance with regulations of Commission and in a conspicuous manner; and struck out from the communication not authorized by the candidate statement of name of affiliated or connected organization required to be disclosed under section 433 (b)(2) of this title.

Subsec. (b). Pub. L. 96–187, § 111, added subsec. (b).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as a note under section 431 of this title.

§ 441e. Contributions and donations by foreign nationals

(a) Prohibition

It shall be unlawful for—

(1) a foreign national, directly or indirectly, to make—

(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;

(B) a contribution or donation to a committee of a political party; or

(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 434(f)(3) of this title); or

(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

(b) "Foreign national" defined

As used in this section, the term ''foreign national'' means—

(1) a foreign principal, as such term is defined by section 611(b) of title 22, except that

the term ''foreign national'' shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States or a national of the United States (as defined in section 1101(a)(22) of title 8) and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.

(Pub. L. 92–225, title III, § 319, formerly § 324, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 493; renumbered § 319, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 107–155, title III, §§ 303, 317, Mar. 27, 2002, 116 Stat. 96, 109.)

PRIOR PROVISIONS

A prior section 319 of Pub. L. 92–225 was renumbered section 314, and is classified to section 439c of this title.

Another prior section 319 of Pub. L. 92–225 was renumbered section 318, and was classified to section 439b of this title, prior to repeal by Pub. L. 96–187.

AMENDMENTS

2002—Pub. L. 107–155, § 303(1), substituted ''Contributions and donations by foreign nationals'' for ''Contributions by foreign nationals'' in section catchline.

Subsec. (a). Pub. L. 107–155, § 303(2), added subsec. (a) and struck out former subsec. (a) which read as follows: '' It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.''

Subsec. (b)(2). Pub. L. 107–155, § 317, inserted ''or a national of the United States (as defined in section 1101(a)(22) of title 8)'' after ''United States''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441f. Contributions in name of another prohibited

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

(Pub. L. 92–225, title III, § 320, formerly § 325, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 320, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

PRIOR PROVISIONS

A prior section 320 of Pub. L. 92–225 was renumbered section 315, and is classified to section 441a of this title.

Another prior section 320 of Pub. L. 92–225 was classified to section 441 of this title, prior to repeal by Pub. L. 94–283.

Another prior section 320 of Pub. L. 92–225 was renumbered section 314, and is classified to section 439c of this title.

§ 441g. Limitation on contribution of currency

No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

(Pub. L. 92–225, title III, § 321, formerly § 326, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 321, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

PRIOR PROVISIONS

A prior section 321 of Pub. L. 92–225 was renumbered section 316, and is classified to section 441b of this title.

Another prior section 321 of Pub. L. 92–225 was renumbered section 320, and was classified to section 441 of this title, prior to repeal by Pub. L. 94–283.

§ 441h. Fraudulent misrepresentation of campaign authority

(a) In general

No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(b) Fraudulent solicitation of funds

No person shall—

(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(Pub. L. 92–225, title III, § 322, formerly § 327, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 322, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 107–155, title III, § 309, Mar. 27, 2002, 116 Stat. 104.)

PRIOR PROVISIONS

A prior section 322 of Pub. L. 92–225 was renumbered section 317, and is classified to section 441c of this title.

AMENDMENTS

2002—Pub. L. 107–155 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441i. Soft money of political parties

(a) National committees

(1) In general

A national committee of a political party (including a national congressional campaign

committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Applicability

The prohibition established by paragraph (1) applies to any such national committee, any officer or agent acting on behalf of such a national committee, and any entity that is directly or indirectly established, financed, maintained, or controlled by such a national committee.

(b) State, district, and local committees

(1) In general

Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or of individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Applicability

(A) In general

Notwithstanding clause (i) or (ii) of section 431(20)(A) of this title, and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the amounts expended or disbursed for such activity are allocated (under regulations prescribed by the Commission) among amounts—

(i) which consist solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act (other than amounts described in subparagraph (B)(iii)); and

(ii) other amounts which are not subject to the limitations, prohibitions, and reporting requirements of this Act (other than any requirements of this subsection).

(B) Conditions

Subparagraph (A) shall only apply if—

(i) the activity does not refer to a clearly identified candidate for Federal office;

(ii) the amounts expended or disbursed are not for the costs of any broadcasting, cable, or satellite communication, other than a communication which refers solely to a clearly identified candidate for State or local office;

(iii) the amounts expended or disbursed which are described in subparagraph (A)(ii) are paid from amounts which are donated in accordance with State law and which meet the requirements of subparagraph (C), except that no person (including any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district, or local committee of a political party in a calendar year for such expenditures or disbursements; and

(iv) the amounts expended or disbursed are made solely from funds raised by the State, local, or district committee which makes such expenditure or disbursement, and do not include any funds provided to such committee from—

(I) any other State, local, or district committee of any State party,

(II) the national committee of a political party (including a national congressional campaign committee of a political party),

(III) any officer or agent acting on behalf of any committee described in subclause (I) or (II), or

(IV) any entity directly or indirectly established, financed, maintained, or controlled by any committee described in subclause (I) or (II).

(C) Prohibiting involvement of national parties, Federal candidates and officeholders, and State parties acting jointly

Notwithstanding subsection (e) of this section (other than subsection (e)(3)), amounts specifically authorized to be spent under subparagraph (B)(iii) meet the requirements of this subparagraph only if the amounts—

(i) are not solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of this section; and

(ii) are not solicited, received, or directed through fundraising activities conducted jointly by 2 or more State, local, or district committees of any political party or their agents, or by a State, local, or district committee of a political party on behalf of the State, local, or district committee of a political party or its agent in one or more other States.

(c) Fundraising costs

An amount spent by a person described in subsection (a) or (b) of this section to raise funds that are used, in whole or in part, for expenditures and disbursements for a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

(d) Tax-exempt organizations

A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to—

(1) an organization that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of such title (or has submitted an application for determination of tax

exempt status under such section) and that makes expenditures or disbursements in connection with an election for Federal office (including expenditures or disbursements for Federal election activity); or

(2) an organization described in section 527 of such title (other than a political committee, a State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).

(e) Federal candidates

(1) In general

A candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not—

(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1), (2), and (3) of section 441a(a) of this title; and

(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.

(2) State law

Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual described in such paragraph who is or was also a candidate for a State or local office solely in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law and refers only to such State or local candidate, or to any other candidate for the State or local office sought by such candidate, or both.

(3) Fundraising events

Notwithstanding paragraph (1) or subsection (b)(2)(C) of this section, a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

(4) Permitting certain solicitations

(A) General solicitations

Notwithstanding any other provision of this subsection, an individual described in paragraph (1) may make a general solicitation of funds on behalf of any organization that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of such title (or has submitted an application for determination of tax exempt status under such section) (other than an entity whose principal purpose is to conduct activities described in clauses (i) and (ii) of section 431(20)(A) of this title) where such solicitation does not specify how the funds will or should be spent.

(B) Certain specific solicitations

In addition to the general solicitations permitted under subparagraph (A), an individual described in paragraph (1) may make a solicitation explicitly to obtain funds for carrying out the activities described in clauses (i) and (ii) of section 431(20)(A) of this title, or for an entity whose principal purpose is to conduct such activities, if—

(i) the solicitation is made only to individuals; and

(ii) the amount solicited from any individual during any calendar year does not exceed $20,000.

(f) State candidates

(1) In general

A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or individual may not spend any funds for a communication described in section 431(20)(A)(iii) of this title unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Exception for certain communications

Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both.

(Pub. L. 92–225, title III, §323, as added Pub. L. 107–155, title I, §101(a), Mar. 27, 2002, 116 Stat. 82.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

PRIOR PROVISIONS

A prior section 441i, Pub. L. 92–225, title III, §323, formerly §328, as added Pub. L. 94–283, title I, §112(2), May 11, 1976, 90 Stat. 494; amended Pub. L. 95–216, title V, §502(a), Dec. 20, 1977, 91 Stat. 1565; renumbered §323, Pub. L. 96–187, title I, §105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 97–51, §130(a), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98–63, title I, §908(g), July 30, 1983, 97 Stat. 338; Pub. L. 101–194, title VI, §601(b)(1), Nov. 30, 1989, 103 Stat. 1762; Pub. L. 101–280, §7(b)(1) [(d)(1)], May 4, 1990, 104 Stat. 161, related to acceptance of excessive honorariums, prior to repeal by Pub. L. 102–90, title I, §6(d), Aug. 14, 1991, 105 Stat. 451.

A prior section 323 of Pub. L. 92–225 was renumbered section 318, and is classified to section 441d of this title.

EFFECTIVE DATE

Section effective Nov. 6, 2002, except that subsec. (b) of this section not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, with transitional rules for the spending of soft money of national political parties, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 441j. Repealed. Pub. L. 96–187, title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

Section, Pub. L. 92–225, title III, § 329, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494, set forth provisions respecting penalties for violations of the Federal Election Campaign Act of 1971.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 8, 1980, see section 301(a) of Pub. L. 96–187, set out as an Effective Date of 1980 Amendment note under section 431 of this title.

§ 441k. Prohibition of contributions by minors

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.

(Pub. L. 92–225, title III, § 324, as added Pub. L. 107–155, title III, § 318, Mar. 27, 2002, 116 Stat. 109.)

PRIOR PROVISIONS

A prior section 324 of Pub. L. 92–225 was renumbered section 319, and is classified to section 441e of this title.

EFFECTIVE DATE

Section effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

§ 442. Authority to procure technical support and other services and incur travel expenses; payment of such expenses

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 72a(i) of this title, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation ''Miscellaneous Items'' under the heading ''Contingent Expenses of the Senate'' upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.

(Pub. L. 92–342, § 101, July 10, 1972, 86 Stat. 435.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, referred to in text, is Pub. L. 92–225, Feb. 7, 1972, 86 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 431 of this title and Tables.

CODIFICATION

Section was enacted as part of Legislative Branch Appropriation Act, 1973 and not as a part of Federal Election Campaign Act of 1971 which comprises this chapter.

SUBCHAPTER II—GENERAL PROVISIONS

§ 451. Extension of credit by regulated industries; regulations

The Secretary of Transportation, the Federal Communications Commission, and the Surface Transportation Board shall each maintain,[1] its own regulations with respect to the extension of credit, without security, by any person regulated by the Secretary under subpart II of part A of subtitle VII of title 49, or such Commission or Board, to any candidate for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

(Pub. L. 92–225, title IV, § 401, Feb. 7, 1972, 86 Stat. 19; Pub. L. 93–443, title II, § 201(b)(1), Oct. 15, 1974, 88 Stat. 1275; Pub. L. 103–272, § 4(a), July 5, 1994, 108 Stat. 1360; Pub. L. 104–88, title III, § 313, Dec. 29, 1995, 109 Stat. 948; Pub. L. 104–287, § 6(g), Oct. 11, 1996, 110 Stat. 3399.)

REFERENCES IN TEXT

Subpart II of part A of subtitle VII of title 49, referred to in text, is set out in section 41101 et seq. of Title 49, Transportation.

AMENDMENTS

1996—Pub. L. 104–287 substituted ''the Secretary'' for ''such Secretary''.

1995—Pub. L. 104–88 inserted ''or Board'' after ''or such Commission'' and substituted ''Surface Transportation Board shall each maintain'' for ''Interstate Commerce Commission shall each promulgate, within ninety days after February 7, 1972''.

1994—Pub. L. 103–272 substituted ''Secretary of Transportation'' for ''Civil Aeronautics Board'' and ''Secretary under subpart II of part A of subtitle VII of title 49, or such Commission,'' for ''Board or Commission''.

1974—Pub. L. 93–443 struck out ''(as such term is defined in section 431(c) of this title)'' after ''Federal office''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 452. Prohibition against use of certain Federal funds for election activities

No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity.

(Pub. L. 92–225, title IV, § 402, Feb. 7, 1972, 86 Stat. 19; Pub. L. 93–443, title II, § 201(b)(2), Oct. 15, 1974, 88 Stat. 1275.)

[1] So in original. The comma probably should not appear.

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in text, is Pub. L. 88–452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§ 2701 et seq.) of Title 42, The Public Health and Welfare, prior to repeal, except for titles VIII and X, by Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Act are classified generally to subchapters VIII (§ 2991 et seq.) and X (§ 2996 et seq.) of chapter 34 of Title 42. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1974—Pub. L. 93–443 struck out reference to section 431(a) and (c) of this title for definition of ''election'' and ''Federal office''.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of this title.

OFFICE OF ECONOMIC OPPORTUNITY

Pub. L. 93–644, § 9(a), Jan. 4, 1975, 88 Stat. 2310 [42 U.S.C. 2941], amended the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] to create the Community Services Administration, an independent agency in the executive branch, as the successor authority to the Office of Economic Opportunity, and provided that references to the Office of Economic Opportunity or to its Director were deemed to refer to the Community Services Administration or to its Director. The Community Services Administration was terminated when the Economic Opportunity Act of 1964, except for titles VIII and X, was repealed, effective Oct. 1, 1981, by section 683(a) of Pub. L. 97–35, title VI, Aug. 13, 1981, 95 Stat. 519, which is classified to 42 U.S.C. 9912(a). An Office of Community Services, headed by a Director, was established in the Department of Health and Human Services by section 676 of Pub. L. 97–35, which is classified to 42 U.S.C. 9905.

§ 453. State laws affected

(a) In general

Subject to subsection (b) of this section, the provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office.

(b) State and local committees of political parties

Notwithstanding any other provision of this Act, a State or local committee of a political party may, subject to State law, use exclusively funds that are not subject to the prohibitions, limitations, and reporting requirements of the Act for the purchase or construction of an office building for such State or local committee.

(Pub. L. 92–225, title IV, § 403, Feb. 7, 1972, 86 Stat. 20; Pub. L. 93–443, title III, § 301, Oct. 15, 1974, 88 Stat. 1289; Pub. L. 107–155, title I, § 103(b)(2), Mar. 27, 2002, 116 Stat. 87.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by section 431 of this title.

AMENDMENTS

2002—Pub. L. 107–155 designated existing provisions as subsec. (a), inserted heading, substituted ''Subject to subsection (b) of this section, the provisions of this Act'' for ''The provisions of this Act'', and added subsec. (b).

1974—Pub. L. 93–443 substituted provision for Pub. L. 92–225 and rules thereunder to supersede and preempt any provision of State law with respect to election to Federal office for prior provisions which in former subsec. (a) stated that nothing in Pub. L. 92–225 shall be deemed to invalidate or make inapplicable any provision of State law, except where compliance with such provision would result in a violation of Pub. L. 92–225 and in former subsec. (b) stated that no provision of State law shall be construed to prohibit any person from taking any action authorized by Pub. L. 92–225 or from making any expenditure which he could lawfully make under Pub. L. 92–225.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Oct. 15, 1974, see section 410(b) of Pub. L. 93–443, set out as a note under section 431 of this title.

§ 454. Partial invalidity

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 92–225, title IV, § 404, Feb. 7, 1972, 86 Stat. 20.)

REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as amended, as defined by, section 431 of this title.

SEVERABILITY

Pub. L. 107–155, title IV, § 401, Mar. 27, 2002, 116 Stat. 112, provided that: ''If any provision of this Act [see Short Title of 2002 Amendment note set out under section 431 of this title] or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.''

§ 455. Period of limitations

(a) No person shall be prosecuted, tried, or punished for any violation of subchapter I of this chapter, unless the indictment is found or the information is instituted within 5 years after the date of the violation.

(b) Notwithstanding any other provision of law—

(1) the period of limitations referred to in subsection (a) of this section shall apply with respect to violations referred to in such subsection committed before, on, or after the effective date of this section; and

(2) no criminal proceeding shall be instituted against any person for any act or omission which was a violation of any provision of subchapter I of this chapter, as in effect on December 31, 1974, if such act or omission does not constitute a violation of any such provision, as amended by the Federal Election Campaign Act Amendments of 1974.

Nothing in this subsection shall affect any proceeding pending in any court of the United States on January 1, 1975.

(Pub. L. 92–225, title IV, § 406, as added Pub. L. 93–443, title III, § 302, Oct. 15, 1974, 88 Stat. 1289; amended Pub. L. 94–283, title I, § 115(f), May 11, 1976, 90 Stat. 496; Pub. L. 107–155, title III, § 313(a), Mar. 27, 2002, 116 Stat. 106.)

REFERENCES IN TEXT

The Federal Election Campaign Act Amendments of 1974, referred to in subsec. (b)(2), is Pub. L. 93–433, Oct. 15, 1974, 88 Stat. 1263, as amended. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 431 of this title and Tables.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–155 substituted ''5 years'' for ''3 years''.

1976—Subsec. (a). Pub. L. 94–283, § 115(f)(1), struck out references to sections 608, 610, 611, 613, 614, 615, 616, and 617 of title 18.

Subsec. (b)(2). Pub. L. 94–283, § 115(f)(2), struck out references to sections 608, 610, 611, and 613 of title 18.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–155, title III, § 313(b), Mar. 27, 2002, 116 Stat. 106, provided that: ''The amendment made by this section [amending this section] shall apply to violations occurring on or after the effective date of this Act [for general effective date of Pub. L. 107–155, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 431 of this title].''

EFFECTIVE DATE

Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 431 of this title.

§ 456. Repealed. Pub. L. 94–283, title I, § 111, May 11, 1976, 90 Stat. 486

Section, Pub. L. 92–225, title IV, § 407, as added Pub. L. 93–443, title III, § 302, Oct. 15, 1974, 88 Stat. 1290, gave Commission additional enforcement authority by providing for disqualification of candidates for Federal office from elections for Federal office for a period of time following a finding by Commission that candidate failed to file a required report.

SAVINGS PROVISION

Repeal by Pub. L. 94–283 not to release or extinguish any penalty, forfeiture, or liability incurred under this section or penalty, with this section or penalty to be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability, see section 114 of Pub. L. 94–283, set out as a note under section 441 of this title.

CHAPTER 15—OFFICE OF TECHNOLOGY ASSESSMENT

Sec.
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472. Office of Technology Assessment.
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475. Powers of Office of Technology Assessment.
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§ 471. Congressional findings and declaration of purpose

The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and

(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

(1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

(2) utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

(Pub. L. 92–484, § 2, Oct. 13, 1972, 86 Stat. 797.)

SHORT TITLE

Section 1 of Pub. L. 92–484 provided: ''That this Act [enacting this chapter and amending section 1862 of Title 42, The Public Health and Welfare] may be cited as the 'Technology Assessment Act of 1972'.''

TERMINATION OF OFFICE OF TECHNOLOGY ASSESSMENT

Pub. L. 104–53, title I, §§ 113, 114, Nov. 19, 1995, 109 Stat. 526, provided that:

''SEC. 113. Upon enactment of this Act [Nov. 19, 1995] all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee's date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. Any day for which a former employee receives a payment under this section shall be counted as Federal service for purposes of determining entitlement to benefits, including retirement, annual and sick leave earnings, and health and life insurance. A statement in writing to the Director of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

''SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended [now chapters 1 to 11 of Title 40, Public

Buildings, Property, and Works and title III of the Act of June 30, 1949 (41 U.S.C. 251 et seq.)], or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of the Office (including the Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment), shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect shall submit a proposal to transfer such records and property to appropriate support agencies of the Legislative Branch which request such transfer, and shall carry out such transfer subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.''

§ 472. Office of Technology Assessment

(a) Creation

In accordance with the findings and declaration of purpose in section 471 of this title, there is hereby created the Office of Technology Assessment (hereinafter referred to as the ''Office'') which shall be within and responsible to the legislative branch of the Government.

(b) Composition

The Office shall consist of a Technology Assessment Board (hereinafter referred to as the ''Board'') which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) Functions and duties

The basic function of the Office shall be to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible, ascertain cause-and-effect relationships;

(3) identify alternative technological methods of implementing specific programs;

(4) identify alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraph (1) through (5) of this subsection; and

(8) undertake such additional associated activities as the appropriate authorities specified under subsection (d) of this section may direct.

(d) Initiation of assessment activities

Assessment activities undertaken by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

(e) Availability of information

Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate security statutes; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5.

(Pub. L. 92–484, § 3, Oct. 13, 1972, 86 Stat. 797.)

§ 473. Technology Assessment Board

(a) Membership

The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Execution of functions during vacancies; filling of vacancies

Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

(c) Chairman and vice chairman; selection procedure

The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

(d) Meetings; powers of Board

The Board is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, and upon a vote of a majority of its members, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary,

except that no recommendation shall be reported from the Board unless a majority of the Board assent. Subpenas may be issued over the signature of the chairman of the Board or of any voting member designated by him or by the Board, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Board or any voting member thereof may administer oaths or affirmations to witnesses.

(Pub. L. 92–484, § 4, Oct. 13, 1972, 86 Stat. 798.)

§ 474. Director of Office of Technology Assessment

(a) Appointment; term; compensation

The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(b) Powers and duties

In addition to the powers and duties vested in him by this chapter, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) Deputy Director; appointment; functions; compensation

The Director may appoint with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5.

(d) Restrictions on outside employment activities of Director and Deputy Director

Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this chapter.

(Pub. L. 92–484, § 5, Oct. 13, 1972, 86 Stat. 799.)

§ 475. Powers of Office of Technology Assessment

(a) Use of public and private personnel and organizations; formation of special ad hoc task forces; contracts with governmental, etc., agencies and instrumentalities; advance, progress, and other payments; utilization of services of voluntary and uncompensated personnel; acquisition, holding, and disposal of real and personal property; promulgation of rules and regulations

The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this chapter, including, but without being limited to, the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 5 of title 41;

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3324(a) and (b) of title 31;

(4) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Office and provide transportation and subsistence as authorized by section 5703 of title 5, for persons serving without compensation;

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from the exercise of authority granted by this chapter; and

(6) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Office.

(b) Recordkeeping by contractors and other parties entering into contracts and other arrangements with Office; availability of books and records to Office and Comptroller General for audit and examination

Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Office, and such books and records (and related documents and papers) shall be available to the Office and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination.

(c) Operation of laboratories, pilot plants, or test facilities

The Office, in carrying out the provisions of this chapter, shall not, itself, operate any laboratories, pilot plants, or test facilities.

(d) Requests to executive departments or agencies for information, suggestions, estimates, statistics, and technical assistance; duty of executive departments and agencies to furnish information, etc.

The Office is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this chapter. Each such executive department or agency shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Office upon its request.

(e) Requests to heads of executive departments or agencies for detail of personnel; reimbursement

On request of the Office, the head of any executive department or agency may detail, with or without reimbursement, any of its personnel to assist the Office in carrying out its functions under this chapter.

(f) Appointment and compensation of personnel

The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter.

(Pub. L. 92–484, § 6, Oct. 13, 1972, 86 Stat. 799.)

CODIFICATION

In subsec. (a)(3), ''section 3324(a) and (b) of title 31'' substituted for ''section 3648 of the Revised Statutes (31 U.S.C. 529)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 476. Technology Assessment Advisory Council

(a) Establishment; composition

The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the ''Council''). The Council shall be composed of the following twelve members:

(1) ten members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;

(2) the Comptroller General; and

(3) the Director of the Congressional Research Service of the Library of Congress.

(b) Duties

The Council, upon request by the Board, shall—

(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 472(d) of this title;

(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

(3) undertake such additional related tasks as the Board may direct.

(c) Chairman and Vice Chairman; election by Council from members appointed from public; terms and conditions of service

The Council by majority vote, shall elect from its members appointed under subsection (a)(1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

(d) Terms of office of members appointed from public; reappointment

The term of office of each member of the Council appointed under subsection (a)(1) of this section shall be four years except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Council under subsection (a)(1) of this section more than twice. Terms of the members appointed under subsection (a)(1) of this section shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

(e) Payment to Comptroller General and Director of Congressional Research Service of travel and other necessary expenses; payment to members appointed from public of compensation and reimbursement for travel, subsistence, and other necessary expenses

(1) The members of the Council other than those appointed under subsection (a)(1) of this section shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and payments when traveling on official business at not to exceed the payment prescribed in regulations implementing section 5702 and in[1] 5704 of title 5), and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, and regulations promulgated thereunder.

(2) The members of the Council appointed under subsection (a)(1) of this section shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided for other members of the Council under paragraph (1) of this subsection.

(Pub. L. 92–484, § 7, Oct. 13, 1972, 86 Stat. 800; Pub. L. 99–234, title I, § 107(a), Jan. 2, 1986, 99 Stat. 1759.)

AMENDMENTS

1986—Subsec. (e)(1). Pub. L. 99–234 substituted ''payments when traveling on official business at not to exceed the payment prescribed in regulations implementing section 5702 and in'' for ''a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and''.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–234 effective on effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99–234, set out as a note under section 5701 of Title 5, Government Organization and Employees.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year pe-

[1] So in original. Probably should be followed by ''section''.

riod, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§ 477. Utilization of services of Library of Congress

(a) Authority of Librarian to make available services and assistance of Congressional Research Service

To carry out the objectives of this chapter, the Librarian of Congress is authorized to make available to the Office such services and assistance of the Congressional Research Service as may be appropriate and feasible.

(b) Scope of services and assistance

Such services and assistance made available to the Office shall include, but not be limited to, all of the services and assistance which the Congressional Research Service is otherwise authorized to provide to the Congress.

(c) Services or responsibilities performed by Congressional Research Service for Congress not altered or modified; authority of Librarian to establish within Congressional Research Service additional divisions, etc.

Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the purpose of this chapter.

(d) Reimbursement for services and assistance

Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Librarian of Congress.

(Pub. L. 92–484, § 8, Oct. 13, 1972, 86 Stat. 801.)

§ 478. Utilization of the Government Accountability Office

(a) Authority of Government Accountability Office to furnish financial and administrative services

Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the Government Accountability Office.

(b) Scope of services and assistance

Such services and assistance to the Office shall include, but not be limited to, all of the services and assistance which the Government Accountability Office is otherwise authorized to provide to the Congress.

(c) Services or responsibilities performed by Government Accountability Office for Congress not altered or modified

Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Government Accountability Office under law performs for or on behalf of the Congress.

(d) Reimbursement for services and assistance

Services and assistance made available to the Office by the Government Accountability Office in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Comptroller General.

(Pub. L. 92–484, § 9, Oct. 13, 1972, 86 Stat. 802; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in section catchline and wherever appearing in text.

§ 479. Coordination of activities with National Science Foundation

The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment; and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(Pub. L. 92–484, § 10(a), Oct. 13, 1972, 86 Stat. 802.)

§ 480. Omitted

CODIFICATION

Section, Pub. L. 92–484, § 11, Oct. 13, 1972, 86 Stat. 802, which required the Office of Technology Assessment to submit an annual report to Congress on technology assessment and technological areas and programs requiring future analysis, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 10 of House Document No. 103–7.

§ 481. Authorization of appropriations; availability of appropriations

(a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

(Pub. L. 92–484, § 12, Oct. 13, 1972, 86 Stat. 803.)

CHAPTER 16—CONGRESSIONAL MAILING STANDARDS

Sec.
501. House Commission on Congressional Mailing Standards.
502. Select Committee on Standards and Conduct of the Senate.

§ 501. House Commission on Congressional Mailing Standards

(a) Establishment; designation

There is established a special commission of the House of Representatives, designated the ''House Commission on Congressional Mailing Standards'' (herein referred to as the ''Commission'').

(b) Membership; political party representation; Chairman; vacancies; quorum

The Commission shall be composed of six Members appointed by the Speaker of the House, three from the majority political party, and three from the minority political party, in the House. The Speaker shall designate as Chairman of the Commission, from among the members of the Committee on Post Office and Civil Service of the House, one of the Members appointed to the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. Four members of the Commission shall constitute a quorum to do business.

(c) Assistance and use of personnel, including chief counsel, of Committee on Post Office and Civil Service of the House

In performing its duties and functions, the Commission may use such personnel, office space, equipment, and facilities of, and obtain such other assistance from, the Committee on Post Office and Civil Service of the House, as such committee shall make available to the Commission. Such personnel and assistance shall include, in all cases, the services and assistance of the chief counsel or other head of the professional staff (by whatever title designated) of such committee. All assistance so furnished to the Commission by the Committee on Post Office and Civil Service shall be sufficient to enable the Commission to perform its duties and functions efficiently and effectively.

(d) Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations

The Commission shall provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), 3218, or 3219, in connection with the operation of section 3215, of title 39, and in connection with any other Federal law (other than any law which imposes any criminal penalty) or any rule of the House of Representatives relating to franked mail, upon the request of any Member of the House or Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any former Member of the House or former Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of title 39), or any other House official or former House official, entitled to send mail as franked mail under any of those sections. The Commission shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(e) Complaint of franked mail violations; investigation; notice and hearing; conclusiveness of findings; decision of Commission; judicial review; reference of certain violations to Committee on Standards of Official Conduct of the House for appropriate action and enforcement; administrative procedure regulations

Any complaint by any person that a violation of any section of title 39 referred to in subsection (d) of this section (or any other Federal law which does not include any criminal penalty or any rule of the House of Representatives relating to franked mail) is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d), shall contain pertinent factual material and shall conform to regulations prescribed by the Commission. The Commission, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The Commission shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the Commission. The Commission shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the Commission. Such findings of fact by the Commission on which its decision is based are binding and conclusive for all judicial and administrative purposes, including purposes of any judicial challenge or review. Any judicial review of such decision, if ordered on any ground, shall be limited to matters of law. If the Commission finds in its written decision, that a serious and willful violation has occurred or is about to occur, it may refer such decision to the Committee on Standards of Official Conduct of the House of Representatives for appropriate action and enforcement by the committee concerned in accordance with applicable rules and precedents of the House and such other standards as may be prescribed by such committee. In the case of a former Member of the House or a former Member-elect, a former Resident Commissioner or Delegate or Resident Commissioner-elect or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of title 39), or any other former House official, if the Commission finds in its written

decision that any serious and willful violation has occurred or is about to occur, then the Commission may refer the matter to any appropriate law enforcement agency or official for appropriate remedial action. Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (d) of this section as entitled to send mail as franked mail, except judicial review of the decisions of the Commission under this subsection. The Commission shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559, and 701–706, of title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

(f) Procedural considerations; sessions, place and time; subpenas, issuance and service; oaths and affirmations; testimony; printing and binding; expenditures; organizational and procedural regulations; majority assent

The Commission may sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths and affirmations, take such testimony, procure such printing and binding, and make such expenditures, as the Commission considers advisable. The Commission may make such rules respecting its organization and procedures as it considers necessary, except that no action shall be taken by the Commission unless a majority of the Commission assent. Subpenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

(g) Property of Commission; records; voting record; location of records, data, and files

The Commission shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the Commission shall be the property of the Commission and shall be kept in the offices of the Commission or such other places as the Commission may direct.

(Pub. L. 93–191, § 5, Dec. 18, 1973, 87 Stat. 742; Pub. L. 93–255, § 3(a), Mar. 27, 1974, 88 Stat. 52; Pub. L. 97–69, § 7, Oct. 26, 1981, 95 Stat. 1043.)

AMENDMENTS

1981—Subsec. (d). Pub. L. 97–69, § 7(a)(1), (b), inserted references to Federal laws (other than laws which impose criminal penalties), to rules of the House of Representatives relating to franked mail, to former Members of the House of Representatives or Members-elect, Resident Commissioners or Resident Commissioners-elect, Delegates or Delegates-elect, and former House officials, and to individuals designated by the Clerk of the House under section 3218 of title 39.

Subsec. (e). Pub. L. 97–69, § 7(a)(2), (c), inserted reference to Federal laws that do not include criminal penalties or rules of the House of Representatives relating to franked mail and inserted provision that, in the case of a former Member of the House or a former Member-elect, a former Resident Commissioner or Delegate or Resident Commissioner-elect or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of title 39), or any other former House official, if the Commission finds in its written decision that any serious and willful violation has occurred or is about to occur, then the Commission may refer the matter to any appropriate law enforcement agency or official for appropriate remedial action.

1974—Subsec. (d). Pub. L. 93–255 inserted reference to section 3219 of title 39.

EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as an Effective Date of 1973 Amendment note under section 3210 of Title 39, Postal Service.

ABOLITION OF HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Committee on Post Office and Civil Service of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on Post Office and Civil Service with respect to House Commission on Congressional Mailing Standards treated as referring to Committee on House Oversight, see section 1(b) of Pub. L. 104–14, set out as a note preceding section 21 of this title. Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 502. Select Committee on Standards and Conduct of the Senate

(a) Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations

The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), 3218, or 3219, and in connection with the operation of section 3215, of title 39, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Complaint of franked mail violations; investigation; notice and hearing; decision of select committee; enforcement

Any complaint filed by any person with the select committee that a violation of any section of title 39 referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a),

shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Administrative or judicial jurisdiction of civil actions respecting franking law violations or abuses of franking privilege dependent on filing of complaint with select committee and rendition of decision by such committee

Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) Administrative procedure regulations

The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551 to 559 and 701 to 706, of title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) Property of Senate; records of select committee; voting record; location of records, data, and files

The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

(Pub. L. 93–191, § 6, Dec. 18, 1973, 87 Stat. 744; Pub. L. 93–255, § 3(b), Mar. 27, 1974, 88 Stat. 52.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–255 inserted reference to section 3219 of title 39.

EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as an Effective Date of 1973 Amendment note under section 3210 of Title 39, Postal Service.

CHAPTER 17—CONGRESSIONAL BUDGET OFFICE

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§ 601. Establishment

(a) In general

(1) There is established an office of the Congress to be known as the Congressional Budget Office (hereinafter in this chapter referred to as the ''Office''). The Office shall be headed by a Director; and there shall be a Deputy Director who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director.

(2) The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committees on the Budget of the House and the Senate, without regard to political affiliation and solely on the basis of his fitness to perform his duties. The Deputy Director shall be appointed by the Director.

(3) The term of office of the Director shall be 4 years and shall expire on January 3 of the year preceding each Presidential election. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as Director at the expiration of a term may continue to serve until his successor is appointed. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him (and until his successor is appointed), unless sooner removed by the Director.

(4) The Director may be removed by either House by resolution.

(5)(A) The Director shall receive compensation at an annual rate of pay that is equal to the lower of—

(i) the highest annual rate of compensation of any officer of the Senate; or

(ii) the highest annual rate of compensation of any officer of the House of Representatives.

(B) The Deputy Director shall receive compensation at an annual rate of pay that is $1,000 less than the annual rate of pay received by the Director, as determined under subparagraph (A).

(b) Personnel

The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to perform any of the duties, powers, and functions imposed on the Office or on the Director. For purposes of pay (other than pay of the Director and Deputy Director) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

(c) Experts and consultants

In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5.

(d) Relationship to executive branch

The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services, facilities, and personnel with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

(e) Relationship to other agencies of Congress

In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the Government Accountability Office,[1] and the Library of Congress, and (upon agreement with them) to utilize their services, facilities, and personnel with or without reimbursement. The Comptroller General,[1] and the Librarian of Congress are authorized to provide the Office with the information, data, estimates, and statistics, and the services, facilities, and personnel, referred to in the preceding sentence.

(f) Revenue estimates

For the purposes of revenue legislation which is income, estate and gift, excise, and payroll taxes (i.e., Social Security), considered or enacted in any session of Congress, the Congressional Budget Office shall use exclusively during that session of Congress revenue estimates provided to it by the Joint Committee on Taxation. During that session of Congress such revenue estimates shall be transmitted by the Congressional Budget Office to any committee of the House of Representatives or the Senate requesting such estimates, and shall be used by such Committees in determining such estimates. The Budget Committees of the Senate and House shall determine all estimates with respect to scoring points of order and with respect to the execution of the purposes of this Act.

(g) Authorization of appropriations

There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with section 68 of this title, and upon vouchers approved by the Director.

(Pub. L. 93–344, title II, § 201, July 12, 1974, 88 Stat. 302; Pub. L. 99–177, title II, § 273, Dec. 12, 1985, 99 Stat. 1098, renumbered § 201(g) of Pub. L. 93–344, Pub. L. 101–508, title XIII, § 13202(b), Nov. 5, 1990, 104 Stat. 1388–615; Pub. L. 101–508, title XIII, § 13202(a), (c), Nov. 5, 1990, 104 Stat. 1388–615; Pub. L. 105–33, title X, § 10102, Aug. 5, 1997, 111 Stat. 678; Pub. L. 106–113, div. B, § 1000(a)(5) [title II, § 224], Nov. 29, 1999, 113 Stat. 1536, 1501A–299; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

This Act, referred to in subsec. (f), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Pub. L. 101–508, § 12302(b), transferred section 273 of Pub. L. 99–177, which was classified to section 921 of this title, to subsec. (g) (now (f)) of this section, relating to revenue estimates.

[1] So in original. Comma probably should not appear.

AMENDMENTS

2004—Subsec. (e). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

1999—Subsec. (a)(5). Pub. L. 106–113 amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5. The Deputy Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as so in effect, for level IV of the Executive Schedule in section 5315 of such title.''

1997—Subsec. (a)(3). Pub. L. 105–33, § 10102(a), substituted ''The term of office of the Director shall be 4 years and shall expire on January 3 of the year preceding each Presidential election.'' for ''The term of office of the Director first appointed shall expire at noon on January 3, 1979, and the terms of office of Directors subsequently appointed shall expire at noon on January 3 of each fourth year thereafter.''

Subsec. (e). Pub. L. 105–33, § 10102(b), inserted ''and'' before ''the Library'', struck out ''and the Office of Technology Assessment,'' after ''Library of Congress,'', inserted ''and'' before ''the Librarian'', and struck out '', and the Technology Assessment Board'' after ''Librarian of Congress''.

Subsecs. (f), (g). Pub. L. 105–33, § 10102(c), redesignated subsec. (g), relating to revenue estimates, as (f).

1990—Subsec. (f). Pub. L. 101–508, § 13202(a), redesignated subsec. (f), relating to authorization of appropriations, as (g).

Subsec. (g). Pub. L. 101–508, § 13202(a), redesignated subsec. (f), relating to authorization of appropriations, as (g).

Pub. L. 101–508, § 12302(b), (c), redesignated section 921 of this title as subsec. (g) of this section, inserted heading ''Revenue estimates'' and substituted ''this Act'' for ''this title and the Congressional Budget and Impoundment Control Act of 1974''.

EFFECTIVE DATE

Subsec. (a) effective July 12, 1974, see section 905(a) of Pub. L. 93–344, and subsecs. (b) to (f) effective on day on which first Director of Congressional Budget Office is appointed under subsec. (a), see section 905(a), (b) of Pub. L. 93–344, formerly set out as a note under section 621 of this title.

SHORT TITLE

Pub. L. 93–344, which enacted this chapter, to be cited in its entirety as the ''Congressional Budget and Impoundment Control Act of 1974'', with titles I through IX thereof to be cited as the ''Congressional Budget Act of 1974'', see section 1(a) of Pub. L. 93–344, set out as a note under section 621 of this title.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§ 602. Duties and functions

(a) Assistance to budget committees

It shall be the primary duty and function of the Office to provide to the Committees on the Budget of both Houses information which will assist such committees in the discharge of all matters within their jurisdictions, including (1) information with respect to the budget, appropriation bills, and other bills authorizing or providing new budget authority or tax expenditures, (2) information with respect to revenues, receipts, estimated future revenues and receipts, and changing revenue conditions, and (3) such related information as such Committee may request.

(b) Assistance to Committees on Appropriations, Ways and Means, and Finance

At the request of the Committee on Appropriations of either House, the Committee on Ways and Means of the House of Representatives, or the Committee on Finance of the Senate, the Office shall provide to such Committee any information which will assist it in the discharge of matters within its jurisdiction, including information described in clauses (1) and (2) of subsection (a) of this section and such related information as the Committee may request.

(c) Assistance to other committees and Members

(1) At the request of any other committee of the House of Representatives or the Senate or any joint committee of the Congress, the Office shall provide to such committee or joint committee any information compiled in carrying out clauses (1) and (2) of subsection (a) of this section, and, to the extent practicable, such additional information related to the foregoing as may be requested.

(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(A) a significant budgetary impact on State, local, or tribal governments;

(B) a significant financial impact on the private sector; or

(C) a significant employment impact on the private sector.

(3) At the request of any Member of the House or Senate, the Office shall provide to such Member any information compiled in carrying out clauses (1) and (2) of subsection (a) of this section, and, to the extent available, such additional information related to the foregoing as may be requested.

(d) Assignment of office personnel to committees and joint committees

At the request of the Committee on the Budget of either House, personnel of the Office shall be assigned, on a temporary basis, to assist such committee. At the request of any other committee of either House or any joint committee of the Congress, personnel of the Office may be assigned, on a temporary basis, to assist such committee or joint committee with respect to matters directly related to the applicable provisions of subsection (b) or (c) of this section.

(e) Reports to budget committees

(1) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the fiscal year commencing on October 1 of that year, with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and defi-

cits), (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year, and (C) a statement of the levels of budget authority and outlays for each program assumed to be extended in the baseline, as provided in section 907(b)(2)(A) of this title and for excise taxes assumed to be extended under section 907(b)(2)(C) of this title. Such report shall also include a discussion of national budget priorities, including alternative ways of allocating new budget authority and budget outlays for such fiscal year among major programs or functional categories, taking into account how such alternative allocations will meet major national needs and affect balanced growth and development of the United States.

(2) The Director shall from time to time submit to the Committees on the Budget of the House of Representatives and the Senate such further reports (including reports revising the report required by paragraph (1)) as may be necessary or appropriate to provide such Committees with information, data, and analyses for the performance of their duties and functions.

(3) On or before January 15 of each year, the Director, after consultation with the appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing (A) all programs and activities funded during the fiscal year ending September 30 of that calendar year for which authorizations for appropriations have not been enacted for that fiscal year, and (B) all programs and activities for which authorizations for appropriations have been enacted for the fiscal year ending September 30 of that calendar year, but for which no authorizations for appropriations have been enacted for the fiscal year beginning October 1 of that calendar year.

(f) Use of computers and other techniques

The Director may equip the Office with up-to-date computer capability (upon approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate), obtain the services of experts and consultants in computer technology, and develop techniques for the evaluation of budgetary requirements.

(g) Studies

(1) Continuing studies

The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

(2) Federal mandate studies

(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a legislative proposal containing a Federal mandate.

(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.

(Pub. L. 93–344, title II, § 202, July 12, 1974, 88 Stat. 304; Pub. L. 99–177, title II, § 221, Dec. 12, 1985, 99 Stat. 1060; Pub. L. 101–508, title XIII, § 13112(a)(3), Nov. 5, 1990, 104 Stat. 1388–608; Pub. L. 104–4, title I, § 102(1), Mar. 22, 1995, 109 Stat. 60; Pub. L. 104–186, title II, § 213, Aug. 20, 1996, 110 Stat. 1745; Pub. L. 105–33, title X, § 10103, Aug. 5, 1997, 111 Stat. 678.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–33, § 10103(a), inserted ''primary'' before ''duty'' in first sentence.

Subsec. (e). Pub. L. 105–33, § 10103(b), redesignated subsec. (f) as (e) and struck out heading and text of former subsec. (e). Text of par. (1) of subsec. (e) read as follows: ''The duties, functions, and personnel of the Joint Committee on Reduction of Federal Expenditures are transferred to the Office, and the Joint Committee is abolished.'' Par. (2) of subsec. (e) repealed section 571 of former Title 31, Money and Finance.

Subsec. (e)(1)(C). Pub. L. 105–33, § 10103(c), added subpar. (C).

Subsecs. (f) to (h). Pub. L. 105–33, § 10103(b), redesignated subsecs. (g) and (h) as (f) and (g), respectively.

1996—Subsec. (g). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

1995—Subsec. (c)(2), (3). Pub. L. 104–4, § 102(1)(A), added par. (2) and redesignated former par. (2) as (3).

Subsec. (h). Pub. L. 104–4, § 102(1)(B), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: ''The Director shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.''

1990—Subsecs. (a)(1), (f)(1). Pub. L. 101–508 substituted ''new budget authority'' for ''budget authority'' in subsec. (a)(1) and second sentence of subsec. (f)(1).

1985—Subsec. (f)(1). Pub. L. 99–177, § 221(a), substituted ''February 15'' for ''April 1''.

Subsec. (f)(3). Pub. L. 99–177, § 221(b), added par. (3).

Subsec. (h). Pub. L. 99–177, § 221(c), added subsec. (h).

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–4 effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104–4, set out as an Effective Date note under section 1511 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

EFFECTIVE DATE

Section effective on day on which first Director of Congressional Budget Office is appointed under section 601(a) of this title, see section 905(b) of Pub. L. 93–344, formerly set out as a note under section 621 of this title.

CREDIT REFORM

Pub. L. 100–119, title II, § 212, Sept. 29, 1987, 101 Stat. 787, provided that the Congressional Budget Office, in consultation with the General Accounting Office, was to study and report to Congress, as soon as practicable, on Federal direct loan and loan guarantee programs for fiscal years 1987 and 1988.

§ 603. Public access to budget data

(a) Right to copy

Except as provided in subsections (c), (d), and (e) of this section, the Director shall make all information, data, estimates, and statistics obtained under section 601(d) and (e) of this title available for public copying during normal business hours, subject to reasonable rules and regulations, and shall to the extent practicable, at the request of any person, furnish a copy of any such information, data, estimates, or statistics upon payment by such person of the cost of making and furnishing such copy.

(b) Index

The Director shall develop and maintain filing, coding, and indexing systems that identify the information, data, estimates, and statistics to which subsection (a) of this section applies and shall make such systems available for public use during normal business hours.

(c) Exceptions

Subsection (a) of this section shall not apply to information, data, estimates, and statistics—

(1) which are specifically exempted from disclosure by law; or

(2) which the Director determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

(d) Information obtained for committees and Members

Subsection (a) of this section shall apply to any information, data, estimates, and statistics obtained at the request of any committee, joint committee, or Member unless such committee, joint committee, or Member has instructed the Director not to make such information, data, estimates, or statistics available for public copying.

(e) Level of confidentiality

With respect to information, data, estimates, and statistics obtained under sections 601(d) and 601(e) of this title, the Director shall maintain the same level of confidentiality as is required by law of the department, agency, establishment, or regulatory agency or commission from which it is obtained. Officers and employees of the Congressional Budget Office shall be subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the department, agency, establishment, or regulatory agency or commission from which it is obtained.

(Pub. L. 93–344, title II, § 203, July 12, 1974, 88 Stat. 305; Pub. L. 106–554, § 1(a)(7) [title III, § 310(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–639.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106–554, § 1(a)(7) [title III, § 310(b)(2)], substituted ''subsections (c), (d), and (e)'' for ''subsections (c) and (d)''.

Subsec. (e). Pub. L. 106–554, § 1(a)(7) [title III, § 310(b)(1)], added subsec. (e).

EFFECTIVE DATE

Section effective on day on which first Director of Congressional Budget Office is appointed under section 601(a) of this title, see section 905(b) of Pub. L. 93–344, formerly set out as a note under section 621 of this title.

§ 604. Omitted

CODIFICATION

Section, Pub. L. 94–440, title V, § 500, Oct. 1, 1976, 90 Stat. 1452, the Legislative Appropriation Act, 1977, which authorized the Congressional Budget Office to contract without regard to section 5 of Title 41, Public Contracts, applied to fiscal year 1977 and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation act:

Pub. L. 94–157, title I, Dec. 18, 1975, 89 Stat. 834.

§ 605. Sale or lease of property, supplies, or services

(a) Any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease to the Congress subject to section 111b of this title.

(b) Subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1996.

(Pub. L. 104–197, title I, § 104, Sept. 16, 1996, 110 Stat. 2404.)

REFERENCES IN TEXT

Section 111b of this title, referred to in subsec. (a), was in the original a reference to section 903 of the Supplemental Appropriations Act, 1983, Pub. L. 98–63, title I, July 30, 1983, 97 Stat. 336, which is classified to section 111b of this title and in part as a note set out under section 111b of this title.

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 104–53, title I, Nov. 19, 1995, 109 Stat. 527.
Pub. L. 103–283, title I, July 22, 1994, 108 Stat. 1433.
Pub. L. 103–69, title I, Aug. 11, 1993, 107 Stat. 701.
Pub. L. 102–392, title I, Oct. 6, 1992, 106 Stat. 1713.
Pub. L. 102–90, title I, Aug. 14, 1991, 105 Stat. 458.
Pub. L. 101–520, title I, Nov. 5, 1990, 104 Stat. 2266.
Pub. L. 101–163, title I, Nov. 21, 1989, 103 Stat. 1054.
Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2169.
Pub. L. 100–202, § 101(i) [title I], Dec. 22, 1987, 101 Stat. 1329–290, 1329–300.
Pub. L. 99–500, § 101(j) [H.R. 5203, title I], Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287.
Pub. L. 99–151, title I, Nov. 13, 1985, 99 Stat. 800.
Pub. L. 98–367, title I, July 17, 1984, 98 Stat. 482.

§ 606. Disposition of surplus or obsolete property

(a) The Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year.

(b) Subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1996.

(Pub. L. 104–197, title I, § 105, Sept. 16, 1996, 110 Stat. 2404; Pub. L. 107–68, title I, § 126, Nov. 12, 2001, 115 Stat. 577.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 104–53, title I, Nov. 19, 1995, 109 Stat. 527.
Pub. L. 103–283, title I, July 22, 1994, 108 Stat. 1433.
Pub. L. 103–69, title I, Aug. 11, 1993, 107 Stat. 701.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107–68 substituted ''sale, trade-in, or discarding'' for ''or discarding'' and inserted at end ''Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year.''

§ 607. Lump-sum payments for annual leave to separated employees

(a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to separated employees of the Congressional Budget Office for unused annual leave.

(b) Subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1996.

(Pub. L. 104–197, title I, § 106, Sept. 16, 1996, 110 Stat. 2404.)

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriations Act, 1997, which is title I of the Legislative Branch Appropriations Act, 1997, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

§ 608. Lump-sum payments to enhance staff recruitment and to reward exceptional performance

(a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to enhance staff recruitment and to reward exceptional performance by an employee or a group of employees.

(b) Subsection (a) of this section shall apply with respect to fiscal years beginning after September 30, 1999.

(Pub. L. 106–57, title I, § 106, Sept. 29, 1999, 113 Stat. 418.)

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriations Act, 2000, which is title I of the Legislative Branch Appropriations Act, 2000, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

§ 609. Employee training

(a) In general

The Director of the Congressional Budget Office may, by regulation, make applicable such

provisions of chapter 41 of title 5 as the Director determines necessary to provide on and after November 12, 2001, for training of individuals employed by the Congressional Budget Office.

(b) Regulations

The implementing regulations shall provide for training that, in the determination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5.

(c) Recovery of debt

Any recovery of debt owed to the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for salaries and expenses of the Office at the time of recovery.

(d) Applicability

This section shall apply to fiscal year 2002 and each fiscal year thereafter.

(Pub. L. 107–68, title I, § 125, Nov. 12, 2001, 115 Stat. 577.)

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

§ 610. Repayment of student loan on behalf of employee

(a) Authorization

The Director of the Congressional Budget Office may, in order to recruit or retain qualified personnel, establish and maintain on and after November 12, 2001, a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

(b) Regulations

The Director may, by regulation, make applicable such provisions of section 5379 of title 5 as the Director determines necessary to provide for such program.

(c) Maximum amount

The regulations shall provide the amount paid by the Office may not exceed—

(1) $6,000 for any employee in any calendar year; or

(2) a total of $40,000 in the case of any employee.

(d) Limitation

The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

(e) Accounting

Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

(f) Applicability

This section shall apply to fiscal year 2002 and each fiscal year thereafter.

(Pub. L. 107–68, title I, § 127, Nov. 12, 2001, 115 Stat. 577.)

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

§ 611. Employee development program

(a) Establishment

The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of section 3396 of title 5 as the Director determines necessary to establish a program providing opportunities for employees of the Office to engage in details or other temporary assignments in other agencies, study, or uncompensated work experience which will contribute to the employees' development and effectiveness.

(b) Effective date

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108–7, div. H, title I, § 1101, Feb. 20, 2003, 117 Stat. 370.)

CODIFICATION

Section was enacted as part of the Legislative Branch Appropriations Act, 2003, which is div. H of the Consolidated Appropriations Resolution, 2003, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

CHAPTER 17A—CONGRESSIONAL BUDGET AND FISCAL OPERATIONS

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621. Congressional declaration of purpose.
622. Definitions.
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651. Budget-related legislation not subject to appropriations.
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SUBCHAPTER IV—BUDGET AGREEMENT ENFORCEMENT PROVISIONS

665 to 665e. Repealed.

§ 621. Congressional declaration of purpose

The Congress declares that it is essential—

(1) to assure effective congressional control over the budgetary process;

(2) to provide for the congressional determination each year of the appropriate level of Federal revenues and expenditures;

(3) to provide a system of impoundment control;

(4) to establish national budget priorities; and

(5) to provide for the furnishing of information by the executive branch in a manner that will assist the Congress in discharging its duties.

(Pub. L. 93–344, § 2, July 12, 1974, 88 Stat. 298.)

CODIFICATION

Section was formerly classified to section 1301 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

EFFECTIVE DATE

Section 905 of Pub. L. 93–344 provided effective dates for Pub. L. 93–344 prior to repeal by Pub. L. 105–33, title X, § 10120(a), Aug. 5, 1997, 111 Stat. 696.

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–141, § 1, Dec. 7, 1999, 113 Stat. 1699, provided that: ''This Act [amending sections 658b and 658c of this title] may be cited as the 'State Flexibility Clarification Act'.''

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97–108, § 1, Dec. 23, 1981, 95 Stat. 1510, provided: ''That this Act [amending section 653 of this title and enacting provisions set out as notes under section 653 of this title] may be cited as the 'State and Local Government Cost Estimate Act of 1981'.''

SHORT TITLE

Pub. L. 93–344, § 1(a), July 12, 1974, 88 Stat. 297, as amended by Pub. L. 104–130, § 4(a), Apr. 9, 1996, 110 Stat. 1211, provided that: ''This Act [enacting chapters 17, 17A and 17B, and section 190a–3 of this title, and sections 11a, 11c, 11d, and 1020a of former Title 31, amending section 105 of Title 1, General Provisions, sections 190b and 190d of this title, and sections 11, 665, 701, 1020, and 1151, 1152, 1153, and 1154 of former Title 31, repealing sections 66 and 81 of this title, and sections 571 and 581c–1 of former Title 31, and enacting provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, General Provisions, and 1020 of former Title 31] may be cited as the 'Congressional Budget and Impoundment Control Act of 1974'. Titles I through IX may be cited as the 'Congressional Budget Act of 1974', and title X [enacting chapter 17B of this title] may be cited as the 'Impoundment Control Act of 1974'.''

[Amendment of section 1(a) of Pub. L. 93–344, set out above, by Pub. L. 104–130 was reversed pursuant to section 5 of Pub. L. 104–130, set out as an Effective and Termination Dates note under section 691 of this title.]

Pub. L. 93–344, title V, § 500, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–609, provided that: ''This title [enacting subchapter III of this chapter] may be cited as the 'Federal Credit Reform Act of 1990'.''

FINANCIAL SAFETY AND SOUNDNESS OF GOVERNMENT-SPONSORED ENTERPRISES

Pub. L. 101–508, title XIII, § 13501, Nov. 5, 1990, 104 Stat. 1388–628, provided that:

''(a) DEFINITION.—For purposes of this section, the terms 'Government-sponsored enterprise' and 'GSE' mean the Farm Credit System (including the Farm Credit Banks, Banks for Cooperatives, and Federal Agricultural Mortgage Corporation), the Federal Home Loan Bank System, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Student Loan Marketing Association.

''(b) TREASURY DEPARTMENT STUDY AND PROPOSED LEGISLATION.—

''(1) The Department of the Treasury shall prepare and submit to Congress no later than April 30, 1991, a study of GSEs and recommended legislation.

''(2) The study shall include an objective assessment of the financial soundness of GSEs, the adequacy of the existing regulatory structure for GSEs, the financial exposure of the Federal Government posed by GSEs, and the effects of GSE activities on Treasury borrowing.

''(c) CONGRESSIONAL BUDGET OFFICE STUDY.—

''(1) The Congressional Budget Office shall prepare and submit to Congress no later than April 30, 1991, a study of GSEs.

''(2) The study shall include an analysis of the financial risks each GSE assumes, how Congress may improve its understanding of those risks, the supervision and regulation of GSEs' risk management, the financial exposure of the Federal Government posed by GSEs, and the effects of GSE activities on Treasury borrowing. The study shall also include an analysis of alternative models for oversight of GSEs and of the costs and benefits of each alternative model to the Government and to the markets and beneficiaries served by GSEs.

''(d) ACCESS TO RELEVANT INFORMATION.—

''(1) For the studies required by this section, each GSE shall provide full and prompt access to the Secretary of the Treasury and the Director of the Congressional Budget Office to its books and records and

other information requested by the Secretary of the Treasury or the Director of the Congressional Budget Office.

''(2) In preparing the studies required by this section, the Secretary of the Treasury and the Director of the Congressional Budget Office may request information from, or the assistance of, any Federal department or agency authorized by law to supervise the activities of a GSE.

''(e) CONFIDENTIALITY OF RELEVANT INFORMATION.—

''(1) The Secretary of the Treasury and the Director of the Congressional Budget Office shall determine and maintain the confidentiality of any book, record, or information made available by a GSE under this section in a manner consistent with the level of confidentiality established for the material by the GSE involved.

''(2) The Department of the Treasury shall be exempt from section 552 of title 5, United States Code, for any book, record, or information made available under subsection (d) and determined by the Secretary of the Treasury to be confidential under this subsection.

''(3) Any officer or employee of the Department of the Treasury shall be subject to the penalties set forth in section 1906 of title 18, United States Code, if—

''(A) by virtue of his or her employment or official position, he or she has possession of or access to any book, record, or information made available under and determined to be confidential under this section; and

''(B) he or she discloses the material in any manner other than—

''(i) to an officer or employee of the Department of the Treasury; or

''(ii) pursuant to the exception set forth in such section 1906.

''(4) The Congressional Budget Office shall be exempt from section 203 of the Congressional Budget Act of 1974 [2 U.S.C. 603] with respect to any book, record, or information made available under this subsection and determined by the Director to be confidential under paragraph (1).

''(f) REQUIREMENT TO REPORT LEGISLATION.—(1) The committees of jurisdiction in the House shall prepare and report to the House no later than September 15, 1991, legislation to ensure the financial soundness of GSEs and to minimize the possibility that a GSE might require future assistance from the Government.

''(2) It is the sense of the Senate that the committees of jurisdiction in the Senate shall prepare and report to the Senate no later than September 15, 1991, legislation to ensure the financial safety and soundness of GSEs and to minimize the possibility that a GSE might require future assistance from the Government.

''(f) [sic] PRESIDENT'S BUDGET.—The President's annual budget submission shall include an analysis of the financial condition of the GSEs and the financial exposure of the Government, if any, posed by GSEs.''

MULTIYEAR AUTHORIZATIONS AND 2-YEAR APPROPRIATIONS FOR SELECTED AGENCIES AND ACCOUNTS

Pub. L. 100–119, title II, §201, Sept. 29, 1987, 101 Stat. 784, provided that: ''It is the sense of the Congress that the Congress should undertake an experiment with multiyear authorizations and 2-year appropriations for selected agencies and accounts. An evaluation of the efficacy and desirability of such experiment should be conducted at the end of the 2-year period. The appropriate committees are directed to develop a plan in consultation with the leadership of the House and Senate to implement this experiment.''

FINANCIAL MANAGEMENT REFORM

Pub. L. 100–119, title II, §203, Sept. 29, 1987, 101 Stat. 784, provided that: ''It is the sense of the Congress that the Congress should undertake a coordinated effort to identify problems and develop specific recommendations to reform the financial management systems of the United States Government, including consideration of the use of generally accepted accounting principles.''

EXERCISE OF CONGRESSIONAL RULEMAKING POWER

Pub. L. 93–344, title IX, §904, July 12, 1974, 88 Stat. 331, as amended by Pub. L. 99–177, title II, §271(a), Dec. 12, 1985, 99 Stat. 1094; Pub. L. 101–508, title XIII, §§13112(a)(11), 13208(a), Nov. 5, 1990, 104 Stat. 1388–608, 1388–619; Pub. L. 104–130, §4(c), Apr. 9, 1996, 110 Stat. 1212; Pub. L. 105–33, title X, §10119, Aug. 5, 1997, 111 Stat. 695, provided that:

''(a) The provisions of this title and of titles I, III, IV, and V and the provisions of sections 701, 703, and 1017 [enacting this chapter (except subchapter IV) and sections 190a–3 and 688 of this title, amending the Rules of the House of Representatives and the Standing Rules of the Senate, and sections 190b and 190d of this title, and enacting provisions set out as notes under this section and sections 190a–1 and 632 of this title] are enacted by the Congress—

''(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

''(b) Any provision of title III or IV [enacting subchapters I and II of this chapter] may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by the unanimous consent of the Senate.

''(c) WAIVERS.—

''(1) PERMANENT.—Sections 305(b)(2), 305(c)(4), 306, 310(d)(2), 313, 904(c), and 904(d) of this Act [sections 636(b)(2), (c)(4), 637, 641(d)(2), and 644 of this title and subsecs. (c) and (d) of this note] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(2) TEMPORARY.—Sections 301(i), 302(c), 302(f), 310(g), 311(a), 312(b), and 312(c) of this Act [sections 632(i), 633(c), (f), 641(g), 642(a), and 643(b), (c) of this title] and sections 258(a)(4)(C), 258A(b)(3)(C)(I) [(i)], 258B(f)(1), 258B(h)(1), 258(h)(3) [258B(h)(3)], 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 [sections 907a(a)(4)(C), 907b(b)(3)(C)(i), 907c(f)(1), (h)(1), (3), and 907d(a)(5), (b)(1) of this title] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(d) APPEALS.—

''(1) PROCEDURE.—Appeals in the Senate from the decisions of the Chair relating to any provision of title III or IV [enacting subchapters I and II of this chapter] or section 1017 [section 688 of this title] shall, except as otherwise provided therein, be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, concurrent resolution, reconciliation bill, or rescission bill, as the case may be.

''(2) PERMANENT.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under sections 305(b)(2), 305(c)(4), 306, 310(d)(2), 313, 904(c), and 904(d) of this Act [sections 636(b)(2), (c)(4), 637, 641(d)(2), 644 of this title and subsecs. (c) and (d) of this note].

''(3) TEMPORARY.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under sections 301(i), 302(c), 302(f), 310(g), 311(a), 312(b), and

312(c) of this Act and sections 258(a)(4)(C), 258A(b)(3)(C)(I) [(i)], 258B(f)(1), 258B(h)(1), 258(h)(3) [258B(h)(3)], 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(e) EXPIRATION OF CERTAIN SUPERMAJORITY VOTING REQUIREMENTS.—Subsections (c)(2) and (d)(3) shall expire on September 30, 2002.''

[Amendment of section 904 of Pub. L. 93–344, set out above, by Pub. L. 104–130 was reversed pursuant to section 5 of Pub. L. 104–130, set out as an Effective and Termination Dates note under section 691 of this title.]

§ 622. Definitions

For purposes of this Act—

(1) The terms ''budget outlays'' and ''outlays'' mean, with respect to any fiscal year, expenditures and net lending of funds under budget authority during such year.

(2) BUDGET AUTHORITY AND NEW BUDGET AUTHORITY.—

(A) IN GENERAL.—The term ''budget authority'' means the authority provided by Federal law to incur financial obligations, as follows:

(i) provisions of law that make funds available for obligation and expenditure (other than borrowing authority), including the authority to obligate and expend the proceeds of offsetting receipts and collections;

(ii) borrowing authority, which means authority granted to a Federal entity to borrow and obligate and expend the borrowed funds, including through the issuance of promissory notes or other monetary credits;

(iii) contract authority, which means the making of funds available for obligation but not for expenditure; and

(iv) offsetting receipts and collections as negative budget authority, and the reduction thereof as positive budget authority.

(B) LIMITATIONS ON BUDGET AUTHORITY.—With respect to the Federal Hospital Insurance Trust Fund, the Supplementary Medical Insurance Trust Fund, the Unemployment Trust Fund, and the railroad retirement account, any amount that is precluded from obligation in a fiscal year by a provision of law (such as a limitation or a benefit formula) shall not be budget authority in that year.

(C) NEW BUDGET AUTHORITY.—The term ''new budget authority'' means, with respect to a fiscal year—

(i) budget authority that first becomes available for obligation in that year, including budget authority that becomes available in that year s[1] a result of a reappropriation; or

(ii) a change in any account in the availability of unobligated balances of budget authority carried over from a prior year, resulting from a provision of law first effective in that year;

and includes a change in the estimated level of new budget authority provided in indefinite amounts by existing law.

(3) The term ''tax expenditures'' means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability; and the term ''tax expenditures budget'' means an enumeration of such tax expenditures.

(4) The term ''concurrent resolution on the budget'' means—

(A) a concurrent resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 632 of this title; and

(B) any other concurrent resolution revising the congressional budget for the United States Government for a fiscal year as described in section 635 of this title.

(5) The term ''appropriation Act'' means an Act referred to in section 105 of title 1.

(6) The term ''deficit'' means, with respect to a fiscal year, the amount by which outlays exceeds[2] receipts during that year.

(7) The term ''surplus'' means, with respect to a fiscal year, the amount by which receipts exceeds[2] outlays during that year.

(8) The term ''government-sponsored enterprise'' means a corporate entity created by a law of the United States that—

(A)(i) has a Federal charter authorized by law;

(ii) is privately owned, as evidenced by capital stock owned by private entities or individuals;

(iii) is under the direction of a board of directors, a majority of which is elected by private owners;

(iv) is a financial institution with power to—

(I) make loans or loan guarantees for limited purposes such as to provide credit for specific borrowers or one sector; and

(II) raise funds by borrowing (which does not carry the full faith and credit of the Federal Government) or to guarantee the debt of others in unlimited amounts; and

(B)(i) does not exercise powers that are reserved to the Government as sovereign (such as the power to tax or to regulate interstate commerce);

(ii) does not have the power to commit the Government financially (but it may be a recipient of a loan guarantee commitment made by the Government); and

(iii) has employees whose salaries and expenses are paid by the enterprise and are not Federal employees subject to title 5.

(9) The term ''entitlement authority'' means—

(A) the authority to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing that authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by that law; and

(B) the food stamp program.

[1] So in original. Probably should be ''as''.

[2] So in original. Probably should be ''exceed''.

(10) The term ''credit authority'' means authority to incur direct loan obligations or to incur primary loan guarantee commitments.

(Pub. L. 93–344, § 3, July 12, 1974, 88 Stat. 299; Aug. 1, 1946, ch. 724, title I, § 302(c), as added Aug. 30, 1954, ch. 1073, § 1, as added Pub. L. 95–110, § 1, Sept. 20, 1977, 91 Stat. 884, renumbered title I, Pub. L. 102–486, title IX, § 902(a)(8), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 99–177, title II, §§ 201(a), 232(b), Dec. 12, 1985, 99 Stat. 1039, 1062; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–119, title I, § 106(a), Sept. 29, 1987, 101 Stat. 780; Pub. L. 100–203, title VIII, § 8003(c), Dec. 22, 1987, 101 Stat. 1330–282; Pub. L. 101–508, title XIII, §§ 13112(a)(2), 13201(b)(1), 13211(a), Nov. 5, 1990, 104 Stat. 1388–607, 1388–614, 1388–620; Pub. L. 105–33, title X, § 10101, Aug. 5, 1997, 111 Stat. 678.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1302 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Par. (9). Pub. L. 105–33 amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''The term 'entitlement authority' means spending authority described by section 651(c)(2)(C) of this title.''

1990—Par. (2). Pub. L. 101–508, § 13211(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''The term 'budget authority' means authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds or to collect offsetting receipts., except that such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government. The term includes the cost for direct loan and loan guarantee programs, as those terms are defined by subchapter III of this chapter''.

Pub. L. 101–508, § 13201(b)(1), inserted at end: ''The term includes the cost for direct loan and loan guarantee programs, as those terms are defined by subchapter III of this chapter''.

Pars. (6) to (8). Pub. L. 101–508, § 13112(a)(2), added pars. (6) to (8) and struck out former par. (6) which defined ''deficit'' and contained provisions relating to calculation of the deficit, former par. (7) which defined ''maximum deficit amount'', and former par. (8) which defined ''off-budget Federal entity''.

1987—Par. (7)(C). Pub. L. 100–203, § 8003(c)(1), (2), redesignated subpar. (D) as (C). Former subpar. (C), which provided for maximum deficit amount of $108,000,000,000 for fiscal year beginning Oct. 1, 1987, was struck out.

Par. (7)(D) to (I). Pub. L. 100–203, § 8003(c)(2)–(7), redesignated subpars. (E) to (I) as (D) to (H), respectively. Former subpar. (D) redesignated (C).

Pub. L. 100–119 inserted subpars. (D) to (I) and struck out former subpars. (D) to (F) which read as follows:

''(D) with respect to the fiscal year beginning October 1, 1988, $72,000,000,000;

''(E) with respect to the fiscal year beginning October 1, 1989, $36,000,000,000; and

''(F) with respect to the fiscal year beginning October 1, 1990, zero.''

1986—Par. (6). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1985—Par. (2). Pub. L. 99–177, § 201(a)(2), inserted reference to the collection of offsetting receipts, effective Apr. 15, 1986.

Par. (4). Pub. L. 99–177, § 232(b), struck out subpar. (B) relating to concurrent resolutions as provided in section 641 of this title, and redesignated subpar. (C) as (B).

Pars. (6) to (10). Pub. L. 99–177, § 201(a)(1), added pars. (6) to (10).

1977—Pub. L. 95–110 struck out designation ''(a)'' before ''For the purpose of this chapter'' and struck out subsec. (b) which provided that Members of the respective Houses of Congress who were members of the Joint Committee on Atomic Energy were to be treated as standing committees of their respective Houses of Congress.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 13211(b) of Pub. L. 101–508 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective for fiscal year 1992 and subsequent fiscal years.''

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by sections 201(a)(1) and 232(b) of Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, and amendment by section 201(a)(2) of Pub. L. 99–177 effective Apr. 15, 1986, see section 275(a)(1), (2)(A) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

§ 623. Continuing study of additional budget reform proposals

(a) The Committees on the Budget of the House of Representatives and the Senate shall study on a continuing basis proposals designed to improve and facilitate methods of congressional budgetmaking. The proposals to be studied shall include, but are not limited to, proposals for—

(1) improving the information base required for determining the effectiveness of new programs by such means as pilot testing survey research, and other experimental and analytical techniques;

(2) improving analytical and systematic evaluation of the effectiveness of existing programs;

(3) establishing maximum and minimum time limitations for program authorization; and

(4) developing techniques of human resource accounting and other means of providing noneconomic as well as economic evaluation measures.

(b) The Committee on the Budget of each House shall, from time to time, report to its House the results of the study carried on by it under subsection (a) of this section, together with its recommendations.

(c) Nothing in this section shall preclude studies to improve the budgetary process by any

other committee of the House of Representatives or the Senate or any joint committee of the Congress.

(Pub. L. 93–344, title VII, § 703, July 12, 1974, 88 Stat. 326.)

CODIFICATION

Section was formerly classified to section 1303 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

SUBCHAPTER I—CONGRESSIONAL BUDGET PROCESS

§ 631. Timetable

The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before:	Action to be completed:
First Monday in February.	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports concurrent resolution on the budget.
April 15	Congress completes action on concurrent resolution on the budget.
May 15	Annual appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.

(Pub. L. 93–344, title III, § 300, July 12, 1974, 88 Stat. 306; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1040; Pub. L. 101–508, title XIII, § 13112(a)(4), Nov. 5, 1990, 104 Stat. 1388–608; Pub. L. 105–33, title X, § 10104(a), Aug. 5, 1997, 111 Stat. 679.)

CODIFICATION

Section was formerly classified to section 1321 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Pub. L. 105–33 substituted ''Not later than 6 weeks after President submits budget'' for ''February 25''.

1990—Pub. L. 101–508 substituted ''First Monday in February'' for ''First Monday after January 3''.

1985—Pub. L. 99–177 amended section generally. Prior to the amendment the timetable was on or before: November 10—President submits current services budget; 15th day after Congress meets—President submits his budget; March 15—Committees and joint committees submit reports to Budget Committees; April 1—Congressional Budget Office submits reports to Budget Committees; April 15—Budget Committees report first concurrent resolution on the budget to their Houses; May 15—Committees report bills and resolutions authorizing new budget authority; May 15—Congress completes action on first concurrent resolution on the budget; 7th day after Labor Day—Congress completes action on bills and resolutions providing new budget authority and new spending authority; September 15—Congress completes action on second required concurrent resolution on the budget; September 25—Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution; October 1—Fiscal year begins.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

EFFECTIVE DATE

Subchapter applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, formerly set out as a note under section 632 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, formerly set out as an Effective Date note under section 621 of this title.

§ 632. Annual adoption of concurrent resolution on the budget

(a) Content of concurrent resolution on the budget

On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The concurrent resolution shall set forth appropriate levels for the fiscal year beginning on October 1 of such year and for at least each of the 4 ensuing fiscal years for the following—

(1) totals of new budget authority and outlays;

(2) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(3) the surplus or deficit in the budget;

(4) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to paragraph (1);

(5) the public debt;

(6) For[1] purposes of Senate enforcement under this subchapter, outlays of the old-age, survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C. 401 et seq.] for the fiscal year of the resolution and for each of the 4 succeeding fiscal years; and

(7) For[1] purposes of Senate enforcement under this subchapter, revenues of the old-age, survivors, and disability insurance program established under title II of the Social Security Act (and the related provisions of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.]) for the fiscal year of the resolution and for each of the 4 succeeding fiscal years.

The concurrent resolution shall not include the outlays and revenue totals of the old age,[2] sur-

[1] So in original. Probably should not be capitalized.

[2] So in original. Probably should be ''old-age,''.

vivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this subchapter.

(b) Additional matters in concurrent resolution

The concurrent resolution on the budget may—

(1) set forth, if required by subsection (f) of this section, the calendar year in which, in the opinion of the Congress, the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 [15 U.S.C. 1022a(b)] should be achieved;

(2) include reconciliation directives described in section 641 of this title;

(3) require a procedure under which all or certain bills or resolutions providing new budget authority or new entitlement authority for such fiscal year shall not be enrolled until the Congress has completed action on any reconciliation bill or reconciliation resolution or both required by such concurrent resolution to be reported in accordance with section 641(b) of this title;

(4) set forth such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;

(5) include a heading entitled ''Debt Increase as Measure of Deficit'' in which the concurrent resolution shall set forth the amounts by which the debt subject to limit (in section 3101 of title 31) has increased or would increase in each of the relevant fiscal years;

(6) include a heading entitled ''Display of Federal Retirement Trust Fund Balances'' in which the concurrent resolution shall set forth the balances of the Federal retirement trust funds;

(7) set forth procedures in the Senate whereby committee allocations, aggregates, and other levels can be revised for legislation if that legislation would not increase the deficit, or would not increase the deficit when taken with other legislation enacted after the adoption of the resolution, for the first fiscal year or the total period of fiscal years covered by the resolution;

(8) set forth procedures to effectuate pay-as-you-go in the House of Representatives; and

(9) set forth direct loan obligation and primary loan guarantee commitment levels.

(c) Consideration of procedures or matters which have effect of changing any rule of House

If the Committee on the Budget of the House of Representatives reports any concurrent resolution on the budget which includes any procedure or matter which has the effect of changing any rule of the House of Representatives, such concurrent resolution shall then be referred to the Committee on Rules with instructions to report it within five calendar days (not counting any day on which the House is not in session). The Committee on Rules shall have jurisdiction to report any concurrent resolution referred to it under this paragraph with an amendment or amendments changing or striking out any such procedure or matter.

(d) Views and estimates of other committees

Within 6 weeks after the President submits a budget under section 1105(a) of title 31, or at such time as may be requested by the Committee on the Budget, each committee of the House of Representatives having legislative jurisdiction shall submit to the Committee on the Budget of the House and each committee of the Senate having legislative jurisdiction shall submit to the Committee on the Budget of the Senate its views and estimates (as determined by the committee making such submission) with respect to all matters set forth in subsections (a) and (b) of this section which relate to matters within the jurisdiction or functions of such committee. The Joint Economic Committee shall submit to the Committees on the Budget of both Houses its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946 [15 U.S.C. 1021 et seq.]. Any other committee of the House of Representatives or the Senate may submit to the Committee on the Budget of its House, and any joint committee of the Congress may submit to the Committees on the Budget of both Houses, its views and estimates with respect to all matters set forth in subsections (a) and (b) of this section which relate to matters within its jurisdiction or functions. Any Committee[3] of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.

(e) Hearings and report

(1) In general

In developing the concurrent resolution on the budget referred to in subsection (a) of this section for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. Each of the recommendations as to short-term and medium-term goals set forth in the report submitted by the members of the Joint Economic Committee under subsection (d) of this section may be considered by the Committee on the Budget of each House as part of its consideration of such concurrent resolution, and its report may reflect its views thereon, including its views on how the estimates of revenues and levels of budget authority and outlays set forth in such concurrent resolution are designed to achieve any goals it is recommending.

[3] So in original. Probably should not be capitalized.

(2) Required contents of report

The report accompanying the resolution shall include—

(A) a comparison of the levels of total new budget authority, total outlays, total revenues, and the surplus or deficit for each fiscal year set forth in the resolution with those requested in the budget submitted by the President;

(B) with respect to each major functional category, an estimate of total new budget authority and total outlays, with the estimates divided between discretionary and mandatory amounts;

(C) the economic assumptions that underlie each of the matters set forth in the resolution and any alternative economic assumptions and objectives the committee considered;

(D) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the resolution;

(E) the estimated levels of tax expenditures (the tax expenditures budget) by major items and functional categories for the President's budget and in the resolution; and

(F) allocations described in section 633(a) of this title.

(3) Additional contents of report

The report accompanying the resolution may include—

(A) a statement of any significant changes in the proposed levels of Federal assistance to State and local governments;

(B) an allocation of the level of Federal revenues recommended in the resolution among the major sources of such revenues;

(C) information, data, and comparisons on the share of total Federal budget outlays and of gross domestic product devoted to investment in the budget submitted by the President and in the resolution;

(D) the assumed levels of budget authority and outlays for public buildings, with a division between amounts for construction and repair and for rental payments; and

(E) other matters, relating to the budget and to fiscal policy, that the committee deems appropriate.

(f) Achievement of goals for reducing unemployment

(1) If, pursuant to section 4(c) of the Employment Act of 1946 [15 U.S.C. 1022a(c)], the President recommends in the Economic Report that the goals for reducing unemployment set forth in section 4(b) of such Act [15 U.S.C. 1022a(b)] be achieved in a year after the close of the five-year period prescribed by such subsection, the concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(2) After the Congress has expressed its opinion pursuant to paragraph (1) as to the year in which the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 [15 U.S.C. 1022a(b)] can be achieved, if, pursuant to section 4(e) of such Act [15 U.S.C. 1022a(e)], the President recommends in the Economic Report that such goals be achieved in a year which is different from the year in which the Congress has expressed its opinion that such goals should be achieved, either in its action pursuant to paragraph (1) or in its most recent action pursuant to this paragraph, the concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(3) It shall be in order to amend the provision of such resolution setting forth such year only if the amendment thereto also proposes to alter the estimates, amounts, and levels (as described in subsection (a) of this section) set forth in such resolution in germane fashion in order to be consistent with the economic goals (as described in sections 3(a)(2) and 4(b) of the Employment Act of 1946 [15 U.S.C. 1022(a)(2), 1022a(b)]) which such amendment proposes can be achieved by the year specified in such amendment.

(g) Economic assumptions

(1) It shall not be in order in the Senate to consider any concurrent resolution on the budget for a fiscal year, or any amendment thereto, or any conference report thereon, that sets forth amounts and levels that are determined on the basis of more than one set of economic and technical assumptions.

(2) The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall set forth the common economic assumptions upon which such joint statement and conference report are based, or upon which any amendment contained in the joint explanatory statement to be proposed by the conferees in the case of technical disagreement, is based.

(3) Subject to periodic reestimation based on changed economic conditions or technical estimates, determinations under titles III and IV of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq.] shall be based upon such common economic and technical assumptions.

(h) Budget Committee's consultation with committees

The Committee on the Budget of the House of Representatives shall consult with the committees of its House having legislative jurisdiction during the preparation, consideration, and enforcement of the concurrent resolution on the budget with respect to all matters which relate to the jurisdiction or functions of such committees.

(i) Social security point of order

It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of social security revenues over social security outlays in any of the fiscal years covered by the concurrent resolution. No change in chapter 1 of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.] shall be treated as affecting the amount of social security revenues unless such provision

changes the income tax treatment of social security benefits.

(Pub. L. 93–344, title III, §301, July 12, 1974, 88 Stat. 306; Pub. L. 95–523, title III, §§303(a), 304, Oct. 27, 1978, 92 Stat. 1905, 1906; Pub. L. 99–177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1040; Pub. L. 100–119, title I, §106(d), title II, §208(a), Sept. 29, 1987, 101 Stat. 781, 786; Pub. L. 100–418, title V, §5302, Aug. 23, 1988, 102 Stat. 1462; Pub. L. 101–508, title XIII, §§13112(a)(5), 13203, 13204, 13301(b), 13303(a), (b), Nov. 5, 1990, 104 Stat. 1388–608, 1388–615, 1388–616, 1388–623, 1388–625; Pub. L. 104–4, title I, §102(2), Mar. 22, 1995, 109 Stat. 62; Pub. L. 105–33, title X, §10105(a)–(f)(1), Aug. 5, 1997, 111 Stat. 679, 680.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Internal Revenue Code of 1986, referred to in subsecs. (a) and (i), is classified generally to Title 26, Internal Revenue Code.

This Act, referred to in subsec. (b)(4), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153 and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

The Employment Act of 1946, referred to in subsec. (d), is act Feb. 20, 1946, ch. 33, 60 Stat. 23, as amended, which is classified generally to chapter 21 (§1021 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1021 of Title 15 and Tables.

The Congressional Budget Act of 1974, referred to in subsec. (g)(3), is titles I through IX of Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. Titles III and IV of the Act are classified generally to this subchapter (§631 et seq.) and subchapter II (§651 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1322 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–33, §10105(a), in introductory provisions, substituted ''and for at least each of the 4 ensuing fiscal years'' for '', and planning levels for each of the two ensuing fiscal years,''.

Subsec. (a)(1), (4). Pub. L. 105–33, §10105(b), substituted ''and outlays'' for '', budget outlays, direct loan obligations, and primary loan guarantee commitments''.

Subsec. (b)(7). Pub. L. 105–33, §10105(c)(1), added par. (7) and struck out former par. (7) which related to setting forth pay-as-you-go procedures for the Senate.

Subsec. (b)(9). Pub. L. 105–33, §10105(c)(2), (3), added par. (9).

Subsec. (d). Pub. L. 105–33, §10105(d), in first sentence, inserted ''or at such time as may be requested by the Committee on the Budget,'' after ''title 31,''.

Subsec. (e). Pub. L. 105–33, §10105(e), designated existing provisions as par. (1), inserted par. heading, added pars. (2) and (3), and struck out former last sentence consisting of pars. (1) to (9) which contained requirements for contents of report to accompany the concurrent resolution on the budget.

Subsec. (i). Pub. L. 105–33, §10105(f)(1), inserted heading and substituted ''(or amendment, motion, or conference report on the resolution)'' for ''as reported to the Senate''.

1995—Subsec. (d). Pub. L. 104–4 inserted at end ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''

1990—Subsec. (a). Pub. L. 101–508, §13301(b), inserted at end: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this subchapter.''

Subsec. (a)(6), (7). Pub. L. 101–508, §13303(a), added pars. (6) and (7).

Subsec. (b)(5), (6). Pub. L. 101–508, §13203, added pars. (5) and (6).

Subsec. (b)(7), (8). Pub. L. 101–508, §13204, added pars. (7) and (8).

Subsec. (d). Pub. L. 101–508, §13112(a)(5), substituted ''Within 6 weeks after the President submits a budget under section 1105(a) of title 31'' for ''On or before February 25 of each year''.

Subsec. (i). Pub. L. 101–508, §13303(b), amended subsec. (i) generally, substituting present provisions for former provisions relating to maximum deficit amounts.

1988—Subsec. (e)(10). Pub. L. 100–418 temporarily added par. (10). See Effective and Termination Dates of 1988 Amendment note below.

1987—Subsec. (g). Pub. L. 100–119, §208(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall set forth the common economic assumptions upon which such joint statement and conference report are based, or upon which any amendment contained in the joint explanatory statement to be proposed by the conferees in the case of technical disagreement is based.''

Subsec. (i)(2). Pub. L. 100–119, §106(d), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

1985—Pub. L. 99–177 substituted ''Adoption of concurrent resolution on the budget'' for ''Adoption of first concurrent resolution'' in section catchline.

Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, substituting provisions relating to content of concurrent resolution on the budget, for provisions relating to action required to be completed by May 15 of each year.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, inserting provisions relating to achievement of goals for reducing unemployment and provisions relating to reconciliation directives described in section 641 of this title.

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, substituting provisions relating to consideration of procedures or matters which have the effect of changing any rule of the House of Representatives, for

provisions relating to submission on or before March 15 of each year of the views and estimates of other committees.

Subsec. (d). Pub. L. 99–177 amended subsec. (d) generally, substituting provisions relating to views and estimates of other committees, for provisions relating to hearings and report in developing the first concurrent resolution on the budget.

Subsec. (e). Pub. L. 99–177 amended subsec. (e) generally, substituting provisions relating to hearings and report in developing the concurrent resolution on the budget, for provisions relating to achievement of goals for reducing unemployment.

Subsecs. (f) to (i). Pub. L. 99–177, §§ 201(b), 275(b)(2)(B), in amending section generally, added subsecs. (f) to (i).

1978—Subsec. (a)(6), (7). Pub. L. 95–523, § 304(a), added par. (6) and redesignated former par. (6) as (7).

Subsec. (d). Pub. L. 95–523, § 303(a), which directed insertion in subsec. (c) provisions relating to consideration by the Committee on the Budget of each House respecting short-term and medium-term goals set forth in the Joint Economic Committee report and the reflection of its views in its report and insertion of ''also'' after ''concurrent resolution shall'' was executed to subsec. (d) to reflect the probable intent of Congress.

Subsec. (e). Pub. L. 95–523, § 304(b), added subsec. (e).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–4 effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104–4, set out as an Effective Date note under section 1511 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 13306 of Pub. L. 101–508 provided that: ''Sections 13301, 13302, and 13303 and any amendments made by such sections [amending this section and sections 633 and 642 of this title and enacting provisions set out as notes under this section] shall apply with respect to fiscal years beginning on or after October 1, 1990. Section 13304 [amending section 401 of Title 42, The Public Health and Welfare] shall be effective for annual reports of the Board of Trustees issued in or after calendar year 1991.''

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100–418 effective for fiscal years 1989, 1990, 1991, and 1992, see section 5303 of Pub. L. 100–418, set out as a note under section 1105 of Title 31, Money and Finance.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS

Pub. L. 101–508, title XIII, § 13301(a), Nov. 5, 1990, 104 Stat. 1388–623, provided that: ''Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

''(1) the budget of the United States Government as submitted by the President,

''(2) the congressional budget, or

''(3) the Balanced Budget and Emergency Deficit Control Act of 1985 [see Short Title note set out under section 900 of this title].''

PROTECTION OF OASDI TRUST FUNDS IN HOUSE OF REPRESENTATIVES

Section 13302 of Pub. L. 101–508 provided that:

''(a) IN GENERAL.—It shall not be in order in the House of Representatives to consider any bill or joint resolution, as reported, or any amendment thereto or conference report thereon, if, upon enactment—

''(1)(A) such legislation under consideration would provide for a net increase in OASDI benefits of at least 0.02 percent of the present value of future taxable payroll for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act [42 U.S.C. 401(c)(2)], and (B) such legislation under consideration does not provide at least a net increase, for such 75-year period, in OASDI taxes of the amount by which the net increase in such benefits exceeds 0.02 percent of the present value of future taxable payroll for such 75-year period,

''(2)(A) such legislation under consideration would provide for a net increase in OASDI benefits (for the 5-year estimating period for such legislation under consideration), (B) such net increase, together with the net increases in OASDI benefits resulting from previous legislation enacted during that fiscal year or any of the previous 4 fiscal years (as estimated at the time of enactment) which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, exceeds $250,000,000, and (C) such legislation under consideration does not provide at least a net increase, for the 5-year estimating period for such legislation under consideration, in OASDI taxes which, together with net increases in OASDI taxes resulting from such previous legislation which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, equals the amount by which the net increase derived under subparagraph (B) exceeds $250,000,000;

''(3)(A) such legislation under consideration would provide for a net decrease in OASDI taxes of at least 0.02 percent of the present value of future taxable payroll for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act, and (B) such legislation under consideration does not provide at least a net decrease, for such 75-year period, in OASDI benefits of the amount by which the net decrease in such taxes exceeds 0.02 percent of the present value of future taxable payroll for such 75-year period, or

''(4)(A) such legislation under consideration would provide for a net decrease in OASDI taxes (for the 5-year estimating period for such legislation under consideration), (B) such net decrease, together with the net decreases in OASDI taxes resulting from previous legislation enacted during that fiscal year or any of the previous 4 fiscal years (as estimated at the time of enactment) which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, exceeds $250,000,000, and (C) such legislation under consideration does not provide at least a net decrease, for the 5-year estimating period for such legislation under consideration, in OASDI benefits which, together with net decreases in OASDI benefits resulting from such previous legislation which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, equals the amount by which the net decrease derived under subparagraph (B) exceeds $250,000,000.

''(b) APPLICATION.—In applying paragraph (3) or (4) of subsection (a), any provision of any bill or joint resolution, as reported, or any amendment thereto, or conference report thereon, the effect of which is to provide for a net decrease for any period in taxes described in subsection (c)(2)(A) shall be disregarded if such bill,

joint resolution, amendment, or conference report also includes a provision the effect of which is to provide for a net increase of at least an equivalent amount for such period in medicare taxes.

''(c) DEFINITIONS.—For purposes of this subsection:

''(1) The term 'OASDI benefits' means the benefits under the old-age, survivors, and disability insurance programs under title II of the Social Security Act [42 U.S.C. 401 et seq.].

''(2) The term 'OASDI taxes' means—

''(A) the taxes imposed under sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1986 [26 U.S.C. 1401(a), 3101(a), 3111(a)], and

''(B) the taxes imposed under chapter 1 of such Code [26 U.S.C. 1 et seq.] (to the extent attributable to section 86 of such Code [26 U.S.C. 86]).

''(3) The term 'medicare taxes' means the taxes imposed under sections 1401(b), 3101(b), and 3111(b) of the Internal Revenue Code of 1986.

''(4) The term 'previous legislation' shall not include legislation enacted before fiscal year 1991.

''(5) The term '5-year estimating period' means, with respect to any legislation, the fiscal year in which such legislation becomes or would become effective and the next 4 fiscal years.

''(6) No provision of any bill or resolution, or any amendment thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of OASDI taxes referred to in paragraph (2)(B) unless such provision changes the income tax treatment of OASDI benefits.''

BALANCED FEDERAL BUDGETS; CONGRESSIONAL BUDGET COMMITTEE REPORTS BY APRIL 15, 1979, 1980, AND 1981, OF BALANCED FISCAL YEAR BUDGETS FOR 1981 AND 1982

Pub. L. 96–5, § 5, Apr. 2, 1979, 93 Stat. 8, which provided that Congress shall balance the Federal budget, that the Budget Committees were to report, by April 15, 1979, a fiscal year budget for 1981 that would be in balance, and also a fiscal year budget for 1982 that would be in balance, and by April 15, 1980, a fiscal year budget for 1981 that would be in balance, and by April 15, 1981, a fiscal year budget for 1982 that would be in balance, and that the Budget Committees were to show the consequences of each budget on each budget function and on the economy, setting forth the effects on revenues, spending, employment, inflation, and national security, was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

APPLICATION OF CONGRESSIONAL BUDGET PROCESS TO FISCAL YEAR BEGINNING JULY 1, 1975

Section 906 of Pub. L. 93–344 provided for application of provisions of this subchapter and sections 602(f), 651, and 652 of this title with respect to the fiscal year beginning July 1, 1975, to the extent agreed to by the Committees on the Budget of the House of Representatives and the Senate, prior to repeal by Pub. L. 105–33, title X, § 10120(a), Aug. 5, 1997, 111 Stat. 696.

§ 633. Committee allocations

(a) Committee spending allocations

(1) Allocation among committees

The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an allocation, consistent with the resolution recommended in the conference report, of the levels for the first fiscal year of the resolution, for at least each of the ensuing 4 fiscal years, and a total for that period of fiscal years (except in the case of the Committee on Appropriations only for the fiscal year of that resolution) of—

(A) total new budget authority; and

(B) total outlays;

among each committee of the House of Representatives or the Senate that has jurisdiction over legislation providing or creating such amounts.

(2) No double counting

In the House of Representatives, any item allocated to one committee may not be allocated to another committee.

(3) Further division of amounts

(A) In the Senate

In the Senate, the amount allocated to the Committee on Appropriations shall be further divided among the categories specified in section 900(c)(4) of this title and shall not exceed the limits for each category set forth in section 901(c) of this title.

(B) In the House

In the House of Representatives, the amounts allocated to each committee for each fiscal year, other than the Committee on Appropriations, shall be further divided between amounts provided or required by law on the date of filing of that conference report and amounts not so provided or required. The amounts allocated to the Committee on Appropriations shall be further divided—

(i) between discretionary and mandatory amounts or programs, as appropriate; and

(ii) consistent with the categories specified in section 900(c)(4) of this title.

(4) Amounts not allocated

In the House of Representatives or the Senate, if a committee receives no allocation of new budget authority or outlays, that committee shall be deemed to have received an allocation equal to zero for new budget authority or outlays.

(5) Adjusting allocation of discretionary spending in the House of Representatives

(A) If a concurrent resolution on the budget is not adopted by April 15, the chairman of the Committee on the Budget of the House of Representatives shall submit to the House, as soon as practicable, an allocation under paragraph (1) to the Committee on Appropriations consistent with the discretionary spending levels in the most recently agreed to concurrent resolution on the budget for the appropriate fiscal year covered by that resolution.

(B) As soon as practicable after an allocation under paragraph (1) is submitted under this section, the Committee on Appropriations shall make suballocations and report those suballocations to the House of Representatives.

(b) Suballocations by Appropriations Committees

As soon as practicable after a concurrent resolution on the budget is agreed to, the Committee on Appropriations of each House (after consulting with the Committee on Appropriations of the other House) shall suballocate each amount allocated to it for the budget year under subsection (a) of this section among its sub-

committees. Each Committee on Appropriations shall promptly report to its House suballocations made or revised under this subsection. The Committee on Appropriations of the House of Representatives shall further divide among its subcommittees the divisions made under subsection (a)(3)(B) of this section and promptly report those divisions to the House.

(c) Point of order

After the Committee on Appropriations has received an allocation pursuant to subsection (a) of this section for a fiscal year, it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report within the jurisdiction of that committee providing new budget authority for that fiscal year, until that committee makes the suballocations required by subsection (b) of this section.

(d) Subsequent concurrent resolutions

In the case of a concurrent resolution on the budget referred to in section 635 of this title, the allocations under subsection (a) of this section and the subdivisions under subsection (b) of this section shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget.

(e) Alteration of allocations

At any time after a committee reports the allocations required to be made under subsection (b) of this section, such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.

(f) Legislation subject to point of order

(1) In the House of Representatives

After the Congress has completed action on a concurrent resolution on the budget for a fiscal year, it shall not be in order in the House of Representatives to consider any bill, joint resolution, or amendment providing new budget authority for any fiscal year, or any conference report on any such bill or joint resolution, if—

(A) the enactment of such bill or resolution as reported;

(B) the adoption and enactment of such amendment; or

(C) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the applicable allocation of new budget authority made under subsection (a) or (b) of this section for the first fiscal year or the total of fiscal years to be exceeded.

(2) In the Senate

After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause—

(A) in the case of any committee except the Committee on Appropriations, the applicable allocation of new budget authority or outlays under subsection (a) of this section for the first fiscal year or the total of fiscal years to be exceeded; or

(B) in the case of the Committee on Appropriations, the applicable suballocation of new budget authority or outlays under subsection (b) of this section to be exceeded.

(g) Pay-as-you-go exception in the House

(1) In general

(A) Subsection (f)(1) of this section and, after April 15, section 634(a) of this title shall not apply to any bill or joint resolution, as reported, amendment thereto, or conference report thereon if, for each fiscal year covered by the most recently agreed to concurrent resolution on the budget—

(i) the enactment of that bill or resolution as reported;

(ii) the adoption and enactment of that amendment; or

(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would not increase the deficit, and, if the sum of any revenue increases provided in legislation already enacted during the current session (when added to revenue increases, if any, in excess of any outlay increase provided by the legislation proposed for consideration) is at least as great as the sum of the amount, if any, by which the aggregate level of Federal revenues should be increased as set forth in that concurrent resolution and the amount, if any, by which revenues are to be increased pursuant to pay-as-you-go procedures under section 632(b)(8) of this title, if included in that concurrent resolution.

(B) Section 642(a) of this title, as that section applies to revenues, shall not apply to any bill, joint resolution, amendment thereto, or conference report thereon if, for each fiscal year covered by the most recently agreed to concurrent resolution on the budget—

(i) the enactment of that bill or resolution as reported;

(ii) the adoption and enactment of that amendment; or

(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would not increase the deficit, and, if the sum of any outlay reductions provided in legislation already enacted during the current session (when added to outlay reductions, if any, in excess of any revenue reduction provided by the legislation proposed for consideration) is at least as great as the sum of the amount, if any, by which the aggregate level of Federal outlays should be reduced as required by that concurrent resolution and the amount, if any, by which outlays are to be reduced pursuant to pay-as-you-go procedures under section 632(b)(8) of this title, if included in that concurrent resolution.

(2) Revised allocations

(A) As soon as practicable after Congress agrees to a bill or joint resolution that would

have been subject to a point of order under subsection (f)(1) of this section but for the exception provided in paragraph (1)(A) or would have been subject to a point of order under section 642(a) of this title but for the exception provided in paragraph (1)(B), the chairman of the committee[1] on the Budget of the House of Representatives shall file with the House appropriately revised allocations under subsection (a) of this section and revised functional levels and budget aggregates to reflect that bill.

(B) Such revised allocations, functional levels, and budget aggregates shall be considered for the purposes of this Act as allocations, functional levels, and budget aggregates contained in the most recently agreed to concurrent resolution on the budget.

(Pub. L. 93–344, title III, §302, July 12, 1974, 88 Stat. 308; Pub. L. 99–177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1044; Pub. L. 101–508, title XIII, §§13112(a)(6), (7), 13201(b)(2), (3), 13207(a)(1)(A), (B), (2), 13303(c), Nov. 5, 1990, 104 Stat. 1388–608, 1388–614, 1388–617, 1388–618, 1388–625; Pub. L. 105–33, title X, §10106, Aug. 5, 1997, 111 Stat. 680.)

REFERENCES IN TEXT

This Act, referred to in subsec. (g)(2)(B), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, and sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1323 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–33, §10106(a), added subsec. (a) and struck out former subsec. (a) which required inclusion of certain allocations to committees of the House of Representatives and of the Senate in the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget.

Subsec. (b). Pub. L. 105–33, §10106(a), added subsec. (b) and struck out former subsec. (b) which required committees of each House to subdivide among their subcommittees the allocations of budget outlays and new budget authority allocated to them in joint explanatory statement accompanying conference report on concurrent resolution on budget and required further subdivisions of such allocations by subcommittees.

Subsec. (c). Pub. L. 105–33, §10106(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: ''It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report, providing—

''(1) new budget authority for a fiscal year; or

''(2) new spending authority as described in section 651(c)(2) of this title for a fiscal year;

within the jurisdiction of any committee which has received an appropriate allocation of such authority pursuant to subsection (a) of this section for such fiscal year, unless and until such committee makes the allocation or subdivisions required by subsection (b) of this section, in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year.''

Subsec. (f)(1). Pub. L. 105–33, §10106(c)(1), substituted ''providing new budget authority for any fiscal year'' for ''providing new budget authority for such fiscal year or new entitlement authority effective during such fiscal year'' in introductory provisions and ''applicable allocation of new budget authority made under subsection (a) or (b) of this section for the first fiscal year or the total of fiscal years to be exceeded.'' for ''appropriate allocation made pursuant to subsection (b) of this section for such fiscal year of new discretionary budget authority or new entitlement authority to be exceeded.'' in concluding provisions.

Subsec. (f)(2). Pub. L. 105–33, §10106(c)(2), reenacted heading without change and amended text generally. Prior to amendment, text provided that consideration in the Senate was not in order for certain bills, joint resolutions, amendments, motions, or conference reports that provided for budget outlays, new budget authority, or new spending authority in excess of certain allocations.

Subsec. (g). Pub. L. 105–33, §10106(d), amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: ''For purposes of this section, the levels of new budget authority, spending authority as described in section 651(c)(2) of this title, outlays, and new credit authority for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as the case may be.''

1990—Subsec. (a)(1). Pub. L. 101–508, §13201(b)(3)(A), substituted ''and total entitlement authority'' for ''total entitlement authority, and total credit authority'', ''or such entitlement authority'' for ''such entitlement authority, or such credit authority'', and ''and entitlement authority'' for ''entitlement authority, and credit authority''.

Subsec. (a)(2). Pub. L. 101–508, §13303(c)(1), inserted ''social security outlays for the fiscal year of the resolution and for each of the 4 succeeding fiscal years,'' after ''appropriate levels of''.

Pub. L. 101–508, §13201(b)(3)(B), substituted ''total budget outlays and total new budget authority'' for ''total budget outlays, total new budget authority and new credit authority''.

Pub. L. 101–508, §13112(a)(6), struck out ''the House of Representatives and'' after ''among each committee of''.

Subsec. (b)(1)(A). Pub. L. 101–508, §13201(b)(3)(C), substituted ''budget outlays and new budget authority'' for ''budget outlays, new budget authority, and new credit authority''.

Subsec. (c). Pub. L. 101–508, §13207(a)(1)(A), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill or resolution, or amendment thereto''.

Subsec. (c)(3). Pub. L. 101–508, §13201(b)(3)(D), struck out par. (3) which read as follows: ''new credit authority for a fiscal year;''.

Subsec. (f)(1). Pub. L. 101–508, §13207(a)(1)(B), inserted ''joint'' before ''resolution'' the second and third places appearing in introductory provisions.

Pub. L. 101–508, §13201(b)(3)(E), substituted ''year or new entitlement authority effective during such fiscal year,'' for ''year, new entitlement authority effective during such fiscal year, or new credit authority for such fiscal year,'' in introductory provisions and ''authority or new entitlement authority'' for ''authority, new entitlement authority, or new credit authority'' in closing provisions.

Subsec. (f)(2). Pub. L. 101–508, §13303(c)(3), inserted three sentences at end beginning with ''In applying this paragraph—''.

[1] So in original. Probably should be capitalized.

Pub. L. 101–508, § 13303(c)(2), which directed the insertion of ''or provides for social security outlays in excess of the appropriate allocation of social security outlays under subsection (a) of this section for the fiscal year of the resolution or for the total of that year and the 4 succeeding fiscal years'' before the period, was executed by making the insertion before the period at end of first sentence, as the probable intent of Congress, in view of the applicability of the amendment. See Effective and Termination Dates of 1990 Amendment note below.

Pub. L. 101–508, § 13207(a)(2), substituted ''outlays, new budget authority, or new spending authority (as defined in section 651(c)(2) of this title)'' for ''outlays or new budget authority''.

Pub. L. 101–508, § 13207(a)(1)(B), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill or resolution (including a conference report thereon), or any amendment to a bill or resolution''.

Pub. L. 101–508, § 13201(b)(2), temporarily inserted ''or new credit authority'' after ''new budget authority''. See Effective and Termination Dates of 1990 Amendment note below.

Pub. L. 101–508, § 13112(a)(7), inserted ''(A)'' after ''in excess of'', substituted ''under subsection (a) of this section, or (B) the appropriate allocation (if any) of such outlays or authority reported under subsection (b) of this section'' for ''under subsection (b) of this section'', and inserted after first sentence ''Subparagraph (A) shall not apply to any bill, resolution, amendment, motion, or conference report that is within the jurisdiction of the Committee on Appropriations.''

1985—Pub. L. 99–177 substituted ''Committee allocations'' for ''Matters to be included in joint statement of managers; reports by committees'' in section catchline.

Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, providing for separate provisions relating to allocations of totals for the House of Representatives and for the Senate, with respect to the joint explanatory statement accompanying the conference report on a concurrent resolution on the budget.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, inserting applicability to new credit authority.

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, substituting provisions relating to point of order for provisions relating to subsequent concurrent resolutions.

Subsecs. (d) to (g). Pub. L. 99–177, in amending section generally, added subsecs. (d) to (g).

EFFECTIVE AND TERMINATION DATES OF 1990 AMENDMENT

Section 13201(b)(2) of Pub. L. 101–508 provided that the amendment made by that section is effective Jan. 1, 1991, for fiscal year 1991 only.

Section 13201(b)(3) of Pub. L. 101–508 provided that the amendment made by that section is effective for fiscal years beginning after Sept. 30, 1991.

Amendment by section 13303(c) of Pub. L. 101–508 applicable with respect to fiscal years beginning on or after Oct. 1, 1990, see section 13306 of Pub. L. 101–508, set out as an Effective Date of 1990 Amendment note under section 632 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, except that such amendment, insofar as it relates to subsecs. (c), (f), and (g) of this section, to become effective Apr. 15, 1986, see section 275(a)(1), (2)(A) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 634. Concurrent resolution on the budget must be adopted before budget-related legislation is considered

(a) In general

Until the concurrent resolution on the budget for a fiscal year has been agreed to, it shall not be in order in the House of Representatives, with respect to the first fiscal year covered by that resolution, or the Senate, with respect to any fiscal year covered by that resolution, to consider any bill or joint resolution, amendment or motion thereto, or conference report thereon that—

(1) first provides new budget authority for that fiscal year;

(2) first provides an increase or decrease in revenues during that fiscal year;

(3) provides an increase or decrease in the public debt limit to become effective during that fiscal year;

(4) in the Senate only, first provides new entitlement authority for that fiscal year; or

(5) in the Senate only, first provides for an increase or decrease in outlays for that fiscal year.

(b) Exceptions in House

In the House of Representatives, subsection (a) of this section does not apply—

(1)(A) to any bill or joint resolution, as reported, providing advance discretionary new budget authority that first becomes available for the first or second fiscal year after the budget year; or

(B) to any bill or joint resolution, as reported, first increasing or decreasing revenues in a fiscal year following the fiscal year to which the concurrent resolution applies;

(2) after May 15, to any general appropriation bill or amendment thereto; or

(3) to any bill or joint resolution unless it is reported by a committee.

(c) Application to appropriation measures in Senate

(1) In general

Until the concurrent resolution on the budget for a fiscal year has been agreed to and an allocation has been made to the Committee on Appropriations of the Senate under section 633(a) of this title for that year, it shall not be in order in the Senate to consider any appropriation bill or joint resolution, amendment or motion thereto, or conference report thereon for that year or any subsequent year.

(2) Exception

Paragraph (1) does not apply to appropriations legislation making advance appropriations for the first or second fiscal year after the year the allocation referred to in that paragraph is made.

(Pub. L. 93–344, title III, § 303, July 12, 1974, 88 Stat. 309; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1046; Pub. L. 101–508, title XIII, §§ 13205, 13207(a)(1)(C), Nov. 5, 1990, 104 Stat. 1388–616, 1388–617; Pub. L. 105–33, title X, § 10107(a), Aug. 5, 1997, 111 Stat. 683.)

CODIFICATION

Section was formerly classified to section 1324 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Pub. L. 105–33 amended section catchline and text generally. Prior to amendment, text provided that

concurrent resolution on the budget must be adopted before legislation providing new budget authority, new spending authority, new credit authority, or changes in revenues or public debt limit could be considered.

1990—Subsec. (a). Pub. L. 101–508, § 13207(a)(1)(C), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill or resolution (or amendment thereto)''.

Pub. L. 101–508, § 13205(a)(4), inserted ''(or, in the Senate, a concurrent resolution on the budget covering such fiscal year)'' after ''fiscal year'' in closing provisions.

Subsec. (a)(5), (6). Pub. L. 101–508, § 13205(a)(1)–(3), added pars. (5) and (6) and struck out former par. (5) which read as follows: ''new credit authority for a fiscal year,''.

Subsec. (b). Pub. L. 101–508, § 13205(b), designated existing provisions as par. (1) and substituted ''In the House of Representatives, subsection (a)'' for ''Subsection (a)'', redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

1985—Pub. L. 99–177 inserted reference to new credit authority in section catchline.

Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, substituting provisions respecting new entitlement authority or new credit authority, for provisions respecting new spending authority.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, inserting provisions relating to applicability of subsec. (a) after May 15 of any calendar year.

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, inserting references to amendments of bills or resolutions wherever appearing.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 635. Permissible revisions of concurrent resolutions on the budget

At any time after the concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 632 of this title, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.

(Pub. L. 93–344, title III, § 304, July 12, 1974, 88 Stat. 310; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1047; Pub. L. 100–119, title II, § 208(b), Sept. 29, 1987, 101 Stat. 786; Pub. L. 101–508, title XIII, § 13112(a)(8), Nov. 5, 1990, 104 Stat. 1388–608; Pub. L. 105–33, title X, § 10108, Aug. 5, 1997, 111 Stat. 684.)

CODIFICATION

Section was formerly classified to section 1325 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Pub. L. 105–33 designated subsec. (a) as entire section and struck out subsec. (a) heading ''In general'' and subsec. (b) heading and text. Prior to amendment, text of subsec. (b) read as follows: ''The provisions of section 632(g) of this title shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 632(g) of this title (and amendments thereto and conference reports thereon).''

1990—Subsecs. (b), (c). Pub. L. 101–508 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: ''The provisions of section 632(i) of this title shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 632(i) of this title (and amendments thereto and conference reports thereon).''

1987—Subsec. (c). Pub. L. 100–119 added subsec. (c).

1985—Pub. L. 99–177, in amending section generally, inserted ''Permissible'' before ''revisions'' in section catchline, designated existing provisions as subsec. (a), struck out ''first'' after ''after the'', and added subsec. (b).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 636. Provisions relating to consideration of concurrent resolutions on the budget

(a) Procedure in House after report of Committee; debate

(1) When a concurrent resolution on the budget has been reported by the Committee on the Budget of the House of Representatives and has been referred to the appropriate calendar of the House, it shall be in order on any day thereafter, subject to clause 2(*l*)(6) of rule XI[1] of the Rules of the House of Representatives, to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties, plus such additional hours of debate as are consumed pursuant to paragraph (3). A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the House, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the House sets forth the economic goals (as described in sections 1022(a)(2) and 1022a(b) of title 15) which the estimates, amounts, and levels (as described in section 632(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and

[1] See References in Text note below.

levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be considered for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII[1] of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(6) Debate in the House of Representatives on the conference report on any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(7) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) Procedure in Senate after report of Committee; debate; amendments

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that with respect to any concurrent resolution referred to in section 635(a)[1] of this title all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Subject to the other limitations of this Act, only if a concurrent resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as described in sections 1022(a)(2) and 1022a(b) of title 15) which the estimates, amounts, and levels (as described in section 632(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

(6) Notwithstanding any other rule, an amendment or series of amendments to a concurrent resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

(c) Action on conference reports in Senate

(1) A motion to proceed to the consideration of the conference report on any concurrent resolution on the budget (or a reconciliation bill or resolution) may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report (or a message between Houses) on any concurrent resolution on the budget, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(3) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to

be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(4) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(d) Concurrent resolution must be consistent in Senate

It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a concurrent resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a concurrent resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

(Pub. L. 93–344, title III, §305, July 12, 1974, 88 Stat. 310; Pub. L. 95–523, title III, §303(b), (c), Oct. 27, 1978, 92 Stat. 1905, 1906; Pub. L. 99–177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1047; Pub. L. 100–119, title II, §209, Sept. 29, 1987, 101 Stat. 787; Pub. L. 100–203, title VIII, §8003(d), Dec. 22, 1987, 101 Stat. 1330–282; Pub. L. 101–508, title XIII, §§13209, 13210(1), Nov. 5, 1990, 104 Stat. 1388–619, 1388–620; Pub. L. 105–33, title X, §10109(a), Aug. 5, 1997, 111 Stat. 684.)

REFERENCES IN TEXT

The Rules of the House of Representatives for the One Hundred Sixth Congress were adopted and amended generally by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Provisions formerly appearing in clause 2(*l*)(6) of rule XI, referred to in subsec. (a)(1), are now contained in clause 4 of rule XIII. Provisions formerly appearing in rule XXIII, referred to in subsec. (a)(5), are now contained in rule XVIII.

Section 635(a) of this title, referred to in subsec. (b)(1), was redesignated section 635 of this title by Pub. L. 105–33, title X, §10108(1), Aug. 5, 1997, 111 Stat. 684.

This Act, referred to in subsec. (b)(4), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1326 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–33 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''When the Committee on the Budget of the House of Representatives has reported any concurrent resolution on the budget, it is in order at any time after the fifth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution by the Committee on the Budget has been available to Members of the House and, if applicable, after the first day (excluding Saturdays, Sundays, and legal holidays) following the day on which a report upon such resolution by the Committee on Rules pursuant to section 632(c) of this title has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.''

1990—Subsec. (c)(1). Pub. L. 101–508, §13209(1), struck out at beginning ''The conference report on any concurrent resolution on the budget shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such conference report is reported and is available to Members of the Senate.'' and inserted ''on any concurrent resolution on the budget (or a reconciliation bill or resolution)'' after ''consideration of the conference report''.

Subsec. (c)(2). Pub. L. 101–508, §13209(2), inserted ''(or a message between Houses)'' after ''conference report'' wherever appearing.

Subsecs. (d), (e). Pub. L. 101–508, §13210(1), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: ''If at the end of 7 days (excluding Saturdays, Sundays, and legal holidays) after the conferees of both Houses have been appointed to a committee of conference on a concurrent resolution on the budget, the conferees are unable to reach agreement with respect to all matters in disagreement between the two Houses, then the conferees shall submit to their respective Houses, on the first day thereafter on which their House is in session—

''(1) a conference report recommending those matters on which they have agreed and reporting in disagreement those matters on which they have not agreed; or

''(2) a conference report in disagreement, if the matter in disagreement is an amendment which strikes out the entire text of the concurrent resolution and inserts a substitute text.''

1987—Subsec. (c)(2). Pub. L. 100–203, §8003(d), inserted a comma after ''therewith''.

Pub. L. 100–119 inserted ''and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith'' after ''budget,''.

1985—Subsec. (a). Pub. L. 99–177, in amending subsec. (a) generally, in par. (1) inserted provisions relating to applicability of report after first day and substituted ''fifth day'' for ''tenth day'', in par. (3) struck out ''first'' before ''concurrent'', in par. (5) substituted ''considered for'' for ''read for'', struck out par. (7) relating to motions to postpone, and redesignated par. (8) as (7).

Subsec. (b). Pub. L. 99–177, in amending subsec. (b) generally, in par. (1) substituted ''any concurrent'' for ''the second required concurrent'' and ''635(a)'' for ''641(a)'', in par. (3) struck out ''first'' before ''concurrent'', and in par. (4) inserted provisions relating to applicability of other limitations of this Act.

Subsecs. (c) to (e). Pub. L. 99–177, in amending section generally, reenacted subsecs. (c) to (e) without change.

1978—Subsec. (a). Pub. L. 95–523, §303(b), inserted in par. (2) '', plus such additional hours of debate as are

consumed pursuant to paragraph (3)'' after ''and minority parties'', added pars. (3) and (4) and redesignated existing pars. (3) to (6) as (6) to (9), respectively. Existing pars. (3) to (6) were renumbered (5) to (8), respectively, as the probable intent of Congress, notwithstanding the language of section 303(b)(2) of Pub. L. 95–523 directing that existing pars. (3) to (6) be redesignated (6) to (9), respectively.

Subsec. (b). Pub. L. 95–523, § 303(c), added pars. (3) and (4) and redesignated existing pars. (3) and (4) as (6) and (7), respectively. Existing pars. (3) and (4) were renumbered (5) and (6), respectively, as the probable intent of Congress, notwithstanding the language of section 303(c)(1) of Pub. L. 95–523 directing that existing pars. (3) and (4) be redesignated (6) and (7), respectively.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 637. Legislation dealing with Congressional budget must be handled by Budget Committees

No bill, resolution, amendment, motion, or conference report, dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee on the Budget of that House (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or resolution.

(Pub. L. 93–344, title III, § 306, July 12, 1974, 88 Stat. 313; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1050; Pub. L. 101–508, title XIII, § 13207(a)(1)(D), Nov. 5, 1990, 104 Stat. 1388–617.)

CODIFICATION

Section was formerly classified to section 1327 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1990—Pub. L. 101–508 substituted ''bill, resolution, amendment, motion, or conference report'' for ''bill or resolution, and no amendment to any bill or resolution''.

1985—Pub. L. 99–177 reenacted section without change.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 638. House committee action on all appropriation bills to be completed by June 10

On or before June 10 of each year, the Committee on Appropriations of the House of Representatives shall report annual appropriation bills providing new budget authority under the jurisdiction of all of its subcommittees for the fiscal year which begins on October 1 of that year.

(Pub. L. 93–344, title III, § 307, July 12, 1974, 88 Stat. 313; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1051.)

CODIFICATION

Section was formerly classified to section 1328 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1985—Pub. L. 99–177 substituted ''by June 10'' for ''before first appropriation bill is reported'' in section catchline, and amended section generally. Prior to amendment, section read as follows: ''Prior to reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations of the House of Representatives shall, to the extent practicable, complete subcommittee markup and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.''

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 639. Reports, summaries, and projections of Congressional budget actions

(a) Reports on legislation providing new budget authority or providing increase or decrease in revenues or tax expenditures

(1) Whenever a committee of either House reports to its House a bill or joint resolution, or committee amendment thereto, providing new budget authority (other than continuing appropriations) or providing an increase or decrease in revenues or tax expenditures for a fiscal year (or fiscal years), the report accompanying that bill or joint resolution shall contain a statement, or the committee shall make available such a statement in the case of an approved committee amendment which is not reported to its House, prepared after consultation with the Director of the Congressional Budget Office—

(A) comparing the levels in such measure to the appropriate allocations in the reports submitted under section 633(b) of this title for the most recently agreed to concurrent resolution on the budget for such fiscal year (or fiscal years);

(B) containing a projection by the Congressional Budget Office of how such measure will affect the levels of such budget authority, budget outlays, revenues, or tax expenditures under existing law for such fiscal year (or fiscal years) and each of the four ensuing fiscal years, if timely submitted before such report is filed; and

(C) containing an estimate by the Congressional Budget Office of the level of new budget authority for assistance to State and local governments provided by such measure, if timely submitted before such report is filed.

(2) Whenever a conference report is filed in either House and such conference report or any amendment reported in disagreement or any amendment contained in the joint statement of managers to be proposed by the conferees in the case of technical disagreement on such bill or

joint resolution provides new budget authority (other than continuing appropriations) or provides an increase or decrease in revenues for a fiscal year (or fiscal years), the statement of managers accompanying such conference report shall contain the information described in paragraph (1), if available on a timely basis. If such information is not available when the conference report is filed, the committee shall make such information available to Members as soon as practicable prior to the consideration of such conference report.

(b) Up-to-date tabulations of Congressional budget action

(1) The Director of the Congressional Budget Office shall issue to the committees of the House of Representatives and the Senate reports on at least a monthly basis detailing and tabulating the progress of congressional action on bills and joint resolutions providing new budget authority or providing an increase or decrease in revenues or tax expenditures for each fiscal year covered by a concurrent resolution on the budget. Such reports shall include but are not limited to an up-to-date tabulation comparing the appropriate aggregate and functional levels (including outlays) included in the most recently adopted concurrent resolution on the budget with the levels provided in bills and joint resolutions reported by committees or adopted by either House or by the Congress, and with the levels provided by law for the fiscal year preceding the first fiscal year covered by the appropriate concurrent resolution.

(2) The Committee on the Budget of each House shall make available to Members of its House summary budget scorekeeping reports. Such reports—

(A) shall be made available on at least a monthly basis, but in any case frequently enough to provide Members of each House an accurate representation of the current status of congressional consideration of the budget;

(B) shall include, but are not limited to, summaries of tabulations provided under subsection (b)(1) of this section; and

(C) shall be based on information provided under subsection (b)(1) of this section without substantive revision.

The chairman of the Committee on the Budget of the House of Representatives shall submit such reports to the Speaker.

(c) Five-year projection of Congressional budget action

As soon as practicable after the beginning of each fiscal year, the Director of the Congressional Budget Office shall issue a report projecting for the period of 5 fiscal years beginning with such fiscal year—

(1) total new budget authority and total budget outlays for each fiscal year in such period;

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each fiscal year in such period;

(3) tax expenditures for each fiscal year in such period; and

(4) entitlement authority for each fiscal year in such period.

(Pub. L. 93–344, title III, §308, July 12, 1974, 88 Stat. 313; Pub. L. 99–177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1051; Pub. L. 101–508, title XIII, §13206, Nov. 5, 1990, 104 Stat. 1388–617; Pub. L. 105–33, title X, §10110, Aug. 5, 1997, 111 Stat. 685.)

CODIFICATION

Section was formerly classified to section 1329 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–33, §10110(1)(A), struck out ‘‘, new spending authority, or new credit authority,’’ after ‘‘new budget authority’’ in heading.

Subsec. (a)(1). Pub. L. 105–33, §10110(4), in introductory provisions, substituted ‘‘bill or joint resolution’’ for ‘‘bill or resolution’’ in two places.

Pub. L. 105–33, §10110(1)(D), in introductory provisions, struck out ‘‘, new spending authority described in section 651(c)(2) of this title, or new credit authority,’’ after ‘‘continuing appropriations)’’.

Subsec. (a)(1)(B). Pub. L. 105–33, §10110(1)(C), substituted ‘‘revenues, or tax expenditures’’ for ‘‘spending authority, revenues, tax expenditures, direct loan obligations, or primary loan guarantee commitments’’.

Pub. L. 105–33, §10110(1)(B), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: ‘‘including an identification of any new spending authority described in section 651(c)(2) of this title which is contained in such measure and a justification for the use of such financing method instead of annual appropriations;’’.

Subsec. (a)(1)(C), (D). Pub. L. 105–33, §10110(1)(B), redesignated subpars. (C) and (D) as (B) and (C), respectively.

Subsec. (a)(2). Pub. L. 105–33, §10110(4), substituted ‘‘bill or joint resolution’’ for ‘‘bill or resolution’’.

Pub. L. 105–33, §10110(1)(D), struck out ‘‘, new spending authority described in section 651(c)(2) of this title, or new credit authority,’’ after ‘‘continuing appropriations)’’.

Subsec. (b)(1). Pub. L. 105–33, §10110(4), substituted ‘‘bills and joint resolutions’’ for ‘‘bills and resolutions’’ in two places.

Pub. L. 105–33, §10110(2), struck out ‘‘, new spending authority described in section 651(c)(2) of this title, or new credit authority,’’ after ‘‘new budget authority’’.

Subsec. (c)(3) to (5). Pub. L. 105–33, §10110(3), inserted ‘‘and’’ at end of par. (3), substituted a period for ‘‘; and’’ at end of par. (4), and struck out par. (5) which read as follows: ‘‘credit authority for each fiscal year in such period.’’

1990—Subsec. (a)(1). Pub. L. 101–508, §13206(a)(1), inserted ‘‘(or fiscal years)’’ after ‘‘fiscal year’’ in introductory provisions and in subpars. (A) and (C).

Subsec. (a)(2). Pub. L. 101–508, §13206(b), inserted ‘‘(or fiscal years)’’ after ‘‘fiscal year’’.

Subsec. (b)(1). Pub. L. 101–508, §13206(c), substituted ‘‘for each fiscal year covered by a concurrent resolution on the budget’’ for ‘‘for a fiscal year’’ in first sentence, and ‘‘the first fiscal year covered by the appropriate concurrent resolution’’ for ‘‘such fiscal year’’ in second sentence.

1985—Subsec. (a). Pub. L. 99–177, in amending subsec. (a) generally, designated existing provisions as par. (1), substituted provisions relating to reports on legislation providing new budget authority, new spending authority, or new credit authority, or providing an increase or decrease in revenues or tax expenditures, for provisions relating to reports on legislation providing new budget authority or tax expenditures, and added par. (2).

Subsec. (b). Pub. L. 99–177, in amending subsec. (b) generally, designated existing provisions as par. (1), substituted provisions relating to issuance of reports on a monthly basis and contents of such reports, for provisions relating to issuance of reports on a periodic basis and contents of such reports, and added par. (2).

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, adding pars. (4) and (5).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 640. House approval of regular appropriation bills

It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has approved annual appropriation bills providing new budget authority under the jurisdiction of all the subcommittees of the Committee on Appropriations for the fiscal year beginning on October 1 of such year. For purposes of this section, the chairman of the Committee on Appropriations of the House of Representatives shall periodically advise the Speaker as to changes in jurisdiction among its various subcommittees.

(Pub. L. 93–344, title III, § 309, July 12, 1974, 88 Stat. 314; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1052.)

CODIFICATION

Section was formerly classified to section 1330 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1985—Pub. L. 99–177 substituted ''House approval of regular appropriation bills'' for ''Completion of action on bills providing new budget authority and certain new spending authority'' in section catchline, and amended section generally. Prior to amendment, section read as follows: ''Except as otherwise provided pursuant to this subchapter, not later than the seventh day after Labor Day of each year, the Congress shall complete action on all bills and resolutions—

''(1) providing new budget authority for the fiscal year beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such year, if required to be reported under section 641(c) of this title; and

''(2) providing new spending authority described in section 651(c)(2)(C) of this title which is to become effective during such fiscal year.

Paragraph (1) shall not apply to any bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted.''

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 641. Reconciliation

(a) Inclusion of reconciliation directives in concurrent resolutions on the budget

A concurrent resolution on the budget for any fiscal year, to the extent necessary to effectuate the provisions and requirements of such resolution, shall—

(1) specify the total amount by which—

(A) new budget authority for such fiscal year;

(B) budget authority initially provided for prior fiscal years;

(C) new entitlement authority which is to become effective during such fiscal year; and

(D) credit authority for such fiscal year,

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

(2) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

(3) specify the amounts by which the statutory limit on the public debt is to be changed and direct the committee having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3) (including a direction to achieve deficit reduction).

(b) Legislative procedure

If a concurrent resolution containing directives to one or more committees to determine and recommend changes in laws, bills, or resolutions is agreed to in accordance with subsection (a) of this section, and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House reconciliation legislation containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations and submit such recommendations to the Committee on the Budget of its House, which, upon receiving all such recommendations, shall report to its House reconciliation legislation carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(c) Compliance with reconciliation directions

(1) Any committee of the House of Representatives or the Senate that is directed, pursuant to a concurrent resolution on the budget, to determine and recommend changes of the type described in paragraphs (1) and (2) of subsection (a) of this section with respect to laws within its jurisdiction, shall be deemed to have complied with such directions—

(A) if—

(i) the amount of the changes of the type described in paragraph (1) of such subsection

recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under such paragraph by more than[1]

(I) in the Senate, 20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; or

(II) in the House of Representatives, 20 percent of the sum of the absolute value of the changes the committee was directed to make under paragraph (1) and the absolute value of the changes the committee was directed to make under paragraph (2); and

(ii) the amount of the changes of the type described in paragraph (2) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under that paragraph by more than[1]

(I) in the Senate, 20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; or

(II) in the House of Representatives, 20 percent of the sum of the absolute value of the changes the committee was directed to make under paragraph (1) and the absolute value of the changes the committee was directed to make under paragraph (2); and

(B) if the total amount of the changes recommended by such committee is not less than the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection.

(2)(A) Upon the reporting to the Committee on the Budget of the Senate of a recommendation that shall be deemed to have complied with such directions solely by virtue of this subsection, the chairman of that committee may file with the Senate appropriately revised allocations under section 633(a) of this title and revised functional levels and aggregates to carry out this subsection.

(B) Upon the submission to the Senate of a conference report recommending a reconciliation bill or resolution in which a committee shall be deemed to have complied with such directions solely by virtue of this subsection, the chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 633(a) of this title and revised functional levels and aggregates to carry out this subsection.

(C) Allocations, functional levels, and aggregates revised pursuant to this paragraph shall be considered to be allocations, functional levels, and aggregates contained in the concurrent resolution on the budget pursuant to section 632 of this title.

(D) Upon the filing of revised allocations pursuant to this paragraph, the reporting committee shall report revised allocations pursuant to section 633(b) of this title to carry out this subsection.

[1] So in original. Probably should be ''than—''.

(d) Limitation on amendments to reconciliation bills and resolutions

(1) It shall not be in order in the House of Representatives to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of increasing any specific budget outlays above the level of such outlays provided in the bill or resolution (for the fiscal years covered by the reconciliation instructions set forth in the most recently agreed to concurrent resolution on the budget), or would have the effect of reducing any specific Federal revenues below the level of such revenues provided in the bill or resolution (for such fiscal years), unless such amendment makes at least an equivalent reduction in other specific budget outlays, an equivalent increase in other specific Federal revenues, or an equivalent combination thereof (for such fiscal years), except that a motion to strike a provision providing new budget authority or new entitlement authority may be in order.

(2) It shall not be in order in the Senate to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided (for the fiscal years covered) in the reconciliation instructions which relate to such bill or resolution set forth in a resolution providing for reconciliation, or would have the effect of reducing Federal revenue increases below the level of such revenue increases provided (for such fiscal years) in such instructions relating to such bill or resolution, unless such amendment makes a reduction in other specific budget outlays, an increase in other specific Federal revenues, or a combination thereof (for such fiscal years) at least equivalent to any increase in outlays or decrease in revenues provided by such amendment, except that a motion to strike a provision shall always be in order.

(3) Paragraphs (1) and (2) shall not apply if a declaration of war by the Congress is in effect.

(4) For purposes of this section, the levels of budget outlays and Federal revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or of the Senate, as the case may be.

(5) The Committee on Rules of the House of Representatives may make in order amendments to achieve changes specified by reconciliation directives contained in a concurrent resolution on the budget if a committee or committees of the House fail to submit recommended changes to its Committee on the Budget pursuant to its instruction.

(e) Procedure in Senate

(1) Except as provided in paragraph (2), the provisions of section 636 of this title for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of reconciliation bills reported under subsection (b) of this section and conference reports thereon.

(2) Debate in the Senate on any reconciliation bill reported under subsection (b) of this section,

and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

(f) Completion of reconciliation process

It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has completed action on the reconciliation legislation for the fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains, if reconciliation legislation is required to be reported by the concurrent resolution on the budget for such fiscal year.

(g) Limitation on changes to Social Security Act

Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or reconciliation resolution reported pursuant to a concurrent resolution on the budget agreed to under section 632 or 635 of this title, or a joint resolution pursuant to section 907d of this title, or any amendment thereto or conference report thereon, that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C. 401 et seq.].

(Pub. L. 93–344, title III, § 310, July 12, 1974, 88 Stat. 315; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1053; Pub. L. 101–508, title XIII, §§ 13112(a)(9), 13207(c), (d), 13210(2), Nov. 5, 1990, 104 Stat. 1388–608, 1388–618 to 1388–620; Pub. L. 105–33, title X, § 10111, Aug. 5, 1997, 111 Stat. 685.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (g), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 1331 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Subsec. (c)(1)(A)(i). Pub. L. 105–33, § 10111(1), substituted subcls. (I) and (II) for ''20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection, and''.

Subsec. (c)(1)(A)(ii). Pub. L. 105–33, § 10111(2), substituted subcls. (I) and (II) for ''20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; and''.

1990—Subsec. (a)(4). Pub. L. 101–508, § 13207(d), inserted before period at end ''(including a direction to achieve deficit reduction)''.

Subsec. (c). Pub. L. 101–508, § 13207(c), designated existing provisions as par. (1), redesignated former par. (1) and subpars. (A) and (B) thereof as subpar. (A) and cls. (i) and (ii), respectively, redesignated former par. (2) as subpar. (B) of par. (1), and added par. (2).

Subsec. (f). Pub. L. 101–508, § 13210(2), struck out par. (1) heading ''In general'' and text which directed Congress to complete action on any reconciliation bill or reconciliation resolution reported under subsec. (b) of this section not later than June 15 of each year, and struck out the par. (2) designation and heading ''Point of order in the House of Representatives''.

Subsec. (g). Pub. L. 101–508, § 13112(a)(9), substituted ''joint resolution pursuant'' for ''resolution pursuant'' and ''section 907d of this title'' for ''section 904(b) of this title''.

1985—Pub. L. 99–177 substituted ''Reconciliation'' for ''Second required concurrent resolution and reconciliation process'' in section catchline.

Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, inserting provisions relating to new entitlement authority and credit authority, and deleting provision that any such concurrent resolution could be reported, and the report accompanying it could be filed, in either House notwithstanding that that House was not in session on the day on which such concurrent resolution is reported.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, substituting provisions relating to legislative procedure respecting concurrent resolutions with directives to committees to determine and recommend changes in laws, etc., for provisions relating to completion of action on concurrent resolutions.

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, substituting provisions relating to compliance with reconciliation directives, for provisions relating to the reconciliation process.

Subsec. (d). Pub. L. 99–177 amended subsec. (d) generally, substituting provisions relating to limitations on amendments to reconciliation bills and resolutions, for provisions relating to completion of the reconciliation process.

Subsec. (e). Pub. L. 99–177 amended subsec. (e) generally, substituting references to subsec. (b) for references to subsec. (c) wherever appearing, and deleting references to reconciliation resolutions.

Subsec. (f). Pub. L. 99–177 amended subsec. (f) generally, inserting provision that Congress complete action on reconciliation bills or resolutions reported under subsec. (b) not later than June 15 of each year and revising provisions relating to adjournment periods of the House of Representatives with respect to completion of action on fiscal year reconciliation legislation.

Subsec. (g). Pub. L. 99–177, in amending section generally, added subsec. (g).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, except that such amendment, insofar as it relates to subsecs. (c), (d), and (g) of this section, to become effective Apr. 15, 1986, see section 275(a)(1), (2)(A) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 642. Budget-related legislation must be within appropriate levels

(a) Enforcement of budget aggregates

(1) In House of Representatives

Except as provided by subsection (c) of this section, after the Congress has completed action on a concurrent resolution on the budget for a fiscal year, it shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report providing new budget authority or reducing revenues, if—

(A) the enactment of that bill or resolution as reported;

(B) the adoption and enactment of that amendment; or

(C) the enactment of that bill or resolution in the form recommended in that conference report;

would cause the level of total new budget authority or total outlays set forth in the applicable concurrent resolution on the budget for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues set forth in that concurrent resolution for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided under section 633(a) of this title, except when a declaration of war by the Congress is in effect.

(2) In Senate

After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that—

(A) would cause the level of total new budget authority or total outlays set forth for the first fiscal year in the applicable resolution to be exceeded; or

(B) would cause revenues to be less than the level of total revenues set forth for that first fiscal year or for the total of that first fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 633(a) of this title.

(3) Enforcement of social security levels in Senate

After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in social security surpluses or an increase in social security deficits relative to the levels set forth in the applicable resolution for the first fiscal year or for the total of that fiscal year and the ensuing fiscal years for which allocations are provided under section 633(a) of this title.

(b) Social security levels

(1) In general

For purposes of subsection (a)(3) of this section, social security surpluses equal the excess of social security revenues over social security outlays in a fiscal year or years with such an excess and social security deficits equal the excess of social security outlays over social security revenues in a fiscal year or years with such an excess.

(2) Tax treatment

For purposes of subsection (a)(3) of this section, no provision of any legislation involving a change in chapter 1 of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.] shall be treated as affecting the amount of social security revenues or outlays unless that provision changes the income tax treatment of social security benefits.

(c) Exception in House of Representatives

Subsection (a)(1) of this section shall not apply in the House of Representatives to any bill, joint resolution, or amendment that provides new budget authority for a fiscal year or to any conference report on any such bill or resolution, if—

(1) the enactment of that bill or resolution as reported;

(2) the adoption and enactment of that amendment; or

(3) the enactment of that bill or resolution in the form recommended in that conference report;

would not cause the appropriate allocation of new budget authority made pursuant to section 633(a) of this title for that fiscal year to be exceeded.

(Pub. L. 93–344, title III, §311, July 12, 1974, 88 Stat. 316; Pub. L. 99–177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1055; Pub. L. 100–119, title I, §106(e)(1), Sept. 29, 1987, 101 Stat. 781; Pub. L. 101–508, title XIII, §§13112(a)(10), 13207(a)(1)(E), 13303(d), Nov. 5, 1990, 104 Stat. 1388–608, 1388–617, 1388–626; Pub. L. 105–33, title X, §10112(a), Aug. 5, 1997, 111 Stat. 686.)

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (b)(2), is classified generally to Title 26, Internal Revenue Code.

CODIFICATION

Section was formerly classified to section 1332 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Pub. L. 105–33 amended section catchline and text generally. Prior to amendment, section provided that new budget authority, new spending authority, and revenue legislation had to be within appropriate levels.

1990—Subsec. (a). Pub. L. 101–508, §13303(d), designated existing provisions as par. (1), redesignated former pars. (1) to (3) thereof as subpars. (A) to (C), respectively, and added par. (2).

Pub. L. 101–508, §13207(a)(1)(E), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill, resolution, or amendment'' and struck out ''or any conference report on any such bill or resolution'' after ''reducing revenues for such fiscal year,''.

Pub. L. 101–508, §13112(a)(10), in closing provisions, substituted ''except in the case that a declaration of war by the Congress is in effect'' for ''or, in the Senate, would otherwise result in a deficit for such fiscal year that—

''(A) for fiscal year 1989 or any subsequent fiscal year, exceeds the maximum deficit amount specified for such fiscal year in section 622(7) of this title; and

''(B) for fiscal year 1988 or 1989, exceeds the amount of the estimated deficit for such fiscal year based on laws and regulations in effect on January 1 of the calendar year in which such fiscal year begins as measured using the budget baseline specified in section 901(a)(6) of this title minus $23,000,000,000 for fiscal year 1988 or $36,000,000,000 for fiscal year 1989;

except to the extent that paragraph (1) of section 632(i) of this title or section 635(b) of this title, as the case may be, does not apply by reason of paragraph (2) of such subsection.''

1987—Subsec. (a). Pub. L. 100–119 substituted ''would otherwise result in a deficit for such fiscal year that—

''(A) for fiscal year 1989 or any subsequent fiscal year, exceeds the maximum deficit amount specified for such fiscal year in section 622(7) of this title; and

''(B) for fiscal year 1988 or 1989, exceeds the amount of the estimated deficit for such fiscal year based on laws and regulations in effect on January 1 of the calendar year in which such fiscal year begins as measured using the budget baseline specified in section 901(a)(6) of this title minus $23,000,000,000 for fiscal year 1988 or $36,000,000,000 for fiscal year 1989;

except to the extent that paragraph (1) of section 632(i) of this title or section 635(b) of this title, as the case may be, does not apply by reason of paragraph (2) of such subsection'' for ''would otherwise result in a deficit for such fiscal year that exceeds the maximum deficit amount specified for such fiscal year in section 622(7) of this title (except to the extent that paragraph (1) of section 632(i) of this title or section 635(b) of this title, as the case may be, does not apply by reason of paragraph (2) of such subsection)''.

1985—Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, striking out references to sections 641 and 651 of this title, and inserting provisions relating to nonconsideration in Senate of any bill, resolution, etc., resulting in a fiscal year deficit exceeding maximum deficit amount specified in section 622(7) of this title, with certain exceptions.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, substituting provisions setting forth exceptions in the House of Representatives for certain bills, etc., under subsec. (a) of this section, for provisions relating to determination of outlays and revenues.

Subsec. (c). Pub. L. 99–177, in amending section generally, added subsec. (c).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 13303(d) of Pub. L. 101–508 applicable with respect to fiscal years beginning on or after Oct. 1, 1990, see section 13306 of Pub. L. 101–508, set out as a note under section 632 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 643. Determinations and points of order

(a) Budget Committee determinations

For purposes of this subchapter and subchapter II of this chapter, the levels of new budget authority, outlays, direct spending, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable.

(b) Discretionary spending point of order in Senate

(1) In general

Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would exceed any of the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(c)].

(2) Exceptions

This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 907a] has been enacted.

(c) Maximum deficit amount point of order in Senate

It shall not be in order in the Senate to consider any concurrent resolution on the budget for a fiscal year, or to consider any amendment to that concurrent resolution, or to consider a conference report on that concurrent resolution, if—

(1) the level of total outlays for the first fiscal year set forth in that concurrent resolution or conference report exceeds; or

(2) the adoption of that amendment would result in a level of total outlays for that fiscal year that exceeds;

the recommended level of Federal revenues for that fiscal year, by an amount that is greater than the maximum deficit amount, if any, specified in the Balanced Budget and Emergency Deficit Control Act of 1985 for that fiscal year.

(d) Timing of points of order in Senate

A point of order under this Act may not be raised against a bill, resolution, amendment, motion, or conference report while an amendment or motion, the adoption of which would remedy the violation of this Act, is pending before the Senate.

(e) Points of order in Senate against amendments between Houses

Each provision of this Act that establishes a point of order against an amendment also establishes a point of order in the Senate against an amendment between the Houses. If a point of order under this Act is raised in the Senate against an amendment between the Houses and the point of order is sustained, the effect shall be the same as if the Senate had disagreed to the amendment.

(f) Effect of point of order in Senate

In the Senate, if a point of order under this Act against a bill or resolution is sustained, the Presiding Officer shall then recommit the bill or resolution to the committee of appropriate jurisdiction for further consideration.

(Pub. L. 93–344, title III, § 312, as added Pub. L. 101–508, title XIII, § 13207(b)(1), Nov. 5, 1990, 104 Stat. 1388–618; amended Pub. L. 105–33, title X, § 10113(a), Aug. 5, 1997, 111 Stat. 687.)

REFERENCES IN TEXT

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c), is title II of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106 and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

This Act, referred to in subsecs. (d) to (f), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, and sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the

Code, see Short Title note set out under section 621 of this title and Tables.

AMENDMENTS

1997—Pub. L. 105–33 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) and (b) and provided that each provision of this Act that established point of order against an amendment also established point of order in Senate against an amendment between Houses and prescribed effect of sustaining point of order against an amendment or bill under this Act.

§ 644. Extraneous matter in reconciliation legislation

(a) In general

When the Senate is considering a reconciliation bill or a reconciliation resolution pursuant to section 641 of this title (whether that bill or resolution originated in the Senate or the House) or section 907d of this title, upon a point of order being made by any Senator against material extraneous to the instructions to a committee which is contained in any title or provision of the bill or resolution or offered as an amendment to the bill or resolution, and the point of order is sustained by the Chair, any part of said title or provision that contains material extraneous to the instructions to said Committee as defined in subsection (b) of this section shall be deemed stricken from the bill and may not be offered as an amendment from the floor.

(b) Extraneous provisions

(1)(A) Except as provided in paragraph (2), a provision of a reconciliation bill or reconciliation resolution considered pursuant to section 641 of this title shall be considered extraneous if such provision does not produce a change in outlays or revenues, including changes in outlays and revenues brought about by changes in the terms and conditions under which outlays are made or revenues are required to be collected (but a provision in which outlay decreases or revenue increases exactly offset outlay increases or revenue decreases shall not be considered extraneous by virtue of this subparagraph); (B) any provision producing an increase in outlays or decrease in revenues shall be considered extraneous if the net effect of provisions reported by the committee reporting the title containing the provision is that the committee fails to achieve its reconciliation instructions; (C) a provision that is not in the jurisdiction of the committee with jurisdiction over said title or provision shall be considered extraneous; (D) a provision shall be considered extraneous if it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision; (E) a provision shall be considered to be extraneous if it increases, or would increase, net outlays, or if it decreases, or would decrease, revenues during a fiscal year after the fiscal years covered by such reconciliation bill or reconciliation resolution, and such increases or decreases are greater than outlay reductions or revenue increases resulting from other provisions in such title in such year; and (F) a provision shall be considered extraneous if it violates section 641(g) of this title.

(2) A Senate-originated provision shall not be considered extraneous under paragraph (1)(A) if the Chairman and Ranking Minority Member of the Committee on the Budget and the Chairman and Ranking Minority Member of the Committee which reported the provision certify that: (A) the provision mitigates direct effects clearly attributable to a provision changing outlays or revenues and both provisions together produce a net reduction in the deficit; (B) the provision will result in a substantial reduction in outlays or a substantial increase in revenues during fiscal years after the fiscal years covered by the reconciliation bill or reconciliation resolution; (C) a reduction of outlays or an increase in revenues is likely to occur as a result of the provision, in the event of new regulations authorized by the provision or likely to be proposed, court rulings on pending litigation, or relationships between economic indices and stipulated statutory triggers pertaining to the provision, other than the regulations, court rulings or relationships currently projected by the Congressional Budget Office for scorekeeping purposes; or (D) such provision will be likely to produce a significant reduction in outlays or increase in revenues but, due to insufficient data, such reduction or increase cannot be reliably estimated.

(3) A provision reported by a committee shall not be considered extraneous under paragraph (1)(C) if (A) the provision is an integral part of a provision or title, which if introduced as a bill or resolution would be referred to such committee, and the provision sets forth the procedure to carry out or implement the substantive provisions that were reported and which fall within the jurisdiction of such committee; or (B) the provision states an exception to, or a special application of, the general provision or title of which it is a part and such general provision or title if introduced as a bill or resolution would be referred to such committee.

(c) Extraneous materials

Upon the reporting or discharge of a reconciliation bill or resolution pursuant to section 641 of this title in the Senate, and again upon the submission of a conference report on such a reconciliation bill or resolution, the Committee on the Budget of the Senate shall submit for the record a list of material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of this section to the instructions of a committee as provided in this section. The inclusion or exclusion of a provision shall not constitute a determination of extraneousness by the Presiding Officer of the Senate.

(d) Conference reports

When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a reconciliation bill or reconciliation resolution pursuant to section 641 of this title, upon—

(1) a point of order being made by any Senator against extraneous material meeting the definition of subsections (b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(1)(E), or (b)(1)(F) of this section, and

(2) such point of order being sustained,

such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed, without interven-

ing action or motion, to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable for two hours. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(e) General point of order

Notwithstanding any other law or rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provisions of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(Pub. L. 93–344, title III, § 313, formerly Pub. L. 99–272, title XX, § 20001, Apr. 7, 1986, 100 Stat. 390, as amended Pub. L. 99–509, title VII, § 7006, Oct. 21, 1986, 100 Stat. 1949; Pub. L. 100–119, title II, § 205(a), (b), Sept. 29, 1987, 101 Stat. 784; renumbered § 313 of Pub. L. 93–344 and amended Pub. L. 101–508, title XIII, § 13214(a)–(b)(4), Nov. 5, 1990, 104 Stat. 1388–621, 1388–622; Pub. L. 105–33, title X, § 10113(b)(1), Aug. 5, 1997, 111 Stat. 688.)

CODIFICATION

Prior to redesignation by Pub. L. 101–508, this section was section 20001 of Pub. L. 99–272, which was not classified to the Code, and subsec. (c) (now (d)) of this section (relating to point of order) was subsec. (a) of the first section of Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985.

AMENDMENTS

1997—Subsec. (c). Pub. L. 105–33, § 10113(b)(1)(A), redesignated subsec. (c), relating to point of order, as (d).

Subsec. (d). Pub. L. 105–33, § 10113(b)(1)(A), redesignated subsec. (c), relating to point of order, as (d) and inserted heading. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 105–33, § 10113(b)(1)(B), redesignated subsec. (d) as (e) and struck out heading and text of former subsec. (e). Text read as follows: ''For purposes of this section, the levels of new budget authority, budget outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.''

1990—Pub. L. 101–508, § 13214(b)(2)(A), inserted ''Extraneous matter in reconciliation legislation'' as section catchline.

Pub. L. 101–508, § 13214(b)(1), redesignated section 20001 of Pub. L. 99–272 as this section.

Subsec. (a). Pub. L. 101–508, § 13214(a)(1)(A), inserted heading ''In general''.

Pub. L. 101–508, § 13214(b)(4)(B), substituted ''subsection (b) of this section'' for ''subsection (d) of this section''.

Pub. L. 101–508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101–508, § 13214(b)(2)(B), struck out at end ''An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section, as well as to waive or suspend the provisions of this subsection.''

Pub. L. 101–508, § 13214(a)(1)(B), inserted ''(whether that bill or resolution originated in the Senate or the House) or section 907d of this title'' after ''section 641 of this title''.

Subsec. (b). Pub. L. 101–508, § 13214(b)(2)(B), (C), redesignated subsec. (d) as (b) and struck out former subsec. (b) which provided that no motion to waive or suspend the requirement of section 636(b)(2) of this title, as it related to germaneness with respect to a reconciliation bill or resolution, could be agreed to unless supported by an affirmative vote of three-fifths of the Members, duly chosen and sworn, which super-majority was to be required to successfully appeal the ruling of the Chair on a point of order raised under that section, as well as to waive or suspend the provisions of this subsection.

Pub. L. 101–508, § 13214(a)(2), inserted heading ''Extraneous provisions''.

Subsec. (b)(1)(A). Pub. L. 101–508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101–508, § 13214(a)(3), inserted before semicolon ''(but a provision in which outlay decreases or revenue increases exactly offset outlay increases or revenue decreases shall not be considered extraneous by virtue of this subparagraph)''.

Subsec. (b)(1)(F). Pub. L. 101–508, § 13214(a)(4)–(6), added subpar. (F).

Subsec. (b)(2). Pub. L. 101–508, § 13214(a)(7), substituted ''A Senate-originated provision'' for ''A provision''.

Subsec. (b)(2)(C). Pub. L. 101–508, § 13214(b)(4)(C), inserted ''or'' after ''scorekeeping purposes;''.

Subsec. (c). Pub. L. 101–508, § 13214(b)(4)(F), which directed the substitution of ''this subsection'' for ''this resolution'' in par. (2), was executed to last sentence of subsec. (c) as the probable intent of Congress.

Pub. L. 101–508, § 13214(b)(4)(E), substituted ''(b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(1)(E), or (b)(1)(F) of this section'' for ''(d)(1)(A) or (d)(1)(D) of section 20001 of the Consolidated Omnibus Budget Reconciliation Act of 1985''.

Pub. L. 101–508, § 13214(b)(4)(D), substituted ''When'' for ''when''.

Pub. L. 101–508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101–508, § 13214(b)(3), redesignated as subsec. (c), relating to point of order, subsec. (a) of the first section of Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985, as amended by Senate Resolution No. 509, Ninety-ninth Congress, Oct. 16, 1986.

Pub. L. 101–508, § 13214(b)(2)(C), redesignated subsec. (e), relating to extraneous materials, as (c).

Pub. L. 101–508, § 13214(b)(2)(B), struck out subsec. (c) which provided for effective and termination dates of this section.

Subsec. (d). Pub. L. 101–508, § 13214(b)(2)(C), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsecs. (e) to (g). Pub. L. 101–508, § 13214(a)(8), (b)(2)(C), added subsecs. (e) to (g) and redesignated them as subsecs. (c) to (e), respectively.

1987—Subsec. (c). Pub. L. 100–119, § 205(a), substituted ''September 30, 1992'' for ''January 2, 1988''.

Subsec. (d)(1)(E). Pub. L. 100–119, § 205(b), which directed that cl. (E) be added to subsec. (d)(1)(A), was executed to subsec. (d)(1), as the probable intent of Congress.

1986—Subsec. (c). Pub. L. 99–509, § 7006(b), substituted ''January 2, 1988'' for ''January 2, 1987''.

Pub. L. 99–509, § 7006(c), substituted ''section 20001'' for ''section 1201'' in Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985. See 1990 Amendment note above.

Subsec. (d)(2). Pub. L. 99–509, § 7006(a)(1), substituted ''paragraph (1)(A) if the Chairman and Ranking Minority Member of the Committee on the Budget and the Chairman and Ranking Minority Member of the Committee which reported the provision certify that'' for ''(1)(A) above if'' in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 99–509, § 7006(a)(2), substituted ''the provision mitigates'' for ''it is designed to mitigate the''.

Subsec. (d)(2)(B). Pub. L. 99–509, § 7006(a)(3), substituted ''the provision'' for ''it''.

Subsec. (d)(3). Pub. L. 99–509, § 7006(a)(4), added par. (3).

§ 645. Adjustments

(a) Adjustments

(1) In general

After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate shall make the adjustments set forth in paragraph (2) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in subsection (b) of this section) and the outlays flowing from that budget authority.

(2) Matters to be adjusted

The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 633(a) of this title; and

(C) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(b) Amounts of adjustments

The adjustment referred to in subsection (a) of this section shall be—

(1) an amount provided and designated as an emergency requirement pursuant to section 901(b)(2)(A) or 902(e) of this title;

(2) an amount provided for continuing disability reviews subject to the limitations in section 901(b)(2)(C) of this title;

(3) for any fiscal year through 2002, an amount provided that is the dollar equivalent of the Special Drawing Rights with respect to—

(A) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); or

(B) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 286e–2 of title 22, as amended from time to time (New Arrangements to Borrow);

(4) an amount provided not to exceed $1,884,000,000 for the period of fiscal years 1998 through 2000 for arrearages for international organizations, international peacekeeping, and multilateral development banks;

(5) an amount provided for an earned income tax credit compliance initiative but not to exceed—

(A) with respect to fiscal year 1998, $138,000,000 in new budget authority;

(B) with respect to fiscal year 1999, $143,000,000 in new budget authority;

(C) with respect to fiscal year 2000, $144,000,000 in new budget authority;

(D) with respect to fiscal year 2001, $145,000,000 in new budget authority; and

(E) with respect to fiscal year 2002, $146,000,000 in new budget authority; or

(6) in the case of an amount for adoption incentive payments (as defined in section 901(b)(2)(G) of this title) for fiscal year 1999, 2000, 2001, 2002, or 2003 for the Department of Health and Human Services, an amount not to exceed $20,000,000.

(c) Application of adjustments

The adjustments made pursuant to subsection (a) of this section for legislation shall—

(1) apply while that legislation is under consideration;

(2) take effect upon the enactment of that legislation; and

(3) be published in the Congressional Record as soon as practicable.

(d) Reporting revised suballocations

Following any adjustment made under subsection (a) of this section, the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations under section 633(b) of this title to carry out this section.

(e) Definitions for CDRs

As used in subsection (b)(2) of this section—

(1) the term ''continuing disability reviews'' shall have the same meaning as provided in section 901(b)(2)(C)(ii) of this title; and

(2) the term ''new budget authority'' shall have the same meaning as the term ''additional new budget authority'' and the term ''outlays'' shall have the same meaning as ''additional outlays'' in that section.

(Pub. L. 93–344, title III, § 314, as added Pub. L. 105–33, title X, § 10114(a), Aug. 5, 1997, 111 Stat. 688; amended Pub. L. 105–89, title II, § 201(b)(2), Nov. 19, 1997, 111 Stat. 2125.)

AMENDMENTS

1997—Subsec. (b)(6). Pub. L. 105–89 added par. (6).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–89 effective Nov. 19, 1997, except as otherwise provided, with delay permitted if State legislation is required, see section 501 of Pub. L. 105–89, set out as a note under section 622 of Title 42, The Public Health and Welfare.

§ 645a. Effect of adoption of special order of business in House of Representatives

For purposes of a reported bill or joint resolution considered in the House of Representatives pursuant to a special order of business, the term ''as reported'' in this subchapter or subchapter II of this chapter shall be considered to refer to the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(Pub. L. 93–344, title III, § 315, as added Pub. L. 105–33, title X, § 10115(a), Aug. 5, 1997, 111 Stat. 690.)

SUBCHAPTER II—FISCAL PROCEDURES

PART A—GENERAL PROVISIONS

§ 651. Budget-related legislation not subject to appropriations

(a) Controls on certain budget-related legislation not subject to appropriations

It shall not be in order in either the House of Representatives or the Senate to consider any bill or joint resolution (in the House of Representatives only, as reported), amendment, motion, or conference report that provides—

(1) new authority to enter into contracts under which the United States is obligated to make outlays;

(2) new authority to incur indebtedness (other than indebtedness incurred under chapter 31 of title 31) for the repayment of which the United States is liable; or

(3) new credit authority;

unless that bill, joint resolution, amendment, motion, or conference report also provides that the new authority is to be effective for any fiscal year only to the extent or in the amounts provided in advance in appropriation Acts.

(b) Legislation providing new entitlement authority

(1) POINT OF ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or joint resolution (in the House of Representatives only, as reported), amendment, motion, or conference report that provides new entitlement authority that is to become effective during the current fiscal year.

(2) If any committee of the House of Representatives or the Senate reports any bill or resolution which provides new entitlement authority which is to become effective during a fiscal year and the amount of new budget authority which will be required for such fiscal year if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported under section 633(b) of this title in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, such bill or resolution shall then be referred to the Committee on Appropriations of the Senate or may then be referred to the Committee on Appropriations of the House, as the case may be, with instructions to report it, with the committee's recommendations, within 15 calendar days (not counting any day on which that House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations of either House fails to report a bill or resolution referred to it under this paragraph within such 15-day period, the committee shall automatically be discharged from further consideration of such bill or resolution and such bill or resolution shall be placed on the appropriate calendar.

(3) The Committee on Appropriations of each House shall have jurisdiction to report any bill or resolution referred to it under paragraph (2) with an amendment which limits the total amount of new spending authority provided in such bill or resolution.

(c) Exceptions

(1) Subsections (a) and (b) of this section shall not apply to new authority described in those subsections if outlays from that new authority will flow—

(A) from a trust fund established by the Social Security Act (as in effect on July 12, 1974) [42 U.S.C. 301 et seq.]; or

(B) from any other trust fund, 90 percent or more of the receipts of which consist or will consist of amounts (transferred from the general fund of the Treasury) equivalent to amounts of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.].

(2) Subsections (a) and (b) of this section shall not apply to new authority described in those subsections to the extent that—

(A) the outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 9101(2) of title 31), or (ii) a wholly owned Government corporation (as defined in section 9101(3) of title 31) which is specifically exempted by law from compliance with any or all of the provisions of chapter 91 of title 31, as of December 12, 1985; or

(B) the outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

(Pub. L. 93–344, title IV, § 401, July 12, 1974, 88 Stat. 317; Pub. L. 99–177, title II, § 211, Dec. 12, 1985, 99 Stat. 1056; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–508, title XIII, § 13207(a)(1)(F), (G), Nov. 5, 1990, 104 Stat. 1388–617, 1388–618; Pub. L. 105–33, title X, § 10116(a)(1)–(5), Aug. 5, 1997, 111 Stat. 690, 691.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (c)(1)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Internal Revenue Code of 1986, referred to in subsec. (c)(1)(B), is classified generally to Title 26, Internal Revenue Code.

CODIFICATION

In subsec. (c)(2)(A), ''section 9101(2) of title 31'', ''section 9101(3) of title 31'', and ''chapter 91 of title 31'' were substituted for ''section 201 of the Government Corporation Control Act [31 U.S.C. 856]'', ''section 101 of

such Act [31 U.S.C. 846]'', and ''that Act'', respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 1351 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1997—Pub. L. 105–33, § 10116(a)(1)(A), substituted ''Budget-related legislation not subject to appropriations'' for ''Bills providing new spending authority'' as section catchline.

Subsec. (a). Pub. L. 105–33, § 10116(a)(1)(B), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: ''It shall not be in order in either the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report, as reported to its House which provides new spending authority described in subsection (c)(2)(A) or (B) of this section, unless that bill, resolution, conference report, or amendment also provides that such new spending authority as described in subsection (c)(2)(A) or (B) of this section is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.''

Subsec. (b). Pub. L. 105–33, § 10116(a)(2)(A), inserted ''new'' before ''entitlement'' in heading.

Subsec. (b)(1). Pub. L. 105–33, § 10116(a)(2)(B), added par. (1) and struck out former par. (1) which read as follows: ''It shall not be in order in either the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report, as reported to its House, which provides new spending authority described in subsection (c)(2)(C) of this section which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.''

Subsec. (b)(2). Pub. L. 105–33, § 10116(a)(2)(C), substituted ''new entitlement authority'' for ''new spending authority described in subsection (c)(2)(C) of this section'' and ''of the Senate or may then be referred to the Committee on Appropriations of the House, as the case may be,'' for ''of that House''.

Subsec. (c). Pub. L. 105–33, § 10116(a)(5), redesignated subsec. (d) as (c).

Pub. L. 105–33, § 10116(a)(3), struck out subsec. (c) which defined terms ''new spending authority'' and ''spending authority''.

Subsec. (d). Pub. L. 105–33, § 10116(a)(5), redesignated subsec. (d) as (c).

Subsec. (d)(1). Pub. L. 105–33, § 10116(a)(4)(A), which directed substitution of ''new authority described in those subsections if outlays from that new authority will flow'' for ''new spending authority if the budget authority for outlays which result from such new spending authority is derived'', was executed by making the substitution for ''new spending authority if the budget authority for outlays which will result from such new spending authority is derived'' in introductory provisions to reflect the probable intent of Congress.

Subsec. (d)(2), (3). Pub. L. 105–33, § 10116(a)(4)(B), (C), redesignated par. (3) as (2), substituted ''new authority described in those subsections'' for ''new spending authority'' in introductory provisions, and struck out former par. (2) which read as follows: ''Subsections (a) and (b) of this section shall not apply to new spending authority which is an amendment to or extension of chapter 67 of title 31, or a continuation of the program of fiscal assistance to State and local governments provided by that chapter, to the extent so provided in the bill or resolution providing such authority.''

1990—Subsec. (a). Pub. L. 101–508, § 13207(a)(1)(F), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill, resolution, or conference report'' and struck out ''(or any amendment which provides such new spending authority)'' after ''subsection (c)(2)(A) or (B) of this section''.

Subsec. (b)(1). Pub. L. 101–508, § 13207(a)(1)(G), substituted ''bill, joint resolution, amendment, motion, or conference report, as reported to its House'' for ''bill or resolution'' and struck out ''(or any amendment which provides such new spending authority)'' after ''subsection (c)(2)(C) of this section''.

1986—Subsec. (d)(1)(B). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954''.

1985—Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, inserting provisions relating to applicability to conference reports.

Subsec. (b). Pub. L. 99–177, in amending section generally, reenacted subsec. (b) without change.

Subsec. (c). Pub. L. 99–177, in amending subsec. (c) generally, added pars. (2)(D) and (E).

Subsec. (d). Pub. L. 99–177, in amending subsec. (d) generally, reenacted pars. (1) and (2) without change, and inserted reference to December 12, 1985, in par. (3).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

EFFECTIVE DATE

Section 905(c) of Pub. L. 93–344 (formerly set out as a note under section 621 of this title) provided that except as provided in section 906 of Pub. L. 93–344 (formerly set out as a note under section 632 of this title) this section shall take effect on the first day of the second regular session of the Ninety-fourth Congress.

§ 652. Repealed. Pub. L. 105–33, title X, § 10116(b), Aug. 5, 1997, 111 Stat. 692

Section, Pub. L. 93–344, title IV, § 402, July 12, 1974, 88 Stat. 318; Pub. L. 99–177, title II, § 212, Dec. 12, 1985, 99 Stat. 1058; Pub. L. 101–508, title XIII, § 13207(a)(1)(H), Nov. 5, 1990, 104 Stat. 1388–618, related to legislation providing new credit authority.

§ 653. Analysis by Congressional Budget Office

The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(2) a comparison of the estimates of costs described in paragraph (1) with any available estimates of costs made by such committee or by any Federal agency; and

(3) a description of each method for establishing a Federal financial commitment contained in such bill or resolution.

The estimates, comparison, and description so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

(Pub. L. 93–344, title IV, § 402, formerly § 403, July 12, 1974, 88 Stat. 320; Pub. L. 97–108, § 2(a), Dec. 23, 1981, 95 Stat. 1510; Pub. L. 99–177, title II, § 213, Dec. 12, 1985, 99 Stat. 1059; Pub. L. 104–4, title I,

§ 104, Mar. 22, 1995, 109 Stat. 62; renumbered § 402, Pub. L. 105–33, title X, § 10116(c)(1), Aug. 5, 1997, 111 Stat. 692.)

CODIFICATION

Section was formerly classified to section 1353 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

PRIOR PROVISIONS

A prior section 402 of Pub. L. 93–344 was classified to section 652 of this title prior to repeal by Pub. L. 105–33.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–4, § 104(2), struck out subsection designation.

Subsec. (a)(2). Pub. L. 104–4, § 104(1)(A), (C), redesignated par. (3) as (2) and struck out former par. (2), which read as follows: ''an estimate of the cost which would be incurred by State and local governments in carrying out or complying with any significant bill or resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate;''.

Subsec. (a)(3). Pub. L. 104–4, § 104(1)(C), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Pub. L. 104–4, § 104(1)(B), which directed the substitution of ''paragraph (1)'' for ''paragraphs (1) and (2)'', was executed by making the substitution for ''paragraph (1) and (2)'' to reflect the probable intent of Congress.

Subsec. (a)(4). Pub. L. 104–4, § 104(1)(C), redesignated par. (4) as (3).

Subsecs. (b), (c). Pub. L. 104–4, § 104(3), struck out subsecs. (b) and (c) which read as follows:

''(b) For purposes of subsection (a)(2) of this section, the term 'local government' has the same meaning as in section 6501 of title 31.

''(c) For purposes of subsection (a)(2) of this section, the term 'significant bill or resolution' is defined as any bill or resolution which in the judgment of the Director of the Congressional Budget Office is likely to result in an annual cost to State and local governments of $200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government.''

1985—Subsec. (a). Pub. L. 99–177 added par. (4) and substituted ''estimates, comparison, and description'' for ''estimates and comparison'' in last sentence.

1981—Subsec. (a). Pub. L. 97–108, § 2(a)(1)–(6), designated existing provisions as subsec. (a), added par. (2), redesignated former par. (2) as (3), in par. (3) as so redesignated, substituted ''estimates'' for ''estimate'' in two places, and substituted reference to pars. (1) and (2) for reference to par. (1), and in provision following par. (3) substituted ''estimates'' for ''estimate''.

Subsecs. (b) and (c). Pub. L. 97–108, § 2(a)(7), added subsecs. (b) and (c).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–4 effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104–4, set out as an Effective Date note under section 1511 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 2(b) of Pub. L. 97–108 provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to bills or resolutions reported by committees of the House of Representatives and the Senate after September 30, 1982.''

EFFECTIVE DATE

Amendment by Pub. L. 93–344 effective on day on which first Director of Congressional Budget Office is appointed under section 601(a) of this title, see section 905(b) of Pub. L. 93–344, formerly set out as an Effective Date note under section 621 of this title.

AUTHORIZATION OF APPROPRIATIONS

Section 3 of Pub. L. 97–108 provided that: ''There are authorized to be appropriated such sums as may be necessary to carry out this Act [amending this section and enacting provisions set out as notes under this section and section 621 of this title].''

EXPIRATION OF AUTHORIZATION

Section 4 of Pub. L. 97–108, which provided for expiration on Sept. 30, 1987, of authorization granted under Pub. L. 97–108, which amended this section and enacted provisions set out as notes under sections 621 and 653 of this title, was repealed by Pub. L. 100–119, title II, § 204, Sept. 29, 1987, 101 Stat. 784.

§ 654. Study by Government Accountability Office of forms of Federal financial commitment not reviewed annually by Congress

The Government Accountability Office shall study those provisions of law which provide mandatory spending and report to the Congress its recommendations for the appropriate form of financing for activities or programs financed by such provisions not later than eighteen months after December 12, 1985. Such report shall be revised from time to time.

(Pub. L. 93–344, title IV, § 404, formerly § 405, as added Pub. L. 99–177, title II, § 214, Dec. 12, 1985, 99 Stat. 1059; renumbered § 404 and amended Pub. L. 105–33, title X, § 10116(c)(1), (2), Aug. 5, 1997, 111 Stat. 692; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

PRIOR PROVISIONS

A prior section 404 of Pub. L. 93–344, which is not classified to the Code, was renumbered section 403 by Pub. L. 105–33, title X, § 10116(c)(1), Aug. 5, 1997, 111 Stat. 692.

AMENDMENTS

2004—Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in section catchline and text.

1997—Pub. L. 105–33, § 10116(c)(2), substituted ''mandatory spending'' for ''spending authority as described by section 651(c)(2) of this title and which provide permanent appropriations,''.

EFFECTIVE DATE

Section effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 655. Off-budget agencies, programs, and activities

(a) Notwithstanding any other provision of law, budget authority, credit authority, and estimates of outlays and receipts for activities of the Federal budget which are off-budget immediately prior to December 12, 1985, not including activities of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance

Trust Funds, shall be included in a budget submitted pursuant to section 1105 of title 31 and in a concurrent resolution on the budget reported pursuant to section 632 or section 635 of this title and shall be considered, for purposes of this Act, budget authority, outlays, and spending authority in accordance with definitions set forth in this Act.

(b) All receipts and disbursements of the Federal Financing Bank with respect to any obligations which are issued, sold, or guaranteed by a Federal agency shall be treated as a means of financing such agency for purposes of section 1105 of title 31 and for purposes of this Act.

(Pub. L. 93–344, title IV, § 405, formerly § 406, as added Pub. L. 99–177, title II, § 214, Dec. 12, 1985, 99 Stat. 1059; renumbered § 405, Pub. L. 105–33, title X, § 10116(c)(1), Aug. 5, 1997, 111 Stat. 692.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

PRIOR PROVISIONS

A prior section 405 of Pub. L. 93–344 was renumbered section 404 and is classified to section 654 of this title.

EFFECTIVE DATE

Section effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 656. Member User Group

The Speaker of the House of Representatives, after consulting with the Minority Leader of the House, may appoint a Member User Group for the purpose of reviewing budgetary scorekeeping rules and practices of the House and advising the Speaker from time to time on the effect and impact of such rules and practices.

(Pub. L. 93–344, title IV, § 406, formerly § 407, as added Pub. L. 99–177, title II, § 214, Dec. 12, 1985, 99 Stat. 1060; renumbered § 406, Pub. L. 105–33, title X, § 10116(c)(1), Aug. 5, 1997, 111 Stat. 692.)

PRIOR PROVISIONS

A prior section 406 of Pub. L. 93–344 was renumbered section 405 and is classified to section 655 of this title.

EFFECTIVE DATE

Section effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, see section 275(a)(1) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

PART B—FEDERAL MANDATES

§ 658. Definitions

For purposes of this part:

(1) Agency

The term ''agency'' has the same meaning as defined in section 551(1) of title 5, but does not include independent regulatory agencies.

(2) Amount

The term ''amount'', with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

(3) Direct costs

The term ''direct costs''—

(A)(i) in the case of a Federal intergovernmental mandate, means the aggregate estimated amounts that all State, local, and tribal governments would be required to spend or would be prohibited from raising in revenues in order to comply with the Federal intergovernmental mandate; or

(ii) in the case of a provision referred to in paragraph (5)(A)(ii), means the amount of Federal financial assistance eliminated or reduced;

(B) in the case of a Federal private sector mandate, means the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

(C) shall be determined on the assumption that—

(i) State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations; and

(ii) reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees; and

(D) shall not include—

(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal gov-

ernments, or by the private sector, as a result of—

(I) compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(4) Direct savings

The term ''direct savings'', when used with respect to the result of compliance with the Federal mandate—

(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.

(5) Federal intergovernmental mandate

The term ''Federal intergovernmental mandate'' means—

(A) any provision in legislation, statute, or regulation that—

(i) would impose an enforceable duty upon State, local, or tribal governments, except—

(I) a condition of Federal assistance; or

(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B));[1] or

(ii) would reduce or eliminate the amount of authorization of appropriations for—

(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

(6) Federal mandate

The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (5) and (7).

(7) Federal private sector mandate

The term ''Federal private sector mandate'' means any provision in legislation, statute, or regulation that—

(A) would impose an enforceable duty upon the private sector except—

(i) a condition of Federal assistance; or

(ii) a duty arising from participation in a voluntary Federal program; or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

(8) Local government

The term ''local government'' has the same meaning as defined in section 6501(6) of title 31.

(9) Private sector

The term ''private sector'' means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

(10) Regulation; rule

The term ''regulation'' or ''rule'' (except with respect to a rule of either House of the Congress) has the meaning of ''rule'' as defined in section 601(2) of title 5.

(11) Small government

The term ''small government'' means any small governmental jurisdictions defined in section 601(5) of title 5 and any tribal government.

(12) State

The term ''State'' has the same meaning as defined in section 6501(9) of title 31.

(13) Tribal government

The term ''tribal government'' means any Indian tribe, band, nation, or other organized

[1] So in original. Second closing parenthesis probably should not appear.

group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

(Pub. L. 93–344, title IV, § 421, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 50.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (13), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

EFFECTIVE DATE

Part effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104–4, set out as a note under section 1511 of this title.

§ 658a. Exclusions

This part shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

(6) the President designates as emergency legislation and that the Congress so designates in statute; or

(7) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act [42 U.S.C. 401 et seq.] (including taxes imposed by sections 3101(a) and 3111(a) of title 26 (relating to old-age, survivors, and disability insurance)).

(Pub. L. 93–344, title IV, § 422, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 53.)

REFERENCES IN TEXT

The Social Security Act, referred to in par. (7), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 658b. Duties of Congressional committees

(a) In general

When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by subsections (c) and (d) of this section.

(b) Submission of bills to Director

When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) Reports on Federal mandates

Each report described under subsection (a) of this section shall contain—

(1) an identification and description of any Federal mandates in the bill or joint resolution, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

(2) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

(3) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under section 658d(a)(2) of this title would affect the competitive balance between State, local, or tribal governments and the private sector including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

(d) Intergovernmental mandates

If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under subsection (a) of this section shall also contain—

(1)(A) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates;

(B) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

(C) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the re-

spective levels of State, local, and tribal government;

(2) any existing sources of Federal assistance in addition to those identified in paragraph (1) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates; and

(3) if the bill or joint resolution would make the reduction specified in section 658(5)(B)(i)(II) of this title, a statement of how the committee specifically intends the States to implement the reduction and to what extent the legislation provides additional flexibility, if any, to offset the reduction.

(e) Preemption clarification and information

When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution is intended to preempt any State, local, or tribal law, and, if so, an explanation of the effect of such preemption.

(f) Publication of statement from Director

(1) In general

Upon receiving a statement from the Director under section 658c of this title, a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

(2) Other publication of statement of Director

If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

(Pub. L. 93–344, title IV, § 423, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 53; amended Pub. L. 106–141, § 2(a), Dec. 7, 1999, 113 Stat. 1699.)

AMENDMENTS

1999—Subsec. (d)(3). Pub. L. 106–141 added par. (3).

§ 658c. Duties of Director; statements on bills and joint resolutions other than appropriations bills and joint resolutions

(a) Federal intergovernmental mandates in reported bills and resolutions

For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

(1) Contents

If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(2) Estimates

Estimates required under paragraph (1) shall include estimates (and brief explanations of the basis of the estimates) of—

(A) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution;

(B) if the bill or resolution contains an authorization of appropriations under section 658d(a)(2)(B) of this title, the amount of new budget authority for each fiscal year for a period not to exceed 10 years beyond the effective date necessary for the direct cost of the intergovernmental mandate; and

(C) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

(3) Additional flexibility information

The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 658(5)(B)(i)(II) of this title—

(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.

(4) Estimate not feasible

If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order under this part shall lie only under section 658d(a)(1) of this title and as if the requirement of section 658d(a)(1) of this title had not been met.

(b) Federal private sector mandates in reported bills and joint resolutions

For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

(1) Contents

If the Director estimates that the direct cost of all Federal private sector mandates in the

bill or joint resolution will equal or exceed $100,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(2) Estimates

Estimates required under paragraph (1) shall include estimates (and a brief explanation of the basis of the estimates) of—

(A) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(B) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

(3) Estimate not feasible

If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

(c) Legislation falling below direct costs thresholds

If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in subsections (a) and (b) of this section, the Director shall so state and shall briefly explain the basis of the estimate.

(d) Amended bills and joint resolutions; conference reports

If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this subsection or a supplemental statement for the bill or joint resolution in that amended form.

(Pub. L. 93–344, title IV, § 424, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 55; amended Pub. L. 106–141, § 2(b), Dec. 7, 1999, 113 Stat. 1699.)

AMENDMENTS

1999—Subsec. (a)(3), (4). Pub. L. 106–141 added par. (3) and redesignated former par. (3) as (4).

§ 658d. Legislation subject to point of order

(a) In general

It shall not be in order in the Senate or the House of Representatives to consider—

(1) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with section 658b(f) of this title before such consideration, except this paragraph shall not apply to any supplemental statement prepared by the Director under section 658c(d) of this title; and

(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in section 658c(a)(1) of this title to be exceeded, unless—

(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for such mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to or exceeding the direct costs of such mandate; or

(B) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to or exceeding the direct costs of such mandate, and—

(i) identifies a specific dollar amount of the direct costs of such mandate for each year up to 10 years during which such mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under subsection (e) of this section for each fiscal year;

(ii) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under clause (i); and

(iii)(I) provides that for any fiscal year the responsible Federal agency shall determine whether there are insufficient appropriations for that fiscal year to provide for the direct costs under clause (i) of such mandate, and shall (no later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

(aa) a statement that the agency has determined, based on a re-estimate of the direct costs of such mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of such mandate; or

(bb) legislative recommendations for either implementing a less costly mandate or making such mandate ineffective for the fiscal year;

(II) provides for expedited procedures for the consideration of the statement or leg-

islative recommendations referred to in subclause (I) by Congress no later than 30 days after the statement or recommendations are submitted to Congress; and

(III) provides that such mandate shall—

(aa) in the case of a statement referred to in subclause (I)(aa), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

(bb) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under subclause (I)(bb) unless Congress provides otherwise by law; or

(cc) in the case that such mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

(b) Rule of construction

The provisions of subsection (a)(2)(B)(iii) of this section shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

(c) Committee on Appropriations

(1) Application

The provisions of subsection (a) of this section—

(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; except

(B) shall apply to—

(i) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

(ii) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

(iii) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives; and

(iv) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives.

(2) Certain provisions stricken in Senate

Upon a point of order being made by any Senator against any provision listed in paragraph (1)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

(d) Determinations of applicability to pending legislation

For purposes of this section, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this part to a pending bill, joint resolution, amendment, motion, or conference report.

(e) Determinations of Federal mandate levels

For purposes of this section, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

(Pub. L. 93–344, title IV, § 425, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 56.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

§ 658e. Provisions relating to House of Representatives

(a) Enforcement in House of Representatives

It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 658d of this title.

(b) Disposition of points of order

(1) Application to House of Representatives

This subsection shall apply only to the House of Representatives.

(2) Threshold burden

In order to be cognizable by the Chair, a point of order under section 658d of this title or subsection (a) of this section must specify the precise language on which it is premised.

(3) Question of consideration

As disposition of points of order under section 658d of this title or subsection (a) of this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(4) Debate and intervening motions

A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(5) Effect on amendment in order as original text

The disposition of the question of consideration under this subsection with respect to a

bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

(Pub. L. 93–344, title IV, § 426, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 59.)

§ 658f. Requests to Congressional Budget Office from Senators

At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct costs of a Federal intergovernmental mandate contained in an amendment of such Senator.

(Pub. L. 93–344, title IV, § 427, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 59.)

§ 658g. Clarification of application

(a) In general

This part applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

(1) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

(2) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates other than as described in paragraph (1).

(b) Direct costs

(1) In general

For purposes of this part, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise amends any statute, means the net increase, resulting from enactment of the bill, joint resolution, amendment, motion, or conference report, in the amount described under paragraph (2)(A) over the amount described under paragraph (2)(B).

(2) Amounts

The amounts referred to under paragraph (1) are—

(A) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted; and

(B) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted.

(3) Extension of authorization of appropriations

For purposes of this section, in the case of legislation to extend authorization of appropriations, the authorization level that would be provided by the extension shall be compared to the authorization level for the last year in which authorization of appropriations is already provided.

(Pub. L. 93–344, title IV, § 428, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 59.)

SUBCHAPTER III—CREDIT REFORM

§ 661. Purposes

The purposes of this subchapter are to—

(1) measure more accurately the costs of Federal credit programs;

(2) place the cost of credit programs on a budgetary basis equivalent to other Federal spending;

(3) encourage the delivery of benefits in the form most appropriate to the needs of beneficiaries; and

(4) improve the allocation of resources among credit programs and between credit and other spending programs.

(Pub. L. 93–344, title V, § 501, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–610.)

PRIOR PROVISIONS

A prior section 661, Pub. L. 93–344, title VI, § 606, July 12, 1974, 88 Stat. 325, directed that Budget Committees of House and Senate study, on a continuing basis, any provisions of law which exempt agencies or programs from inclusion in the budget and make recommendations from time to time with regard to terminating or modifying such provisions, prior to repeal by Pub. L. 99–177, title II, §§ 223, 275(a)(1), Dec. 12, 1985, 99 Stat. 1060, 1100, effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985.

A prior section 501 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 321, was classified to section 1020 of former Title 31, prior to repeal and reenactment as section 1102 of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

SHORT TITLE

For short title of title V of Pub. L. 93–344, which enacted this subchapter, as the ''Federal Credit Reform Act of 1990'', see section 500 of Pub. L. 93–344, set out as a note under section 621 of this title.

§ 661a. Definitions

For purposes of this subchapter—

(1) The term ''direct loan'' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, in-

cluding the sale of a government[1] asset on credit terms. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims or the price support loans of the Commodity Credit Corporation.

(2) The term ''direct loan obligation'' means a binding agreement by a Federal agency to make a direct loan when specified conditions are fulfilled by the borrower.

(3) The term ''loan guarantee'' means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

(4) The term ''loan guarantee commitment'' means a binding agreement by a Federal agency to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

(5)(A) The term ''cost'' means the estimated long-term cost to the Government of a direct loan or loan guarantee or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following estimated cash flows:

(i) loan disbursements;

(ii) repayments of principal; and

(iii) payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries;

including the effects of changes in loan terms resulting from the exercise by the borrower of an option included in the loan contract.

(C) The cost of a loan guarantee shall be the net present value, at the time when the guaranteed loan is disbursed, of the following estimated cash flows:

(i) payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments; and

(ii) payments to the Government including origination and other fees, penalties and recoveries;

including the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

(D) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of a direct loan or loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the direct loan or loan guarantee for which the estimate is being made.

(F) When funds are obligated for a direct loan or loan guarantee, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

(6) The term ''credit program account'' means the budget account into which an appropriation to cover the cost of a direct loan or loan guarantee program is made and from which such cost is disbursed to the financing account.

(7) The term ''financing account'' means the non-budget account or accounts associated with each credit program account which holds balances, receives the cost payment from the credit program account, and also includes all other cash flows to and from the Government resulting from direct loan obligations or loan guarantee commitments made on or after October 1, 1991.

(8) The term ''liquidating account'' means the budget account that includes all cash flows to and from the Government resulting from direct loan obligations or loan guarantee commitments made prior to October 1, 1991.

These accounts shall be shown in the budget on a cash basis.

(9) The term ''modification'' means any Government action that alters the estimated cost of an outstanding direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows. This includes the sale of loan assets, with or without recourse, and the purchase of guaranteed loans. This also includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) such as a change in collection procedures.

(10) The term ''current'' has the same meaning as in section 900(c)(9) of this title.

(11) The term ''Director'' means the Director of the Office of Management and Budget.

(Pub. L. 93–344, title V, § 502, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–610; amended Pub. L. 105–33, title X, § 10117(a), Aug. 5, 1997, 111 Stat. 692.)

PRIOR PROVISIONS

A prior section 502 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 321, was set out as a note under section 1020 of former Title 31, prior to repeal by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

AMENDMENTS

1997—Par. (1). Pub. L. 105–33, § 10117(a)(1), inserted ''and financing arrangements that defer payment for more than 90 days, including the sale of a government asset on credit terms'' after ''another lender''.

Par. (5)(A). Pub. L. 105–33, § 10117(a)(2), inserted ''or modification thereof'' after ''or loan guarantee''.

[1] So in original. Probably should be capitalized.

Par. (5)(B), (C). Pub. L. 105–33, § 10117(a)(3), added subpars. (B) and (C) and struck out former subpars. (B) and (C) which read as follows:

''(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following cash flows:

''(i) loan disbursements;

''(ii) repayments of principal; and

''(iii) payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties and other recoveries.

''(C) The cost of a loan guarantee shall be the net present value when a guaranteed loan is disbursed of the cash flow from—

''(i) estimated payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments, and

''(ii) the estimated payments to the Government including origination and other fees, penalties and recoveries.''

Par. (5)(D). Pub. L. 105–33, § 10117(a)(4), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: ''Any Government action that alters the estimated net present value of an outstanding direct loan or loan guarantee (except modifications within the terms of existing contracts or through other existing authorities) shall be counted as a change in the cost of that direct loan or loan guarantee. The calculation of such changes shall be based on the estimated present value of the direct loan or loan guarantee at the time of modification.''

Par. (5)(E). Pub. L. 105–33, § 10117(a)(5), inserted ''the cash flows of'' after ''similar maturity to''.

Par. (5)(F). Pub. L. 105–33, § 10117(a)(6), added subpar. (F).

Pars. (9) to (11). Pub. L. 105–33, § 10117(a)(7), added pars. (9) and (10) and redesignated former par. (9) as (11).

§ 661b. OMB and CBO analysis, coordination, and review

(a) In general

For the executive branch, the Director shall be responsible for coordinating the estimates required by this subchapter. The Director shall consult with the agencies that administer direct loan or loan guarantee programs.

(b) Delegation

The Director may delegate to agencies authority to make estimates of costs. The delegation of authority shall be based upon written guidelines, regulations, or criteria consistent with the definitions in this subchapter.

(c) Coordination with Congressional Budget Office

In developing estimation guidelines, regulations, or criteria to be used by Federal agencies, the Director shall consult with the Director of the Congressional Budget Office.

(d) Improving cost estimates

The Director and the Director of the Congressional Budget Office shall coordinate the development of more accurate data on historical performance of direct loan and loan guarantee programs. They shall annually review the performance of outstanding direct loans and loan guarantees to improve estimates of costs. The Office of Management and Budget and the Congressional Budget Office shall have access to all agency data that may facilitate the development and improvement of estimates of costs.

(e) Historical credit program costs

The Director shall review, to the extent possible, historical data and develop the best possible estimates of adjustments that would convert aggregate historical budget data to credit reform accounting.

(f) Administrative costs

The Director and the Director of the Congressional Budget Office shall each analyze and report to Congress on differences in long-term administrative costs for credit programs versus grant programs by January 31, 1992. Their reports shall recommend to Congress any changes, if necessary, in the treatment of administrative costs under credit reform accounting.

(Pub. L. 93–344, title V, § 503, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–611.)

PRIOR PROVISIONS

A prior section 503 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 321, was classified to section 701 of former Title 31, prior to repeal and reenactment in section 1552(a) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

§ 661c. Budgetary treatment

(a) President's budget

Beginning with fiscal year 1992, the President's budget shall reflect the costs of direct loan and loan guarantee programs. The budget shall also include the planned level of new direct loan obligations or loan guarantee commitments associated with each appropriations request.

(b) Appropriations required

Notwithstanding any other provision of law, new direct loan obligations may be incurred and new loan guarantee commitments may be made for fiscal year 1992 and thereafter only to the extent that—

(1) new budget authority to cover their costs is provided in advance in an appropriations Act;

(2) a limitation on the use of funds otherwise available for the cost of a direct loan or loan guarantee program has been provided in advance in an appropriations Act; or

(3) authority is otherwise provided in appropriation Acts.

(c) Exemption for mandatory programs

Subsections (b) and (e) of this section shall not apply to a direct loan or loan guarantee program that—

(1) constitutes an entitlement (such as the guaranteed student loan program or the veterans' home loan guaranty program); or

(2) all existing credit programs of the Commodity Credit Corporation on November 5, 1990.

(d) Budget accounting

(1) The authority to incur new direct loan obligations, make new loan guarantee commitments, or modify outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) shall constitute new budget authority in an amount equal to the cost of the direct loan or loan guarantee in the fiscal year in which definite authority becomes available or indefinite authority is used. Such

budget authority shall constitute an obligation of the credit program account to pay to the financing account.

(2) The outlays resulting from new budget authority for the cost of direct loans or loan guarantees described in paragraph (1) shall be paid from the credit program account into the financing account and recorded in the fiscal year in which the direct loan or the guaranteed loan is disbursed or its costs altered.

(3) All collections and payments of the financing accounts shall be a means of financing.

(e) Modifications

An outstanding direct loan (or direct loan obligation) or loan guarantee (or loan guarantee commitment) shall not be modified in a manner that increases its costs unless budget authority for the additional cost has been provided in advance in an appropriations Act.

(f) Reestimates

When the estimated cost for a group of direct loans or loan guarantees for a given credit program made in a single fiscal year is reestimated in a subsequent year, the difference between the reestimated cost and the previous cost estimate shall be displayed as a distinct and separately identified subaccount in the credit program account as a change in program costs and a change in net interest. There is hereby provided permanent indefinite authority for these reestimates.

(g) Administrative expenses

All funding for an agency's administration of a direct loan or loan guarantee program shall be displayed as distinct and separately identified subaccounts within the same budget account as the program's cost.

(Pub. L. 93–344, title V, § 504, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–612; amended Pub. L. 105–33, title X, § 10117(b), Aug. 5, 1997, 111 Stat. 693.)

PRIOR PROVISIONS

A prior section 504 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 322, was classified to section 1020a of former Title 31, prior to repeal by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

AMENDMENTS

1997—Subsec. (b)(1). Pub. L. 105–33, § 10117(b)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''appropriations of budget authority to cover their costs are made in advance;''.

Subsec. (b)(2). Pub. L. 105–33, § 10117(b)(2), substituted ''has been provided in advance in an appropriations Act'' for ''is enacted''.

Subsec. (c). Pub. L. 105–33, § 10117(b)(3), substituted ''Subsections (b) and (e)'' for ''Subsection (b)''.

Subsec. (d)(1). Pub. L. 105–33, § 10117(b)(4), substituted ''modify outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments)'' for ''directly or indirectly alter the costs of outstanding direct loans and loan guarantees''.

Subsec. (e). Pub. L. 105–33, § 10117(b)(5), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: ''A direct loan obligation or loan guarantee commitment shall not be modified in a manner that increases its cost unless budget authority for the additional cost is appropriated, or is available out of existing appropriations or from other budgetary resources.''

§ 661d. Authorizations

(a) Authorization of appropriations for costs

There are authorized to be appropriated to each Federal agency authorized to make direct loan obligations or loan guarantee commitments, such sums as may be necessary to pay the cost associated with such direct loan obligations or loan guarantee commitments.

(b) Authorization for financing accounts

In order to implement the accounting required by this subchapter, the President is authorized to establish such non-budgetary accounts as may be appropriate.

(c) Treasury transactions with financing accounts

The Secretary of the Treasury shall borrow from, receive from, lend to, or pay to the financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above, except that the rate of interest charged by the Secretary on lending to financing accounts (including amounts treated as lending to financing accounts by the Federal Financing Bank (hereinafter in this subsection referred to as the ''Bank'') pursuant to section 655(b)[1] of this title) and the rate of interest paid to financing accounts on uninvested balances in financing accounts shall be the same as the rate determined pursuant to section 661a(5)(E) of this title. For guaranteed loans financed by the Bank and treated as direct loans by a Federal agency pursuant to section 655(b)[1] of this title, any fee or interest surcharge (the amount by which the interest rate charged exceeds the rate determined pursuant to section 661a(5)(E) of this title) that the Bank charges to a private borrower pursuant to section 2285(c) of title 12 shall be considered a cash flow to the Government for the purposes of determining the cost of the direct loan pursuant to section 661a(5) of this title. All such amounts shall be credited to the appropriate financing account. The Bank is authorized to require reimbursement from a Federal agency to cover the administrative expenses of the Bank that are attributable to the direct loans financed for that agency. All such payments by an agency shall be considered administrative expenses subject to section 661c(g) of this title. This subsection shall apply to transactions related to direct loan obligations or loan guarantee commitments made on or after October 1, 1991. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate a direct loan or loan guarantee program. All of the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

[1] See References in Text note below.

(d) Authorization for liquidating accounts

(1) Amounts in liquidating accounts shall be available only for payments resulting from direct loan obligations or loan guarantee commitments made prior to October 1, 1991, for—

(A) interest payments and principal repayments to the Treasury or the Federal Financing Bank for amounts borrowed;

(B) disbursements of loans;

(C) default and other guarantee claim payments;

(D) interest supplement payments;

(E) payments for the costs of foreclosing, managing, and selling collateral that are capitalized or routinely deducted from the proceeds of sales;

(F) payments to financing accounts when required for modifications;

(G) administrative expenses, if—

(i) amounts credited to the liquidating account would have been available for administrative expenses under a provision of law in effect prior to October 1, 1991; and

(ii) no direct loan obligation or loan guarantee commitment has been made, or any modification of a direct loan or loan guarantee has been made, since September 30, 1991; or

(H) such other payments as are necessary for the liquidation of such direct loan obligations and loan guarantee commitments.

(2) Amounts credited to liquidating accounts in any year shall be available only for payments required in that year. Any unobligated balances in liquidating accounts at the end of a fiscal year shall be transferred to miscellaneous receipts as soon as practicable after the end of the fiscal year.

(3) If funds in liquidating accounts are insufficient to satisfy obligations and commitments of such accounts, there is hereby provided permanent, indefinite authority to make any payments required to be made on such obligations and commitments.

(e) Authorization of appropriations for implementation expenses

There are authorized to be appropriated to existing accounts such sums as may be necessary for salaries and expenses to carry out the responsibilities under this subchapter.

(f) Reinsurance

Nothing in this subchapter shall be construed as authorizing or requiring the purchase of insurance or reinsurance on a direct loan or loan guarantee from private insurers. If any such reinsurance for a direct loan or loan guarantee is authorized, the cost of such insurance and any recoveries to the Government shall be included in the calculation of the cost.

(g) Eligibility and assistance

Nothing in this subchapter shall be construed to change the authority or the responsibility of a Federal agency to determine the terms and conditions of eligibility for, or the amount of assistance provided by a direct loan or a loan guarantee.

(Pub. L. 93–344, title V, § 505, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–613; amended Pub. L. 105–33, title X, § 10117(c), Aug. 5, 1997, 111 Stat. 694.)

REFERENCES IN TEXT

Section 655(b) of this title, referred to in subsec. (c), was in the original ''section 406(b)'' and was translated as reading ''section 405(b)'', meaning section 405(b) of Pub. L. 93–344, to reflect the probable intent of Congress because of context and because section 406 does not contain a subsec. (b).

PRIOR PROVISIONS

A prior section 505 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 322, repealed sections 66 and 81 of this title.

AMENDMENTS

1997—Subsec. (c). Pub. L. 105–33, § 10117(c)(2), substituted ''supersede'' for ''supercede''.

Pub. L. 105–33, § 10117(c)(1), inserted before period at end of second sentence '', except that the rate of interest charged by the Secretary on lending to financing accounts (including amounts treated as lending to financing accounts by the Federal Financing Bank (hereinafter in this subsection referred to as the 'Bank') pursuant to section 655(b) of this title) and the rate of interest paid to financing accounts on uninvested balances in financing accounts shall be the same as the rate determined pursuant to section 661a(5)(E) of this title. For guaranteed loans financed by the Bank and treated as direct loans by a Federal agency pursuant to section 655(b) of this title, any fee or interest surcharge (the amount by which the interest rate charged exceeds the rate determined pursuant to section 661a(5)(E) of this title) that the Bank charges to a private borrower pursuant to section 2285(c) of title 12 shall be considered a cash flow to the Government for the purposes of determining the cost of the direct loan pursuant to section 661a(5) of this title. All such amounts shall be credited to the appropriate financing account. The Bank is authorized to require reimbursement from a Federal agency to cover the administrative expenses of the Bank that are attributable to the direct loans financed for that agency. All such payments by an agency shall be considered administrative expenses subject to section 661c(g) of this title. This subsection shall apply to transactions related to direct loan obligations or loan guarantee commitments made on or after October 1, 1991''.

Subsec. (d). Pub. L. 105–33, § 10117(c)(3), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: ''If funds in liquidating accounts are insufficient to satisfy the obligations and commitments of said accounts, there is hereby provided permanent, indefinite authority to make any payments required to be made on such obligations and commitments.''

§ 661e. Treatment of deposit insurance and agencies and other insurance programs

(a) In general

This subchapter shall not apply to the credit or insurance activities of the Federal Deposit Insurance Corporation, National Credit Union Administration, Resolution Trust Corporation, Pension Benefit Guaranty Corporation, National Flood Insurance, National Insurance Development Fund, Crop Insurance, or Tennessee Valley Authority.

(b) Study

The Director and the Director of the Congressional Budget Office shall each study whether the accounting for Federal deposit insurance programs should be on a cash basis on the same basis as loan guarantees, or on a different basis.

Each Director shall report findings and recommendations to the President and the Congress on or before May 31, 1991.

(c) Access to data

For the purposes of subsection (b) of this section, the Office of Management and Budget and the Congressional Budget Office shall have access to all agency data that may facilitate these studies.

(Pub. L. 93–344, title V, § 506, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–614; amended Pub. L. 105–33, title X, § 10117(d), Aug. 5, 1997, 111 Stat. 695.)

PRIOR PROVISIONS

A prior section 506 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 322, amended section 105 of Title 1, General Provisions, and enacted provisions set out as a note under section 105 of Title 1, prior to the general revision of title V of Pub. L. 93–344 by Pub. L. 101–508.

AMENDMENTS

1997—Pub. L. 105–33 struck out subsec. (a) designation and heading, redesignated pars. (1) to (3) of former subsec. (a) as subsecs. (a) to (c), respectively, inserted subsec. headings, and substituted ''subsection (b) of this section'' for ''paragraph (2)'' in subsec. (c).

§ 661f. Effect on other laws

(a) Effect on other laws

This subchapter shall supersede, modify, or repeal any provision of law enacted prior to November 5, 1990, to the extent such provision is inconsistent with this subchapter. Nothing in this subchapter shall be construed to establish a credit limitation on any Federal loan or loan guarantee program.

(b) Crediting of collections

Collections resulting from direct loans obligated or loan guarantees committed prior to October 1, 1991, shall be credited to the liquidating accounts of Federal agencies. Amounts so credited shall be available, to the same extent that they were available prior to November 5, 1990, to liquidate obligations arising from such direct loans obligated or loan guarantees committed prior to October 1, 1991, including repayment of any obligations held by the Secretary of the Treasury or the Federal Financing Bank. The unobligated balances of such accounts that are in excess of current needs shall be transferred to the general fund of the Treasury. Such transfers shall be made from time to time but, at least once each year.

(Pub. L. 93–344, title V, § 507, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–614.)

SUBCHAPTER IV—BUDGET AGREEMENT ENFORCEMENT PROVISIONS

§§ 665 to 665e. Repealed. Pub. L. 105–33, title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695

Section 665, Pub. L. 93–344, title VI, § 601, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–602; amended Pub. L. 103–66, title XIV, § 14002(a), (b), Aug. 10, 1993, 107 Stat. 683, defined terms and provided for points of order in cases where measures would exceed discretionary spending limits.

A prior section 601 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 323, was classified to section 11 of former Title 31, prior to repeal and reenactment as sections 1105(a)(15), 1106(b), and 1108(d) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665a, Pub. L. 93–344, title VI, § 602, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–603; amended Pub. L. 103–322, title XXXI, § 310001(f)(1), Sept. 13, 1994, 108 Stat. 2103, related to committee allocations and enforcement.

A prior section 602 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 324, was classified to section 11 of former Title 31, prior to repeal and reenactment as section 1106(a) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665b, Pub. L. 93–344, title VI, § 603, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–605, related to consideration of legislation before adoption of budget resolution for that fiscal year.

A prior section 603 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 324, was classified to section 11 of former Title 31, prior to repeal and reenactment in section 1105(a)(1)–(14) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665c, Pub. L. 93–344, title VI, § 604, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–605, related to reconciliation directives regarding pay-as-you-go requirements.

A prior section 604 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 324, was classified to section 11 of former Title 31, prior to repeal and reenactment in section 1105(a)(1)–(14) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665d, Pub. L. 93–344, title VI, § 605, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–606, related to application of section 642 of this title and points of order in Senate for measures exceeding specified maximum deficit amount.

A prior section 605 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 325, was classified to section 11a of former Title 31, prior to repeal and reenactment in section 1109 of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665e, Pub. L. 93–344, title VI, § 606, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–606; amended Pub. L. 104–121, title I, § 103(c), Mar. 29, 1996, 110 Stat. 849; Pub. L. 104–193, title II, § 211(d)(5)(C), Aug. 22, 1996, 110 Stat. 2192, related to 5-year budget resolutions and requirement that budget resolutions conform to Balanced Budget and Emergency Deficit Control Act of 1985.

A prior section 606 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 325, was classified to section 661 of this title, prior to repeal by Pub. L. 99–177, title II, § 223, Dec. 12, 1985, 99 Stat. 1060.

EFFECTIVE DATE

Section 607 of title VI of Pub. L. 93–344, as added by Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–607, and amended by Pub. L. 103–66, title XIV, § 14002(c)(3)(B), Aug. 10, 1993, 107 Stat. 684, provided that title VI of Pub. L. 93–344, enacting this subchapter, was effective Nov. 5, 1990, and was applicable to fiscal years 1991 to 1998, prior to repeal by Pub. L. 105–33, title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695.

CHAPTER 17B—IMPOUNDMENT CONTROL

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SUBCHAPTER II—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY

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687. Suits by Comptroller General.
688. Procedure in House of Representatives and Senate.

SUBCHAPTER III—LINE ITEM VETO

691 to 692. Omitted.

SUBCHAPTER I—GENERAL PROVISIONS

§ 681. Disclaimer

Nothing contained in this Act, or in any amendments made by this Act, shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying or approving any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect;

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment; or

(4) superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder.

(Pub. L. 93–344, title X, § 1001, July 12, 1974, 88 Stat. 332.)

REFERENCES IN TEXT

This Act, referred to in provision preceding par. (1), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1400 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

EFFECTIVE DATE

Chapter effective July 12, 1974, see section 905(a) of Pub. L. 93–344, formerly set out as a note under section 621 of this title.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–130, § 1, Apr. 9, 1996, 110 Stat. 1200, which provided that Pub. L. 104–130 (enacting former subchapter III (§ 691 et seq.) of this chapter and provisions set out as a note under section 691 of this title and amending provisions set out as notes under section 621 of this title) could be cited as the ''Line Item Veto Act'', was omitted pursuant to section 5 of Pub. L. 104–130, set out as an Effective and Termination Dates note under section 691 of this title.

SHORT TITLE

For short title of title X of Pub. L. 93–344, which enacted this chapter, as the ''Impoundment Control Act of 1974'', see section 1(a) of Pub. L. 93–344, as amended, set out as a note under section 621 of this title.

SUBCHAPTER II—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY

§ 682. Definitions

For purposes of sections 682 to 688 of this title—

(1) ''deferral of budget authority'' includes—

(A) withholding or delaying the obligation or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

(B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law;

(2) ''Comptroller General'' means the Comptroller General of the United States;

(3) ''rescission bill'' means a bill or joint resolution which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President under section 683 of this title, and upon which the Congress completes action before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress;

(4) ''impoundment resolution'' means a resolution of the House of Representatives or the Senate which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 684 of this title; and

(5) continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 45-day period referred to in paragraph (3) of this section and in section 683 of this title, and the 25-day periods referred to in sections 687 and 688(b)(1) of this title. If a special message is transmitted under section 683 of this title during any Congress and the last session of such Congress adjourns sine die before the expiration of 45 calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the 45-day period referred to in paragraph (3) of this section and in section 683 of this title (with respect to such message) shall commence on the day after such first day.

(Pub. L. 93–344, title X, § 1011, July 12, 1974, 88 Stat. 333.)

CODIFICATION

Section was formerly classified to section 1401 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

§ 683. Rescission of budget authority

(a) Transmittal of special message

Whenever the President determines that all or part of any budget authority will not be required to carry out the full objectives or scope of programs for which it is provided or that such budget authority should be rescinded for fiscal policy or other reasons (including the termination of authorized projects or activities for which budget authority has been provided), or whenever all or part of budget authority provided for only one fiscal year is to be reserved from obligation for such fiscal year, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority which he proposes to be rescinded or which is to be so reserved;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons why the budget authority should be rescinded or is to be so reserved;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(5) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(b) Requirement to make available for obligation

Any amount of budget authority proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved. Funds made available for obligation under this procedure may not be proposed for rescission again.

(Pub. L. 93–344, title X, § 1012, July 12, 1974, 88 Stat. 333; Pub. L. 100–119, title II, § 207, Sept. 29, 1987, 101 Stat. 786.)

CODIFICATION

Section was formerly classified to section 1402 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1987—Subsec. (b). Pub. L. 100–119 inserted at end ''Funds made available for obligation under this procedure may not be proposed for rescission again.''

§ 684. Proposed deferrals of budget authority

(a) Transmittal of special message

Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States proposes to defer any budget authority provided for a specific purpose or project, the President shall transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of the budget authority proposed to be deferred;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific projects or governmental functions involved;

(3) the period of time during which the budget authority is proposed to be deferred;

(4) the reasons for the proposed deferral, including any legal authority invoked to justify the proposed deferral;

(5) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed deferral; and

(6) all facts, circumstances, and considerations relating to or bearing upon the proposed deferral and the decision to effect the proposed deferral, including an analysis of such facts, circumstances, and considerations in terms of their application to any legal authority, including specific elements of legal authority, invoked to justify such proposed deferral, and to the maximum extent practicable, the estimated effect of the proposed deferral upon the objects, purposes, and programs for which the budget authority is provided.

A special message may include one or more proposed deferrals of budget authority. A deferral may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House and the Senate.

(b) Consistency with legislative policy

Deferrals shall be permissible only—

(1) to provide for contingencies;

(2) to achieve savings made possible by or through changes in requirements or greater efficiency of operations; or

(3) as specifically provided by law.

No officer or employee of the United States may defer any budget authority for any other purpose.

(c) Exception

The provisions of this section do not apply to any budget authority proposed to be rescinded or that is to be reserved as set forth in a special message required to be transmitted under section 683 of this title.

(Pub. L. 93–344, title X, § 1013, July 12, 1974, 88 Stat. 334; Pub. L. 100–119, title II, § 206(a), Sept. 29, 1987, 101 Stat. 785.)

CODIFICATION

Section was formerly classified to section 1403 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1987—Pub. L. 100–119 amended section generally, substituting substantially similar provisions in subsecs. (a) and (c) and substituting subsec. (b) for former sub-

sec. (b) which read as follows: ''Any amount of budget authority proposed to be deferred, as set forth in a special message transmitted under subsection (a) of this section, shall be made available for obligation if either House of Congress passes an impoundment resolution disapproving such proposed deferral.''

§ 685. Transmission of messages; publication

(a) Delivery to House and Senate

Each special message transmitted under section 683 or 684 of this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committee of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(b) Delivery to Comptroller General

A copy of each special message transmitted under section 683 or 684 of this title, shall be transmitted to the Comptroller General on the same day it is transmitted to the House of Representatives and the Senate. In order to assist the Congress in the exercise of its functions under section 683 or 684 of this title, the Comptroller General shall review each such message and inform the House of Representatives and the Senate as promptly as practicable with respect to—

(1) in the case of a special message transmitted under section 683 of this title, the facts surrounding the proposed rescission or the reservation of budget authority (including the probable effects thereof); and

(2) in the case of a special message transmitted under section 684 of this title, (A) the facts surrounding each proposed deferral of budget authority (including the probable effects thereof) and (B) whether or not (or to what extent), in his judgment, such proposed deferral is in accordance with existing statutory authority.

(c) Transmission of supplementary messages

If any information contained in a special message transmitted under section 683 or 684 of this title is subsequently revised, the President shall transmit to both Houses of Congress and the Comptroller General a supplementary message stating and explaining such revision. Any such supplementary message shall be delivered, referred, and printed as provided in subsection (a) of this section. The Comptroller General shall promptly notify the House of Representatives and the Senate of any changes in the information submitted by him under subsection (b) of this section which may be necessitated by such revision.

(d) Printing in Federal Register

Any special message transmitted under section 683 or 684 of this title, and any supplementary message transmitted under subsection (c) of this section, shall be printed in the first issue of the Federal Register published after such transmittal.

(e) Cumulative reports of proposed rescissions, reservations, and deferrals of budget authority

(1) The President shall submit a report to the House of Representatives and the Senate, not later than the 10th day of each month during a fiscal year, listing all budget authority for that fiscal year with respect to which, as of the first day of such month—

(A) he has transmitted a special message under section 683 of this title with respect to a proposed rescission or a reservation; and

(B) he has transmitted a special message under section 684 of this title proposing a deferral.

Such report shall also contain, with respect to each such proposed rescission or deferral, or each such reservation, the information required to be submitted in the special message with respect thereto under section 683 or 684 of this title.

(2) Each report submitted under paragraph (1) shall be printed in the first issue of the Federal Register published after its submission.

(Pub. L. 93–344, title X, § 1014, July 12, 1974, 88 Stat. 335.)

CODIFICATION

Section was formerly classified to section 1404 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

EX. ORD. NO. 11845. DELEGATION OF CERTAIN REPORTING FUNCTIONS TO DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Ex. Ord. No. 11845, Mar. 24, 1975, 40 F.R. 13299, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by the Impoundment Control Act of 1974 (Public Law 93–344; 88 Stat. 332, (2 U.S.C. 681 et seq.), hereinafter referred to as the Act) [subchapters I and II of this chapter], and section 301 of title 3 of the United States Code, the Director of the Office of Management and Budget is hereby designated and empowered to exercise, as of October 1, 1974 without ratification or other action of the President (1) the functions required by sections 1014(b) and 1014(d) of the Act [subsecs. (b) and (d) of this section] of transmitting to the Comptroller General of the United States and to the Office of the Federal Register copies of special messages transmitted pursuant to section 1012 or 1013 (2 U.S.C. 683 and 684) of the Act; and (2) the function conferred upon the President by section 1014(e) of the Act (2 U.S.C. 685(e)) of submitting to the Congress cumulative reports of proposed rescissions, reservations, and deferrals of budget authority.

§ 686. Reports by Comptroller General

(a) Failure to transmit special message

If the Comptroller General finds that the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any other officer or employee of the United States—

(1) is to establish a reserve or proposes to defer budget authority with respect to which the President is required to transmit a special message under section 683 or 684 of this title; or

(2) has ordered, permitted, or approved the establishment of such a reserve or a deferral of budget authority;

and that the President has failed to transmit a special message with respect to such reserve or deferral, the Comptroller General shall make a report on such reserve or deferral and any available information concerning it to both Houses of Congress. The provisions of sections 682 to 688 of this title shall apply with respect to such reserve or deferral in the same manner and with the same effect as if such report of the Comptroller General were a special message transmitted by the President under section 683 or 684 of this title, and, for purposes of sections 682 to 688 of this title, such report shall be considered a special message transmitted under section 683 or 684 of this title.

(b) Incorrect classification of special message

If the President has transmitted a special message to both Houses of Congress in accordance with section 683 or 684 of this title, and the Comptroller General believes that the President so transmitted the special message in accordance with one of those sections when the special message should have been transmitted in accordance with the other of those sections, the Comptroller General shall make a report to both Houses of the Congress setting forth his reasons.

(Pub. L. 93–344, title X, § 1015, July 12, 1974, 88 Stat. 336.)

CODIFICATION

Section was formerly classified to section 1405 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

REAFFIRMATION

Pub. L. 100–119, title II, § 206(c), Sept. 29, 1987, 101 Stat. 786, provided that: ''Sections 1015 and 1016 of the Impoundment Control Act of 1974 [2 U.S.C. 686, 687] are reaffirmed.''

§ 687. Suits by Comptroller General

If, under this chapter, budget authority is required to be made available for obligation and such budget authority is not made available for obligation, the Comptroller General is hereby expressly empowered, through attorneys of his own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation, and such court is hereby expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. No civil action shall be brought by the Comptroller General under this section until the expiration of 25 calendar days of continuous session of the Congress following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Speaker of the House of Representatives and the President of the Senate.

(Pub. L. 93–344, title X, § 1016, July 12, 1974, 88 Stat. 336; Pub. L. 98–620, title IV, § 402(35), Nov. 8, 1984, 98 Stat. 3360; Pub. L. 100–119, title II, § 206(b), Sept. 29, 1987, 101 Stat. 786.)

CODIFICATION

Section was formerly classified to section 1406 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1987—Pub. L. 100–119 substituted ''If, under this chapter'' for ''If, under section 683(b) or 684(b) of this title''.

1984—Pub. L. 98–620 struck out provision requiring that the courts give precedence to civil actions brought under this section, and to appeals and writs from decisions in such actions, over all other civil actions, appeals, and writs.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

REAFFIRMATION

For provision reaffirming this section, see section 206(c) of Pub. L. 100–119, set out as a note under section 686 of this title.

§ 688. Procedure in House of Representatives and Senate

(a) Referral

Any rescission bill introduced with respect to a special message or impoundment resolution introduced with respect to a proposed deferral of budget authority shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(b) Discharge of committee

(1) If the committee to which a rescission bill or impoundment resolution has been referred has not reported it at the end of 25 calendar days of continuous session of the Congress after its introduction, it is in order to move either to discharge the committee from further consideration of the bill or resolution or to discharge the committee from further consideration of any other rescission bill with respect to the same special message or impoundment resolution with respect to the same proposed deferral, as the case may be, which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the bill or resolution, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill or resolution with respect to the same special message or the same proposed deferral, as the case may be); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) Floor consideration in House

(1) When the committee of the House of Representatives has reported, or has been dis-

charged from further consideration of, a rescission bill or impoundment resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill or resolution. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on a rescission bill or impoundment resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. In the case of an impoundment resolution, no amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a rescission bill or impoundment resolution is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of a rescission bill or impoundment resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any rescission bill or impoundment resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any rescission bill or impoundment resolution and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

(d) Floor consideration in Senate

(1) Debate in the Senate on any rescission bill or impoundment resolution, and all amendments thereto (in the case of a rescission bill) and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a rescission bill shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill or an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a rescission bill shall be received. Such leaders, or either of them, may, from the time under their control on the passage of a rescission bill or impoundment resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. In the case of a rescission bill, a motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution. In the case of an impoundment resolution, no amendment or motion to recommit is in order.

(4) The conference report on any rescission bill shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(5) During the consideration in the Senate of the conference report on any rescission bill, debate shall be limited to 2 hours to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(6) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(7) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(Pub. L. 93–344, title X, §1017, July 12, 1974, 88 Stat. 337.)

CODIFICATION

Section was formerly classified to section 1407 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

SUBCHAPTER III—LINE ITEM VETO

CONSTITUTIONALITY OF LINE ITEM VETO

For decision holding line item veto unconstitutional, see *Clinton v. City of New York*, 524 U.S. 417, 118 S.Ct. 2091, 141 L.Ed. 2d 393 (1998).

§§ 691 to 692. Omitted

CODIFICATION

Sections were omitted pursuant to section 5 of Pub. L. 104–130, set out as an Effective and Termination Dates note below.

Section 691, Pub. L. 93–344, title X, §1021, as added Pub. L. 104–130, §2(a), Apr. 9, 1996, 110 Stat. 1200, provided line item veto authority.

Section 691a, Pub. L. 93–344, title X, §1022, as added Pub. L. 104–130, §2(a), Apr. 9, 1996, 110 Stat. 1201; amended Pub. L. 105–33, title X, §10121(a), Aug. 5, 1997, 111 Stat. 696, required special messages to Congress of cancellations made.

Section 691b, Pub. L. 93–344, title X, §1023, as added Pub. L. 104–130, §2(a), Apr. 9, 1996, 110 Stat. 1202, provided that cancellations were to be effective unless disapproved.

Section 691c, Pub. L. 93–344, title X, §1024, as added Pub. L. 104–130, §2(a), Apr. 9, 1996, 110 Stat. 1202; amended Pub. L. 105–33, title X, §10121(b), Aug. 5, 1997, 111 Stat. 696, related to deficit reduction.

Section 691d, Pub. L. 93–344, title X, §1025, as added Pub. L. 104–130, §2(a), Apr. 9, 1996, 110 Stat. 1203, related to expedited congressional consideration of disapproval bills.

Section 691e, Pub. L. 93–344, title X, §1026, as added Pub. L. 104–130, §2(a), Apr. 9, 1996, 110 Stat. 1207; amended Pub. L. 105–33, title X, §10122, Aug. 5, 1997, 111 Stat. 697, defined terms used in this subchapter.

Section 691f, Pub. L. 93–344, title X, §1027, as added Pub. L. 104–130, §2(a), Apr. 9, 1996, 110 Stat. 1210, related to identification of limited tax benefits.

Section 692, Pub. L. 104–130, §3, Apr. 9, 1996, 110 Stat. 1211, provided for judicial review.

EFFECTIVE AND TERMINATION DATES

Pub. L. 104–130, §5, Apr. 9, 1996, 110 Stat. 1212, provided that: ''This Act [enacting this subchapter and provisions set out as a note under section 681 of this title and amending provisions set out as notes under section 621 of this title] and the amendments made by it shall take effect and apply to measures enacted on the earlier of—

''(1) the day after the enactment into law, pursuant to Article I, section 7, of the Constitution of the United States, of an Act entitled 'An Act to provide for a seven-year plan for deficit reduction and achieve a balanced Federal budget.'; or

''(2) January 1, 1997;

and shall have no force or effect on or after January 1, 2005.''

CHAPTER 18—LEGISLATIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

§§ 701 to 709. Transferred

CODIFICATION

Sections 701 to 709, comprising title I of the Ethics in Government Act of 1978, Pub. L. 95–521, was amended generally by Pub. L. 101–194, title II, §202, Nov. 30, 1989, 103 Stat. 1724, effective Jan. 1, 1991, and was transferred to section 101 et seq. of the Appendix to Title 5, Government Organization and Employees.

Section 701, Pub. L. 95–521, title I, §101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96–19, §§2(a)(1), (b), (c)(1), 4(b)(1), (d)–(f), 5, June 13, 1979, 93 Stat. 37, 38, 40, related to legislative personnel financial disclosure.

Section 702, Pub. L. 95–521, title I, §102, Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96–19, §§3(a)(1), (b), 6(a), 7(a)–(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39–43; Pub. L. 97–51, §130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98–150, §10, Nov. 11, 1983, 97 Stat. 962, related to contents of reports.

Section 703, Pub. L. 95–521, title I, §103, Oct. 26, 1978, 92 Stat. 1831; Pub. L. 96–19, §§4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42, related to filing of reports.

Section 704, Pub. L. 95–521, title I, §104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96–19, §8(a), June 13, 1979, 93 Stat. 41, related to accessibility of reports.

Section 705, Pub. L. 95–521, title I, §105, Oct. 26, 1978, 92 Stat. 1833, related to review and compliance procedures.

Section 706, Pub. L. 95–521, title I, §106, Oct. 26, 1978, 92 Stat. 1833, related to failure to file or filing false reports.

Section 707, Pub. L. 95–521, title I, §107, Oct. 26, 1978, 92 Stat. 1834; Pub. L. 96–19, §9(d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095, related to definitions.

Section 708, Pub. L. 95–521, title I, §108, Oct. 26, 1978, 92 Stat. 1835; Pub. L. 96–19, §9(t), June 13, 1979, 93 Stat. 44, related to State laws affected.

Section 709, Pub. L. 95–521, title I, §109, Oct. 26, 1978, 92 Stat. 1836, related to study by Comptroller General.

CHAPTER 19—CONGRESSIONAL AWARD PROGRAM

SUBCHAPTER I—CONGRESSIONAL AWARD PROGRAM

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SUBCHAPTER I—CONGRESSIONAL AWARD PROGRAM

§ 801. Establishment, etc., of Congressional Award Board

There is established a board to be known as the Congressional Award Board (hereinafter in this subchapter referred to as the ''Board''), which shall be responsible for administering the Congressional Award Program described under section 802 of this title. The Board shall not be an agency or instrumentality of the United States, and the United States is not liable for any obligation or liability incurred by the Board.

(Pub. L. 96–114, title I, §101, formerly §2, Nov. 16, 1979, 93 Stat. 851; renumbered title I, §101, and amended Pub. L. 106–533, §1(b)(1)–(3), Nov. 22, 2000, 114 Stat. 2553.)

AMENDMENTS

2000—Pub. L. 106–533, §1(b)(3)(A), substituted ''subchapter'' for ''chapter''.

Pub. L. 106–533, §1(b)(3)(B), made technical amendment to reference in original act which appears in text as reference to section 802 of this title.

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–457, §1, Oct. 23, 1992, 106 Stat. 2265, provided that: ''This Act [amending sections 804 and 808 of this title] may be cited as the 'Congressional Award Act Amendments of 1992'.''

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–525, §1, Nov. 6, 1990, 104 Stat. 2305, provided that: ''This Act [amending sections 802, 803, and 806 to 808 of this title and enacting provisions set out as a note under section 808 of this title] may be cited as the 'Congressional Award Amendments of 1990'.''

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–674, §1, Nov. 17, 1988, 102 Stat. 3996, provided that: ''This Act [amending sections 802, 803, and 806 to 808 of this title and enacting provisions set out as a note under section 803 of this title] may be cited as the 'Congressional Award Act Amendments of 1988'.''

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99–161, §1, Nov. 25, 1985, 99 Stat. 934, provided that: ''This Act [amending sections 802, 803, and 806 to 808 of this title and repealing provisions set out as a note under section 803 of this title] may be cited as the 'Congressional Award Amendments of 1985'.''

SHORT TITLE

Pub. L. 96–114, title II, §201, as added by Pub. L. 106–533, §1(a), Nov. 22, 2000, 114 Stat. 2545, provided that: ''This title [enacting subchapter II of this chapter] may be cited as the 'Congressional Recognition for Excellence in Arts Education Act'.''

Section 1 of Pub. L. 96–114 provided that: ''This Act [enacting this chapter] may be cited as the 'Congressional Award Act'.''

§ 802. Program

(a) Establishment, functions, and purposes; nature of awards

The Board shall establish and administer a program to be known as the Congressional Award Program, which shall be designed to promote initiative, achievement, and excellence among youths in the areas of public service, personal development, and physical and expedition fitness. Under the program medals shall be awarded to young people within the United States, aged fourteen through twenty-three (subject to such exceptions as the Board may prescribe), who have satisfied the standards of achievement established by the Board under subsection (b) of this section. Each medal shall consist of gold-plate over bronze, rhodium over bronze, or bronze and shall be struck in accordance with subsection (f) of this section.

(b) Implementation requirements for Board

In carrying out the Congressional Award Program, the Board shall—

(1) establish the standards of achievement required for young people to qualify as recipients of the medals and establish such procedures as may be required to verify that individuals satisfy such qualifications;

(2) designate the recipients of the medals in accordance with the standards established under paragraph (1) of this subsection;

(3) delineate such roles as the Board considers to be appropriate for the Director and Regional Directors in administering the Congressional Award, and set forth in the bylaws of the Board the duties, salaries, and benefits of the Director and Regional Directors;

(4) raise funds for the operation of the program; and

(5) take such other actions as may be appropriate for the administration of the Congressional Award Program.

No salary established by the Board under paragraph (3) shall exceed $75,000 per annum, except that for calendar years after 1986, such limit shall be increased in proportion to increases in the Consumer Price Index.

(c) Presentation of awards

The Board shall arrange for the presentation of the awards to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate. To the extent possible, recipients shall be provided with opportunities to exchange information and views with Members of Congress during the presentation of the awards.

(d) Scholarships for recipients of Congressional Award Gold, Silver, and Bronze Medals

The Board may award scholarships in such amounts as the Board determines to be appropriate to any recipient of the Congressional Award Gold, Silver, and Bronze Medals.

(e) Omitted

(f) Congressional Award Program medals

(1) Design and striking

The Secretary of the Treasury shall strike the medals described in subsection (a) of this section and awarded by the Board under this chapter. Subject to subsection (a) of this section, the medals shall be of such quantity, design, and specifications as the Secretary of the Treasury may determine, after consultation with the Board.

(2) National medals

The medals struck pursuant to this chapter are National medals for purposes of chapter 51 of title 31.

(3) Authorization of appropriations

There are authorized to be charged against the Numismatic Public Enterprise Fund such amounts as may be necessary to pay for the cost of the medals struck pursuant to this chapter.

(Pub. L. 96–114, title I, §102, formerly §3, Nov. 16, 1979, 93 Stat. 851; Pub. L. 99–161, §4(a)–(c), Nov. 25, 1985, 99 Stat. 934; Pub. L. 100–674, §2(a), Nov. 17, 1988, 102 Stat. 3996; Pub. L. 101–525, §3, Nov. 6, 1990, 104 Stat. 2305; Pub. L. 103–329, title VI, §637, Sept. 30, 1994, 108 Stat. 2431; Pub. L. 106–63, §1(a), Oct. 1, 1999, 113 Stat. 510; renumbered title I, §102, and amended Pub. L. 106–533, §1(b)(1), (2), (4), Nov. 22, 2000, 114 Stat. 2553.)

CODIFICATION

Subsection (e), which required the Board to submit an annual report to Congress on the activities of the Congressional Award Program, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of

Title 31, Money and Finance. See, also, page 199 of House Document No. 103–7.

AMENDMENTS

2000—Subsec. (e)(3). Pub. L. 106–533, § 1(b)(4)(A), which directed technical amendment to reference in original act which would have appeared in text as reference to section 804(g)(1) of this title could not be executed because that reference did not appear in the original. See Codification note above.

Subsec. (e)(4). Pub. L. 106–533, § 1(b)(4)(B), made technical amendment to reference in original act which appears in text as reference to section 806 of this title. See Codification note above.

1999—Subsec. (e). Pub. L. 106–63 substituted ''June 1'' for ''April 1'' in introductory provisions.

1994—Subsec. (a). Pub. L. 103–329, § 637(1), struck out ''gold, silver, and bronze'' after ''Under the program'' and substituted last sentence for former last sentence which read as follows: ''The medals shall be of such design and materials as the Board may determine.''

Subsec. (f). Pub. L. 103–329, § 637(2), added subsec. (f).

1990—Subsec. (e). Pub. L. 101–525 substituted ''April 1'' for ''March 1''.

1988—Subsec. (e)(6) to (8). Pub. L. 100–674 added pars. (6) and (7) and redesignated former par. (6) as (8).

1985—Subsec. (b). Pub. L. 99–161, § 4(a), inserted provision limiting salaries established by Board under par. (3) to $75,000 per annum, such limit after 1986 being increased in proportion to Consumer Price Index.

Subsec. (d). Pub. L. 99–161, § 4(b), inserted reference to Silver and Bronze Medals.

Subsec. (e)(4). Pub. L. 99–161, § 4(c), inserted ''for each member, officer, employee, and consultant of the Board (or of the Corporation established pursuant to section 806(g)(1) of this title)''.

§ 803. Board organization

(a) Membership; composition; appointment criteria; derivation of appointment

(1) The Board shall consist of 25 members, as follows:

(A) Six members appointed by the majority leader of the Senate, 1 of whom shall be a recipient of the Congressional Award.

(B) Six members appointed by the minority leader of the Senate, 1 of whom shall be a local Congressional Award program volunteer.

(C) Six members appointed by the Speaker of the House of Representatives, 1 of whom shall be a local Congressional Award program volunteer.

(D) Six members appointed by the minority leader of the House of Representatives, 1 of whom shall be a recipient of the Congressional Award.

(E) The Director of the Board, who shall serve as a nonvoting member.

(2) In making appointments to the Board, the congressional leadership shall consider recommendations submitted by any interested party, including any member of the Board. One of the members appointed under each of subparagraphs (A) through (D) of paragraph (1) shall be a member of the Congress.

(3) Individuals appointed to the Board shall have an interest in one or more of the fields of concern of the Congressional Award Program.

(4) For the purpose of determining the derivation of the appointment of any person appointed to the Board under this section, if there is a change in the status of majority and minority between the parties of the House or the Senate, each person appointed under this section shall be deemed to have been appointed by the leadership position set out in subsection (a)(1) of this section of the party of the individual who made the initial appointment of such person.

(b) Terms of appointed members; reappointment

(1) Appointed members of the Board shall continue to serve at the pleasure of the officer by whom they are appointed, and (unless reappointed under paragraph (3)) shall serve for a term of 4 years.

(2) For the purpose of adjusting the terms of Board members to allow for staggered appointments, the following distribution of Board terms shall take effect at the first meeting of the Board occurring after November 6, 1990:

(A) Those members who have served 10 years or more, as of the date of such meeting, shall have an appointment expiring on a date 2 years from October 1, 1990.

(B) Those members who have served for 6 months or less, as of the date of such meeting, shall have an appointment expiring on a date 6 years from October 11, 1990.

(C) All other members shall apportion the remaining Board positions between equal numbers of 2 and 4 year terms (providing that if there are an unequal number of remaining members, there shall be a predominance of 4 year terms), such apportionment to be made by lot.

(3)(A) Subject to the limitations in subparagraphs (B) and (C) of this paragraph, members of the Board may be reappointed, provided that no member may serve more than 2 consecutive terms.

(B) Members of the Board covered under paragraph (2)(A) of this subsection shall not be eligible for reappointment to the Board. Members of the Board covered under subparagraphs (B) and (C) of paragraph (2) of this subsection may be reappointed for 1 additional consecutive 4 year term.

(C) Members of the Board who serve as chairman of the Board shall not have the time during which they serve as chairman used in the computation of their period of service for purposes of this paragraph and paragraph (2).

(c) Vacancies in membership

(1) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(2) Any appointed member of the Board may continue to serve after the expiration of his term until his successor has taken office.

(3) Vacancies in the membership of the Board shall not affect its power to function if there remain sufficient members to constitute a quorum under subsection (d) of this section.

(d) Notice; quorum

(1) A meeting of the Board may be convened only if—

(A) notice of the meeting was provided to each member in accordance with the bylaws; and

(B) not less than 11 members are present for the meeting at the time given in the notice.

(2) A majority of the members present when a meeting is convened shall constitute a quorum for the remainder of the meeting.

(e) Compensation for travel expenses of members

Members of the Board shall serve without pay but may be compensated for reasonable travel expenses incurred by them in the performance of their duties as members of the Board.

(f) Meetings

The Board shall meet at least twice a year at the call of the Chairman (with at least one meeting in the District of Columbia) and at such other times as the Chairman may determine to be appropriate. The Chairman shall call a meeting of the Board whenever one-third of the members of the Board submit written requests for such a meeting.

(g) Chairman and Vice Chairman

The Chairman and the Vice Chairman of the Board shall be elected from among the members of the Board by a majority vote of the Board for such terms as the Board determines. The Vice Chairman shall perform the duties of the Chairman in his absence.

(h) Appointment, functions, etc., of committees; membership

(1) The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this chapter. Members of such committees may include the members of the Board or such other qualified individuals as the Board may select.

(2) Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

(i) Bylaws and regulations; contents; transmittal to Congress

The Board shall establish such bylaws and other regulations as may be appropriate to enable the Board to carry out its functions under this chapter. Such bylaws and other regulations shall include provisions to prevent any conflict of interest, or the appearance of any conflict of interest, in the procurement and employment actions taken by the Board or by any officer or employee of the Board. Such bylaws shall include appropriate fiscal control, funds accountability, and operating principles to ensure compliance with the provisions of section 806 of this title. A copy of such bylaws shall be transmitted to each House of Congress not later than 90 days after November 25, 1985, and not later than 10 days after any subsequent amendment or revision of such bylaws.

(j) Removal from Board

Any member of the Board who fails to attend 4 consecutive Board meetings scheduled pursuant to the bylaws of the Board and for which proper notice has been given under such bylaws, or to send a designee of such member (approved in advance by the Board under provisions of its bylaws), is, by operation of this subsection, removed, for cause, from the Board as of the date of the last meeting from which they are absent. The Chairman of the Board shall take such steps as are necessary to inform members who have 3 absences of this subsection. The Chairman shall notify the House and the Senate, including the appropriate committees of each body, whenever there is a vacancy created by the operation of this subsection.

(Pub. L. 96–114, title I, §103, formerly §4, Nov. 16, 1979, 93 Stat. 852; Pub. L. 98–33, §1, May 25, 1983, 97 Stat. 194; Pub. L. 99–161, §§2, 4(d), (e), Nov. 25, 1985, 99 Stat. 934, 935; Pub. L. 100–674, §2(b), Nov. 17, 1988, 102 Stat. 3996; Pub. L. 101–525, §§4–6, Nov. 6, 1990, 104 Stat. 2305, 2306; Pub. L. 106–63, §1(b), Oct. 1, 1999, 113 Stat. 510; renumbered title I, §103, and amended Pub. L. 106–533, §1(b)(1), (2), (5), Nov. 22, 2000, 114 Stat. 2553, 2554; Pub. L. 109–143, §1(c)(1), Dec. 22, 2005, 119 Stat. 2659.)

AMENDMENTS

2005—Subsec. (a)(1)(B), (C). Pub. L. 109–143, §1(c)(1)(A), substituted ''a local'' for ''a a local''.

Subsec. (b)(3)(B). Pub. L. 109–143, §1(c)(1)(B), substituted ''subsection'' for ''section'' in two places.

2000—Subsec. (i). Pub. L. 106–533, §1(b)(5), made technical amendment to reference in original act which appears in text as reference to section 806 of this title.

1999—Subsec. (a)(1)(A). Pub. L. 106–63, §1(b)(1), substituted ''recipient of the Congressional Award'' for ''member of the Congressional Award Association''.

Subsec. (a)(1)(B), (C). Pub. L. 106–63, §1(b)(2), substituted ''a local Congressional Award program volunteer'' for ''representative of a local Congressional Award Council''.

Subsec. (a)(1)(D). Pub. L. 106–63, §1(b)(1), substituted ''recipient of the Congressional Award'' for ''member of the Congressional Award Association''.

1990—Subsec. (a)(4). Pub. L. 101–525, §4, added par. (4).

Subsec. (b). Pub. L. 101–525, §5, designated existing provision as par. (1) and substituted ''and (unless reappointed under paragraph (3)) shall serve for a term of 4 years'' for ''but (unless reappointed) shall not serve for more than four years'', and added pars. (2) and (3).

Subsec. (j). Pub. L. 101–525, §6, added subsec. (j).

1988—Subsec. (a)(1). Pub. L. 100–674, §2(b)(1), in introductory provisions, substituted ''25'' for ''thirty-three'', in subpars. (A) to (D), substituted ''Six members'' for ''Eight members'', in subpars. (A) and (D), inserted '', 1 of whom shall be a member of the Congressional Award Association'', and in subpars. (B) and (C), inserted '', 1 of whom shall be a representative of a local Congressional Award Council''.

Subsec. (d). Pub. L. 100–674, §2(b)(2), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''A majority of the members of the Board shall constitute a quorum.''

1985—Subsec. (a)(2). Pub. L. 99–161, §2(1), inserted ''One of the members appointed under each of subparagraphs (A) through (D) of paragraph (1) shall be a member of the Congress.''

Subsec. (b). Pub. L. 99–161, §2(2), amended subsec. (b) generally, substituting provisions for continuance of service of appointed members at pleasure of appointing officer, but unless reappointed, for not more than four years, for provisions limiting term of service to six years with exceptions for first appointed members and individuals appointed to Board after March 31, 1983, whose terms were limited.

Subsec. (c)(2) to (4). Pub. L. 99–161, §2(3), struck out par. (2) limiting term of service of any member appointed to fill out an unexpired term to remainder of that term and redesignated pars. (3) and (4) as (2) and (3), respectively.

Subsec. (f). Pub. L. 99–161, §4(d), substituted ''meet at least twice a year at the call of the Chairman (with at least one meeting in the District of Columbia)'' for ''meet annually at the call of the Chairman''.

Subsec. (i). Pub. L. 99–161, §4(e), inserted requirement that bylaws and other regulations include provisions preventing conflict of interest, and include appropriate fiscal control, funds accountability, etc., to comply

with section 806 of this title, and inserted provisions requiring transmittal of a copy of such bylaws to each House of Congress within specified periods of time.

1983—Subsec. (a)(1). Pub. L. 98–33, §1(a)(1), (2), substituted ''thirty-three'' for ''seventeen'' in the matter preceding subpar. (A), and substituted ''Eight'' for ''Four'' in each of subpars. (A) through (D).

Subsec. (a)(2). Pub. L. 98–33, §1(a)(3), struck out ''or the Committee for the Establishment and Promotion of the Congressional Award'' after ''member of the Board''.

Subsec. (b). Pub. L. 98–33, §1(b), designated existing provisions as par. (1); in par. (1), as so designated, redesignated pars. (1) to (3) as subpars. (A) to (C), respectively, and substituted ''Except as provided in paragraph (2), appointed'' for ''Appointed''; and added par. (2).

TRANSITION PROVISIONS

Section 3 of Pub. L. 100–674 provided that: ''Not later than 120 days after the date of the enactment of this Act [Nov. 17, 1988], the congressional leadership shall appoint members to fill vacancies on the Congressional Award Board in accordance with section 4(a) of the Congressional Award Act [2 U.S.C. 803(a)] (as amended by section 2(b)). In filling such vacancies, the congressional leadership shall first appoint members from the Congressional Award Association and local Congressional Award Councils in accordance with section 4(a) of the Congressional Award Act (as amended by section 2(b)).''

EXCEPTIONAL TERMS FOR CERTAIN BOARD MEMBERS

Section 2 of Pub. L. 98–33, relating to exceptional terms for certain individuals appointed to the Congressional Award Board, was repealed by Pub. L. 99–161, §5, Nov. 25, 1985, 99 Stat. 936.

§ 804. Administration

(a) Director; status; appointment and term; removal

In the administration of the Congressional Award Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board, and shall serve for such term as the Board may determine. The Director may be removed by a majority vote of the Board.

(b) Functions of Director

The Director shall, in consultation with the Board—

(1) formulate programs to carry out the policies of the Congressional Award Program;

(2) establish such divisions within the Congressional Award Program as may be appropriate; and

(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Award Program, subject to such policies as the Board shall prescribe under its bylaws.

(c) Requirements regarding financial operations; noncompliance with requirements

(1) The Director shall, in consultation with the Board, ensure that appropriate procedures for fiscal control and fund accounting are established for the financial operations of the Congressional Award Program, and that such operations are administered by personnel with expertise in accounting and financial management. Such personnel may be retained under contract. In carrying out this paragraph, the Director shall ensure that the liabilities of the Board do not, for any calendar year, exceed the assets of the Board.

(2)(A) The Comptroller General of the United States shall determine, for calendar years 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009, whether the Director has substantially complied with paragraph (1). The findings made by the Comptroller General under the preceding sentence shall be included in the first report submitted under section 807(b)[1] of this title after December 31, 1994.

(B) If the Director fails to substantially comply with paragraph (1), the Board shall take such actions as may be necessary to prepare, pursuant to section 808[1] of this title, for the orderly cessation of the activities of the Board.

(Pub. L. 96–114, title I, §104, formerly §5, Nov. 16, 1979, 93 Stat. 853; Pub. L. 102–457, §2, Oct. 23, 1992, 106 Stat. 2265; Pub. L. 104–208, div. A, title V, §5401(a), Sept. 30, 1996, 110 Stat. 3009–511; Pub. L. 106–63, §1(c), Oct. 1, 1999, 113 Stat. 510; renumbered title I, §104, Pub. L. 106–533, §1(b)(1), (2), Nov. 22, 2000, 114 Stat. 2553; Pub. L. 109–143, §1(a), (c)(2), Dec. 22, 2005, 119 Stat. 2659.)

REFERENCES IN TEXT

Sections 807(b) and 808 of this title, referred to in subsec. (c)(2), were in the original references to sections 8(b) and 9 which were renumbered sections 107(b) and 108 by Pub. L. 106–533, §1(b)(2), Nov. 22, 2000, 114 Stat. 2553.

AMENDMENTS

2005—Subsec. (c)(2)(A). Pub. L. 109–143 inserted comma after ''1993'' and substituted ''2004, 2005, 2006, 2007, 2008, and 2009'' for ''and 2004''.

1999—Subsec. (c)(2)(A). Pub. L. 106–63 substituted ''1998, 1999, 2000, 2001, 2002, 2003, and 2004'' for ''and 1998''.

1996—Subsec. (c)(2)(A). Pub. L. 104–208 substituted ''1994, 1995, 1996, 1997, and 1998'' for ''and 1994''.

1992—Subsec. (c). Pub. L. 102–457 added subsec. (c).

§ 805. Regional award directors of program; appointment criteria

Regional award directors may be appointed by the Board, upon recommendation of the Director, for any State or other appropriate geographic area of the United States. The Director shall make such recommendations with respect to a State or geographic area only after soliciting recommendations regarding such appointments from public and private youth organizations within such State or geographic area.

(Pub. L. 96–114, title I, §105, formerly §6, Nov. 16, 1979, 93 Stat. 853; renumbered title I, §105, Pub. L. 106–533, §1(b)(1), (2), Nov. 22, 2000, 114 Stat. 2553.)

§ 806. Powers, functions, and limitations

(a) General operating and expenditure authority

Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Award Program, except that—

[1] See References in Text note below.

(1) the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from sources other than the Federal Government; and

(2) the Board shall not take any actions which would disqualify the Board from treatment (for tax purposes) as an organization described in section 501(c)(3) of title 26.

(b) Mandatory functions

(1) The Board shall establish such functions and procedures as may be necessary to carry out the provisions of this chapter.

(2) The functions established by the Board under paragraph (1) shall include—

(A) communication with local Congressional Award Councils concerning the Congressional Award Program;

(B) provision, upon the request of any local Congressional Award Council, of such technical assistance as may be necessary to assist such council with its responsibilities, including the provision of medals, the preparation and provision of applications, guidance on disposition of applications, arrangements with respect to local award ceremonies, and other responsibilities of such council;

(C) conduct of outreach activities to establish new local Congressional Award Councils, particularly in inner-city areas and rural areas;

(D) in addition to those activities authorized under subparagraph (C), conduct of outreach activities to encourage, where appropriate, the establishment and development of Statewide Congressional Award Councils;

(E) fundraising;

(F) conduct of an annual Gold Medal Awards ceremony in the District of Columbia;

(G) consideration of implementation of the provisions of this chapter relating to scholarships; and

(H) carrying out of duties relating to management of the national office of the Congressional Award Program, including supervision of office personnel and of the office budget.

(c) Statewide Congressional Award Councils; establishment, purposes, duties, etc.

(1) In carrying out its functions with respect to Statewide Congressional Award Councils (hereinafter in this subsection referred to as Statewide Councils) under subsection (b) of this section, the Board shall develop guidelines, criteria, and standards for the formation of Statewide Councils. In order to create a Statewide Council, Members of Congress and Senators from each respective State are encouraged to work jointly with the Board.

(2) The establishment of Statewide Councils is intended to—

(A) facilitate expanded public participation and involvement in the program; and

(B) promote greater opportunities for involvement by members of the State congressional delegation.

(3) The duties and responsibilities of each Statewide Council established pursuant to this section shall include, but not be limited to, the following:

(A) promoting State and local awareness of the Congressional Award Program;

(B) review of participant records and activities;

(C) review and verification of information on, and recommendation of, candidates to the national board for approval;

(D) planning and organization of bronze and silver award ceremonies;

(E) assisting gold award recipients with travel to and from the national gold award ceremony; and

(F) designation of a Statewide coordinator to serve as a liaison between the State and local boards and the national board.

(4) Each Statewide Council established pursuant to this section is authorized to receive public monetary and in-kind contributions, which may be made available to local boards to supplement or defray operating expenses. The Board shall adopt appropriate financial management methods in order to ensure the proper accounting of these funds.

(5) Each Statewide Council established pursuant to this section shall comply with the standard charter requirements of the national board of directors.

(d) Contracting authority

The Board may enter into and perform such contracts as may be appropriate to carry out its business, but the Board may not enter into any contract which would obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

(e) Obtaining and acceptance of non-Federal funds and resources; indirect resources

(1) Subject to the provisions of paragraph (2), the Board may seek and accept funds and other resources to carry out its activities. The Board may not accept any funds or other resources which are—

(A) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Award Program or a specific regional or local program; and

(B) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

The Board may permit donors to use the name of the Board or the name ''Congressional Award Program'' in advertising.

(2) Except as otherwise provided in this chapter, the Board may not receive any Federal funds or resources. The Board may benefit from in-kind and indirect resources provided by Offices of Members of Congress or the Congress. Further, the Board is not prohibited from receiving indirect benefits from efforts or activities undertaken in collaboration with entities which receive Federal funds or resources.

(f) Acceptance and utilization of services of voluntary, uncompensated personnel

The Board may accept and utilize the services of voluntary, uncompensated personnel.

(g) Lease, etc., of real or personal property

The Board may lease (or otherwise hold), acquire, or dispose of real or personal property

necessary for, or relating to, the duties of the Board.

(h) Fiscal authority

The Board shall have no power—

(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

(2) to issue any share of stock or to declare or pay any dividends; or

(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

(i) Establishment, functions, etc., of private nonprofit corporation; articles of incorporation of corporation; compensation, etc., for director, officer, or employee of corporation

(1) The Board shall provide for the establishment of a private nonprofit corporation for the sole purpose of assisting the Board to carry out the Congressional Award Program, and shall delegate to the corporation such duties as it considers appropriate.

(2) The articles of incorporation of the corporation established under this subsection shall provide that—

(A) the members of the Board of Directors of the corporation shall be the members of the Board, and the Director of the corporation shall be the Director of the Board; and

(B) the extent of the authority of the corporation shall be the same as that of the Board.

(3) No director, officer, or employee of any corporation established under this subsection may receive compensation, travel expenses, or benefits from both the corporation and the Board.

(Pub. L. 96–114, title I, § 106, formerly § 7, Nov. 16, 1979, 93 Stat. 854; Pub. L. 99–161, § 4(f), Nov. 25, 1985, 99 Stat. 935; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–674, § 2(c), Nov. 17, 1988, 102 Stat. 3996; Pub. L. 101–525, § 7, Nov. 6, 1990, 104 Stat. 2306; renumbered title I, § 106, Pub. L. 106–533, § 1(b)(1), (2), Nov. 22, 2000, 114 Stat. 2553.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–525, § 7(a), which directed the insertion of ''(a)'' after the section designation, was not executed in view of existing subsec. (a) designation.

Subsec. (b)(2)(C). Pub. L. 101–525, § 7(b)(1)(A), substituted ''conduct'' for ''conducting'' and struck out ''State and'' after ''new''.

Subsec. (b)(2)(D), (E). Pub. L. 101–525, § 7(b)(1)(B), added subpar. (D) and redesignated former subpar. (D) as (E). Former subpar. (E) redesignated (F).

Subsec. (b)(2)(F). Pub. L. 101–525, § 7(b)(1)(B), (C), redesignated subpar. (E) as (F) and substituted ''conduct'' for ''conducting''. Former subpar. (F) redesignated (G).

Subsec. (b)(2)(G), (H). Pub. L. 101–525, § 7(b)(1)(B), redesignated subpars. (F) and (G) as (G) and (H), respectively.

Subsecs. (c), (d). Pub. L. 101–525, § 7(b)(2), added subsec. (c). Former subsecs. (c) and (d) redesignated (d) and (e), respectively.

Subsec. (e). Pub. L. 101–525, § 7(b)(2), (c), redesignated subsec. (d) as (e) and amended it generally. Prior to amendment, subsec. (e) read as follows: ''The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out its activities. The Board may not accept any funds or other resources which are—

''(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Award Program; or

''(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

The Board may permit donors to use the name of the Board or the name 'Congressional Award Program' in advertising.'' Former subsec. (e) redesignated (f).

Subsecs. (f) to (i). Pub. L. 101–525, § 7(b)(2), redesignated subsecs. (e) to (h) as (f) to (i), respectively.

1988—Pub. L. 100–674, § 2(c)(1), substituted ''Powers, functions, and limitations'' for ''Powers and limitations of Board'' in section catchline.

Subsecs. (b) to (h). Pub. L. 100–674, § 2(c)(2), added subsec. (b) and redesignated former subsecs. (b) to (g) as (c) to (h), respectively.

1986—Subsec. (a)(2). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1985—Subsec. (c). Pub. L. 99–161 inserted at end ''The Board may permit donors to use the name of the Board or the name 'Congressional Award Program' in advertising.''

§ 807. Audits and evaluation

(a) Annual audits by Comptroller General; access to books, documents, papers, and records

The financial records of the Board and of any corporation established under section 806(i)[1] of this title shall be audited annually by the Comptroller General of the United States (hereinafter in this section referred to as the ''Comptroller General''). The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board or such corporation (or any agent of the Board or such corporation) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Award Program.

(b) Annual report to Congress on audit results

The Comptroller General shall submit to appropriate officers, committees, and subcommittees of the Congress, by May 15th of each calendar year, a report on the results of the audit of the financial records and on any such additional areas as the Comptroller General determines deserve or require evaluation.

(Pub. L. 96–114, title I, § 107, formerly § 8, Nov. 16, 1979, 93 Stat. 855; Pub. L. 99–161, § 4(g), Nov. 25, 1985, 99 Stat. 935; Pub. L. 100–674, § 2(e), Nov. 17, 1988, 102 Stat. 3998; Pub. L. 101–525, § 8, Nov. 6, 1990, 104 Stat. 2308; renumbered title I, § 107, Pub. L. 106–533, § 1(b)(1), (2), Nov. 22, 2000, 114 Stat. 2553.)

REFERENCES IN TEXT

Section 806(i) of this title, referred to in subsec. (a), was in the original a reference to section 7(i) which was renumbered section 106 by Pub. L. 106–533, § 1(b)(2), Nov. 22, 2000, 114 Stat. 2553.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–525, § 8(1), substituted ''section 806(i) of this title'' for ''section 806(h) of this title'' and ''annually'' for ''at least biennially''.

[1] See References in Text note below.

Subsec. (b). Pub. L. 101–525, § 8(2), added subsec. (b) and struck out former subsec. (b) which required audit to assess adequacy of fiscal control and funds accountability procedures and propriety of expenses.

Subsecs. (c), (d). Pub. L. 101–525, § 8(2), struck out subsec. (c) which required the Comptroller General to include in report on first audit performed after Nov. 25, 1985, an evaluation of programs and activities under this chapter and specified contents of such evaluation, and subsec. (d) which directed that report on first audit performed after Nov. 25, 1985, was to be submitted on or before May 15, 1988.

1988—Subsec. (a). Pub. L. 100–674 substituted ''section 806(h)'' for ''section 806(g)''.

1985—Pub. L. 99–161, § 4(g)(1), inserted ''and evaluation'' after ''Audits'' in section catchline.

Subsec. (a). Pub. L. 99–161, § 4(g)(2)–(4), designated existing provisions as subsec. (a), substituted ''shall be audited at least biennially'' for ''may be audited'', and struck out ''at such times as the Comptroller General may determine to be appropriate'' after ''referred to as the 'Comptroller General')''.

Subsecs. (b) to (d). Pub. L. 99–161, § 4(g)(5), added subsecs. (b) to (d).

§ 808. Termination

The Board shall terminate October 1, 2009.

(Pub. L. 96–114, title I, § 108, formerly § 9, Nov. 16, 1979, 93 Stat. 855; Pub. L. 99–161, § 3, Nov. 25, 1985, 99 Stat. 934; Pub. L. 100–674, § 2(d), Nov. 17, 1988, 102 Stat. 3997; Pub. L. 101–525, § 2(a), Nov. 6, 1990, 104 Stat. 2305; Pub. L. 102–457, § 3, Oct. 23, 1992, 106 Stat. 2266; Pub. L. 104–208, div. A, title V, § 5401(b), Sept. 30, 1996, 110 Stat. 3009–511; Pub. L. 106–63, § 1(d), Oct. 1, 1999, 113 Stat. 510; renumbered title I, § 108, Pub. L. 106–533, § 1(b)(1), (2), Nov. 22, 2000, 114 Stat. 2553; Pub. L. 109–143, § 1(b)(1), Dec. 22, 2005, 119 Stat. 2659.)

AMENDMENTS

2005—Pub. L. 109–143 substituted ''October 1, 2009'' for ''October 1, 2004''.

1999—Pub. L. 106–63 substituted ''October 1, 2004'' for ''October 1, 1999''.

1996—Pub. L. 104–208 substituted ''1999'' for ''1995''.

1992—Pub. L. 102–457 substituted ''1995'' for ''1992''.

1990—Pub. L. 101–525 amended section generally, substituting present provision for provisions which had: in subsec. (a) directed that the Board terminate on Nov. 15, 1989; in subsec. (b) provided for alternative termination dates; in subsec. (c) required reports to Congress; in subsecs. (d) and (e) required certification of compliance and verification of information, respectively; and in subsec. (f) mandated dissolution of corporations established by the Board prior to its termination.

1988—Pub. L. 100–674 amended section generally. Prior to amendment, section read as follows: ''The Board shall terminate on November 16, 1988. Upon termination of the Board, the Board shall take such actions as may be required to provide for the dissolution of any corporation established by the Board under section 806(g) of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.''

1985—Pub. L. 99–161 substituted ''on November 16, 1988'' for ''six years after November 16, 1979''.

SAVINGS PROVISION

Pub. L. 109–143, § 1(b)(2), Dec. 22, 2005, 119 Stat. 2659, provided that: ''During the period of October 1, 2004, through the date of the enactment of this section [Dec. 22, 2005], all actions and functions of the Congressional Award Board under the Congressional Award Act (2 U.S.C. 801 et seq.) shall have the same effect as though no lapse or termination of the Board ever occurred.''

Section 5401(c) of div. A of Pub. L. 104–208 provided that: ''During the period of October 1, 1995, through the date of the enactment of this section [Sept. 30, 1996], all actions and functions of the Congressional Award Board under the Congressional Award Act [2 U.S.C. 801 et seq.] shall have the same effect as though no lapse or termination of the Congressional Award Board ever occurred.''

Section 2(b) of Pub. L. 101–525 provided that: ''During the period of October 1, 1990, through the date of the enactment of this section [Nov. 6, 1990], all actions and functions of the Congressional Award Board under the Congressional Award Act (2 U.S.C. 801 et seq.) shall have the same effect as though no lapse or termination of the Board ever occurred.''

SUBCHAPTER II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

§ 811. Findings

Congress makes the following findings:

(1) Arts literacy is a fundamental purpose of schooling for all students.

(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

(4) Arts education improves teaching and learning.

(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

(7) The 1999 study, entitled ''Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education'', found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful districtwide arts education.

(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups, is an excellent example of one organization that has demonstrated its effectiveness in addressing the purposes described in section 814(a) of this title and the capacity and credibility to administer arts education programs of national significance.

(Pub. L. 96–114, title II, § 202, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2545.)

§ 812. Definitions

In this subchapter:

(1) Arts Education Partnership

The term ''Arts Education Partnership'' means a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work, and was formed in 1995.

(2) Board

The term ''Board'' means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 813 of this title.

(3) Elementary school; secondary school

The terms ''elementary school'' and ''secondary school'' mean—

(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);[1] or

(B) a bureau[2] funded school as defined in section 2026[1] of title 25.

(4) State

The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(Pub. L. 96–114, title II, § 203, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2546.)

REFERENCES IN TEXT

Section 14101 of the Elementary and Secondary Education Act of 1965, referred to in par. (3)(A), is section 14101 of Pub. L. 89–10, which was classified to section 8801 of Title 20, Education, prior to repeal by Pub. L. 107–110, title X, Sec. 1011(5)(C), Jan. 8, 2002, 115 Stat. 1986. For provisions relating to definitions, see section 7801 of Title 20.

Section 2026 of title 25, referred to in par. (3)(B), was omitted in the general amendment of chapter 22 (§ 2000 et seq.) of Title 25, Indians, by Pub. L. 107–110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2007. For definition of ''Bureau-funded school'', see section 2021 of Title 25.

§ 813. Establishment of Board

There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 814 of this title.

(Pub. L. 96–114, title II, § 204, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2546.)

§ 814. Board duties

(a) Awards program established

The Board shall establish and administer an awards program to be known as the ''Congressional Recognition for Excellence in Arts Education Awards Program''. The purpose of the program shall be to—

(1) celebrate the positive impact and public benefits of the arts;

(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

(5) recognize school administrators and faculty who provide quality arts education to students;

(6) acknowledge schools that provide professional development opportunities for their teachers;

(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

(9) expand student access to arts education in schools in every community.

(b) Duties

(1) School awards

The Board shall—

(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

(ii) shall be reflective of the dignity of Congress;

(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

(i) that the school—

(I) provides comprehensive, sequential arts learning; and

(II) integrates the arts throughout the curriculum in subjects other than the arts; and

(ii) 3 of the following:

(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

(II) that the school principal supports the policy of arts education for all students;

(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

(V) that school leaders engage the total school community in arts activi-

[1] See References in Text note below.

[2] So in original. Probably should be capitalized.

ties that create a climate of support for arts education; and

(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

(i) 3 letters of support for the school from community members, which may include a letter from—

(I) the school's Parent Teacher Association (PTA);

(II) community leaders, such as elected or appointed officials; and

(III) arts organizations or institutions in the community that partner with the school; and

(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

(D) determine appropriate methods for disseminating information about the program and make application forms available to schools;

(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

(F) raise funds for the operation of the program;

(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the framework established in the 1997 National Assessment of Educational Progress and such other criteria as the Board determines appropriate; and

(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

(2) Student awards

(A) In general

At such time as the Board determines appropriate, the Board—

(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

(ii) establish criteria for the making of the awards.

(B) Award model

The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

(c) Presentation

The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

(d) Date of announcement

The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts Education Month or a similarly designated day, week or month, if such designation exists.

(e) Report

(1) In general

The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

(2) Contents

The annual report shall contain the following:

(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

(C) A description of the programs formulated by the Director under section 816(b)(1) of this title, including an explanation of the operation of such programs and a list of the sponsors of the programs.

(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

(G) On the basis of the findings described in section 811 of this title and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in subsection (a) of this section, a recommendation regarding the national readiness to make individual student awards under subsection (b)(2) of this section.

(Pub. L. 96–114, title II, §205, as added Pub. L. 106–533, §1(a), Nov. 22, 2000, 114 Stat. 2546.)

§815. Composition of Board; Advisory Board

(a) Composition

(1) In general

The Board shall consist of 9 members as follows:

(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(E) The Director of the Board, who shall serve as a nonvoting member.

(2) Advisory Board

There is established an Advisory Board to assist and advise the Board with respect to its duties under this subchapter, that shall consist of 15 members appointed—

(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from recommendations received from organizations and entities involved in the arts such as businesses, civic and cultural organizations, and the Arts Education Partnership steering committee; and

(B) in the case of any other such members of the Advisory Board, by the Board.

(3) Special rule for Advisory Board

In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

(4) Interest

(A) In general

Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 814(a) of this title.

(B) Diversity

The membership of the Advisory Board shall represent a balance of artistic and education professionals, including at least 1 representative who teaches in each of the following disciplines:

(i) Music.

(ii) Theater.

(iii) Visual Arts.

(iv) Dance.

(b) Terms

(1) Board

Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years,

as determined by lot when all such members have been appointed.

(2) Advisory Board

Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

(c) Vacancy

(1) In general

Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

(2) Term

Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

(3) Extension

Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

(4) Special rule

Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d) of this section.

(d) Quorum

A majority of the members of the Board shall constitute a quorum.

(e) Compensation

Members of the Board and Advisory Board shall serve without pay but may be compensated, from amounts in the trust fund, for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

(f) Meetings

The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever ⅓ of the members of the Board submit written requests for such a meeting.

(g) Officers

The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

(h) Committees

(1) In general

The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this subchapter. Members of such committees may include the members of the Board or the Advisory Board.

(2) Special rule

Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

(i) Bylaws and other requirements

The Board shall establish such bylaws and other requirements as may be appropriate to en-

able the Board to carry out the Board's duties under this subchapter.

(Pub. L. 96–114, title II, § 206, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2549.)

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 816. Administration

(a) In general

In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board.

(b) Director's responsibilities

The Director shall, in consultation with the Board—

(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

(c) Application

Each school or student desiring an award under this subchapter shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

(Pub. L. 96–114, title II, § 207, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2551.)

§ 817. Limitations

(a) In general

Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund under section 817c of this title.

(b) Contracts

The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

(c) Gifts

The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

(d) Volunteers

The Board may accept and utilize the services of voluntary, uncompensated personnel.

(e) Real or personal property

The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

(f) Prohibitions

The Board shall have no power—

(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

(2) to issue any share of stock or to declare or pay any dividends; or

(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

(Pub. L. 96–114, title II, § 208, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2551.)

§ 817a. Audits

The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

(Pub. L. 96–114, title II, § 209, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2552.)

§ 817b. Termination

The Board shall terminate 6 years after November 22, 2000. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

(Pub. L. 96–114, title II, § 210, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2552.)

§ 817c. Trust fund

(a) Establishment of fund

There shall be established in the Treasury of the United States a trust fund which shall be known as the ''Congressional Recognition for Excellence in Arts Education Awards Trust Fund''. The fund shall be administered by the Board, and shall consist of amounts donated to the Board under section 817(c) of this title and amounts credited to the fund under subsection (d) of this section.

(b) Investment

(1) In general

It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Director of the Board, such portion of the fund that is not, in the judgment of the Director of the Board, required to meet the current needs of the fund.

(2) Authorized investments

Such investments shall be in public debt obligations with maturities suitable to the needs of the fund, as determined by the Director of the Board. Investments in public debt obligations shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current market yield on outstanding marketable obligations of the United States of comparable maturity.

(c) Authority to sell obligations

Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

(d) Proceeds from certain transactions credited to fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(Pub. L. 96–114, title II, § 211, as added Pub. L. 106–533, § 1(a), Nov. 22, 2000, 114 Stat. 2552.)

CHAPTER 19A—JOHN HEINZ COMPETITIVE EXCELLENCE AWARD

Sec.
831. John Heinz Competitive Excellence Award.

§ 831. John Heinz Competitive Excellence Award

(a) Establishment

There is hereby established the John Heinz Competitive Excellence Award, which shall be evidenced by a national medal bearing the inscription ''John Heinz Competitive Excellence Award''. The medal, to be minted by the United States Mint and provided to the Congress, shall be of such design and bear such additional inscriptions as the Secretary of the Treasury may prescribe, in consultation with the Majority and Minority Leaders of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the family of Senator John Heinz. The medal shall be—

(1) three inches in diameter; and

(2) made of bronze obtained from recycled sources.

(b) Award categories

(1) In general

Two separate awards may be given under this section in each year. One such award may be given to a qualifying individual (including employees of any State or local government, or the Federal Government), and 1 such award may be given to a qualifying organization, institution, or business.

(2) Limitation

No award shall be made under this section to an entity in either category described in paragraph (1) in any year if there is no qualified individual, organization, institution, or business recommended under subsection (c) of this section for an award in such category in that year.

(c) Qualification criteria for award

(1) Selection panel

A selection panel shall be established, comprised of a total of 8 persons, including—

(A) 2 persons appointed by the Majority Leader of the Senate;

(B) 2 persons appointed by the Minority Leader of the Senate;

(C) 2 persons appointed by the Speaker of the House of Representatives; and

(D) 2 persons appointed by the Minority Leader of the House of Representatives.

(2) Qualification

An individual, organization, institution, or business may qualify for an award under this section only if such individual, organization, institution, or business—

(A) is nominated to the Majority or Minority Leader of the Senate or to the Speaker or the Minority Leader of the House of Representatives by a member of the Senate or the House of Representatives;

(B) permits a rigorous evaluation by the Office of Technology Assessment of the way in which such individual, organization, institution, or business has demonstrated excellence in promoting United States industrial competitiveness; and

(C) meets such other requirements as the selection panel determines to be appropriate to achieve the objectives of this section.

(3) Evaluation

An evaluation of each nominee shall be conducted by the Office of Technology Assessment. The Office of Technology Assessment shall work with the selection panel to establish appropriate procedures for evaluating nominees.

(4) Panel review

The selection panel shall review the Office of Technology Assessment's evaluation of each nominee and may, based on those evaluations, recommend 1 award winner for each year for each category described in subsection (b)(1) of this section to the Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives.

(d) Presentation of award

(1) In general

The Majority and Minority Leaders of the Senate and the Speaker and the Minority

Leader of the House of Representatives shall make the award to an individual and an organization, institution, or business that has demonstrated excellence in promoting United States industrial competitiveness in the international marketplace through technological innovation, productivity improvement, or improved competitive strategies.

(2) Ceremonies

The presentation of an award under this section shall be made by the Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives, with such ceremonies as they may deem proper.

(3) Publicity

An individual, organization, institution, or business to which an award is made under this section may publicize its receipt of such award and use the award in its advertising, but it shall be ineligible to receive another award in the same category for a period of 5 years.

(e) Publication of evaluations

(1) Summary of evaluations

The Office of Technology Assessment shall ensure that all nominees receive a detailed summary of any evaluation conducted of such nominee under subsection (c) of this section.

(2) Summary of competitiveness strategy

The Office of Technology Assessment shall also make available to all nominees and the public a summary of each award winner's competitiveness strategy. Proprietary information shall not be included in any such summary without the consent of the award winner.

(f) Reimbursement of costs

The Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives are authorized to seek and accept gifts from public and private sources to defray the cost of implementing this section.

(Pub. L. 102–429, title III, §301, Oct. 21, 1992, 106 Stat. 2205.)

CHAPTER 20—EMERGENCY POWERS TO ELIMINATE BUDGET DEFICITS

SUBCHAPTER I—ELIMINATION OF DEFICITS IN EXCESS OF MAXIMUM DEFICIT AMOUNT

Sec.
900. Statement of budget enforcement through sequestration; definitions.
901. Enforcing discretionary spending limits.
901a. Repealed.
902. Enforcing pay-as-you-go.
903. Enforcing deficit targets.
904. Reports and orders.
905. Exempt programs and activities.
906. General and special sequestration rules.
907. The baseline.
907a. Suspension in event of war or low growth.
907b. Modification of Presidential order.
907c. Flexibility among defense programs, projects, and activities.
907d. Special reconciliation process.
908, 909. Repealed.

SUBCHAPTER II—OPERATION AND REVIEW

921. Transferred.
922. Judicial review.

SUBCHAPTER I—ELIMINATION OF DEFICITS IN EXCESS OF MAXIMUM DEFICIT AMOUNT

TERMINATION OF SUBCHAPTER

This subchapter, comprised of part C (§§250–258C) of title II of Pub. L. 99–177 and classified to sections 900 to 907d, has expired. Sections 901, 903, and 907c of this title expired Sept. 30, 2002. Sections 900, 902, 904 to 907b, and 907d of this title expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

§900. Statement of budget enforcement through sequestration; definitions

(a) Omitted

(b) General statement of budget enforcement through sequestration

This subchapter provides for budget enforcement as called for in House Concurrent Resolution 84 (105th Congress, 1st session).

(c) Definitions

As used in this subchapter:

(1) The terms ''budget authority'', ''new budget authority'', ''outlays'', and ''deficit'' have the meanings given to such terms in section 3 of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 622] and ''discretionary spending limit'' shall mean the amounts specified in section 901 of this title.

(2) The terms ''sequester'' and ''sequestration'' refer to or mean the cancellation of budgetary resources provided by discretionary appropriations or direct spending law.

(3) The term ''breach'' means, for any fiscal year, the amount (if any) by which new budget authority or outlays for that year (within a category of discretionary appropriations) is above that category's discretionary spending limit for new budget authority or outlays for that year, as the case may be.

(4)(A) The term ''category'' means the subsets of discretionary appropriations in section 901(c) of this title. Discretionary appropriations in each of the categories shall be those designated in the joint explanatory statement accompanying the conference report on the Balanced Budget Act of 1997. New accounts or activities shall be categorized only after consultation with the committees[1] on Appropriations and the Budget of the House of Representatives and the Senate and that consultation shall, to the extent practicable, include written communication to such committees that affords such committees the opportunity to comment before official action is taken with respect to new accounts or activities.

(B) The term ''highway category'' refers to the following budget accounts or portions thereof that are subject to the obligation limitations on contract authority set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users:

(i) 69–8083–0–7–401 (Federal-Aid Highways).

[1] So in original. Probably should be capitalized.

(ii) 69–8020–0–7–401 (Highway Traffic Safety Grants).

(iii) 69–8048–0–7–401 (National Motor Carrier Safety Program).

(iv) 69–8016–0–7–401 (Operations and Research NHTSA).

(v) 69–8362–0–7–401 (National Driver Registry).

(vi) 69–8159–0–7–401 (Motor Carrier Safety Operations and Programs).

(vii) 06–8158–0–7–401 (Motor Carrier Safety Grants).

(C) MASS TRANSIT CATEGORY.—The term ''mass transit category'' means the following budget accounts, or portions of the accounts, that are subject to the obligation limitations on contract authority provided in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or for which appropriations are provided in accordance with authorizations contained in that Act:

(i) 69–1120–0–1–401 (Administrative Expenses).

(ii) 69–1134–0–1–401 (Capital Investment Grants).

(iii) 69–8191–0–7–401 (Discretionary Grants).

(iv) 69–1129–0–1–401 (Formula Grants).

(v) 69–1127–0–1–401 (Interstate Transfer Grants—Transit).

(vi) 69–1125–0–1–401 (Job Access and Reverse Commute).

(vii) 69–1122–0–1–401 (Miscellaneous Expired Accounts).

(viii) 69–1121–0–1–401 (Research, Training and Human Resources).

(ix) 69–8350–0–7–401 (Trust Fund Share of Expenses).

(x) 69–1137–0–1–401 (Transit Planning and Research).

(xi) 69–1136–0–1–401 (University Transportation Research).

(xii) 69–1128–0–1–401 (Washington Metropolitan Area Transit Authority).

(D) SPECIAL RULE.—(i) Any outlays in excess of the discretionary spending limit set forth in section 901(c) of this title for the highway or mass transit category, as adjusted, for the budget year shall be considered nondefense category outlays or discretionary category outlays.

(ii) If the obligation limitations for accounts in the highway or mass transit category provided in an appropriation Act for a fiscal year exceed the obligation limitations set forth in section 8103 of the Transportation Equity Act for the 21st Century for that year, as adjusted, the estimated outlays flowing for each outyear from such excess obligations calculated pursuant to clause (iii) shall be attributed to the discretionary category in that outyear.

(iii) For purposes of clause (ii), outlays from excess obligations shall be determined using the average of the spendout rates for that category in the baseline.

(E) The term ''conservation spending category'' means discretionary appropriations for conservation activities in the following budget accounts or portions thereof providing appropriations to preserve and protect lands, habitat, wildlife, and other natural resources, to provide recreational opportunities, and for related purposes:

(i) 14–5033 Bureau of Land Management Land Acquisition.

(ii) 14–5020 Fish and Wildlife Service Land Acquisition.

(iii) 14–5035 National Park Service Land Acquisition and State Assistance.

(iv) 12–9923 Forest Service Land Acquisition.

(v) 14–5143 Fish and Wildlife Service Cooperative Endangered Species Conservation Fund.

(vi) 14–5241 Fish and Wildlife Service North American Wetlands Conservation Fund.

(vii) 14–1694 Fish and Wildlife Service State Wildlife Grants.

(viii) 14–0804 United States Geological Survey Surveys, Investigations, and Research, the State Planning Partnership programs: Community/Federal Information Partnership, Urban Dynamics, and Decision Support for Resource Management.

(ix) 12–1105 Forest Service State and Private Forestry, the Forest Legacy Program, Urban and Community Forestry, and Smart Growth Partnerships.

(x) 14–1031 National Park Service Urban Park and Recreation Recovery program.

(xi) 14–5140 National Park Service Historic Preservation Fund.

(xii) Youth Conservation Corps.

(xiii) 14–1114 Bureau of Land Management Payments in Lieu of Taxes.

(xiv) Federal Infrastructure Improvement (as established in title VIII of the Department of the Interior and Related Agencies Appropriations Act, 2001).

(xv) 13–1460 NOAA Procurement Acquisition and Construction, the National Marine Sanctuaries and the National Estuarine Research Reserve Systems.

(xvi) 13–1450 NOAA Operations, Research, and Facilities, the Coastal Zone Management Act programs, the National Marine Sanctuaries, the National Estuarine Research Reserve Systems, and Coral Restoration programs.

(xvii) 13–1451 NOAA Pacific Coastal Salmon Recovery.

(F) The term ''Federal and State Land and Water Conservation Fund sub-category'' means discretionary appropriations for activities in the accounts described in (E)(i)–(E)(iv)[2] or portions thereof.

(G) The term ''State and Other Conservation sub-category'' means discretionary appropriations for activities in the accounts described in (E)(v)–(E)(ix),[2] with the exception of Urban and Community Forestry as described in (E)(ix),[2] or portions thereof.

(H) The term ''Urban and Historic Preservation sub-category'' means discretionary appropriations for activities in the accounts described in (E)(ix)–(E)(xii),[2] with the exception of Forest Legacy and Smart Growth Partnerships as described in (E)(ix),[2] or portions thereof.

[2] So in original. Probably should be preceded by ''subparagraph''.

(I) The term ''Payments in Lieu of Taxes sub-category'' means discretionary appropriations for activities in the account described in (E)(xiii)[2] or portions thereof.

(J) The term ''Federal Deferred Maintenance sub-category'' means discretionary appropriations for activities in the account described in (E)(xiv)[2] or portions thereof.

(K) The term ''Coastal Assistance sub-category'' means discretionary appropriations for activities in the accounts described in (E)(xv)–(E)(xvii)[2] or portions thereof.

(5) The term ''baseline'' means the projection (described in section 907 of this title) of current-year levels of new budget authority, outlays, receipts, and the surplus or deficit into the budget year and the outyears.

(6) The term ''budgetary resources'' means new budget authority, unobligated balances, direct spending authority, and obligation limitations.

(7) The term ''discretionary appropriations'' means budgetary resources (except to fund direct-spending programs) provided in appropriation Acts.

(8) The term ''direct spending'' means—

(A) budget authority provided by law other than appropriation Acts;

(B) entitlement authority; and

(C) the food stamp program.

(9) The term ''current'' means, with respect to OMB estimates included with a budget submission under section 1105(a) of title 31, the estimates consistent with the economic and technical assumptions underlying that budget and with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget.

(10) The term ''real economic growth'', with respect to any fiscal year, means the growth in the gross national product during such fiscal year, adjusted for inflation, consistent with Department of Commerce definitions.

(11) The term ''account'' means an item for which appropriations are made in any appropriation Act and, for items not provided for in appropriation Acts, such term means an item for which there is a designated budget account identification code number in the President's budget.

(12) The term ''budget year'' means, with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(13) The term ''current year'' means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

(14) The term ''outyear'' means, with respect to a budget year, any of the first 4 fiscal years that follow the budget year.

(15) The term ''OMB'' means the Director of the Office of Management and Budget.

(16) The term ''CBO'' means the Director of the Congressional Budget Office.

(17) As used in this subchapter, all references to entitlement authority shall include the list of mandatory appropriations included in the joint explanatory statement of managers accompanying the conference report on the Balanced Budget Act of 1997.

(18) The term ''deposit insurance'' refers to the expenses[3] the Federal deposit insurance agencies, and other Federal agencies supervising insured depository institutions, resulting from full funding of, and continuation of, the deposit insurance guarantee commitment in effect under current estimates.

(19) The term ''asset sale'' means the sale to the public of any asset (except for those assets covered by title V of the Congressional Budget Act of 1974 [2 U.S.C. 661 et seq.]), whether physical or financial, owned in whole or in part by the United States.

(Pub. L. 99–177, title II, §250, as added Pub. L. 101–508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388–574, and Pub. L. 99–177, title II, §250(c)(21), formerly §257(12), as added Pub. L. 100–119, title I, §102(b)(7), Sept. 29, 1987, 101 Stat. 774, renumbered §250(c)(21), Pub. L. 101–508, title XIII, §13101(b), Nov. 5, 1990, 104 Stat. 1388–589; amended Pub. L. 105–33, title X, §§10202, 10204(a)(2), 10208(a)(2), Aug. 5, 1997, 111 Stat. 697, 702, 708; Pub. L. 105–178, title VIII, §8101(c), (f), June 9, 1998, 112 Stat. 489; Pub. L. 105–206, title IX, §9013(b), July 22, 1998, 112 Stat. 865; Pub. L. 106–291, title VIII, §801(c), Oct. 11, 2000, 114 Stat. 1028; Pub. L. 108–88, §10(c), Sept. 30, 2003, 117 Stat. 1127; Pub. L. 108–310, §10(c), Sept. 30, 2004, 118 Stat. 1160; Pub. L. 109–59, title VIII, §8001(b), Aug. 10, 2005, 119 Stat. 1915.)

Termination of Section

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note below.

References in Text

House Concurrent Resolution 84, referred to in subsec. (b), is H. Con. Res. 84, June 5, 1997, 111 Stat. 2710, which is not classified to the Code.

The Balanced Budget Act of 1997, referred to in subsec. (c)(4)(A), (17), is Pub. L. 105–33, Aug. 5, 1997, 111 Stat. 251. For complete classification of this Act to the Code, see Tables.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, referred to in subsec. (c)(4)(B), (C), is Pub. L. 109–59, Aug. 10, 2005, 119 Stat. 1144. For complete classification of this Act to the Code, see Short Title of 2005 Amendments note set out under section 101 of Title 23, Highways, and Tables.

Section 8103 of the Transportation Equity Act for the 21st Century, referred to in subsec. (c)(4)(D)(ii), is section 8103 of Pub. L. 105–178, which is set out as a note under section 901 of this title.

The Department of the Interior and Related Agencies Appropriations Act, 2001, referred to in subsec. (c)(4)(E)(xiv), is Pub. L. 106-291, Oct. 11, 2000, 114 Stat. 922. Title VIII of the Act amended this section and section 901 of this title. For complete classification of this Act to the Code, see Tables.

The Congressional Budget Act of 1974, referred to in subsec. (c)(19), is titles I through IX of Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. Title V of the Act, known as the Federal Credit Reform Act of 1990, was added by Pub. L. 101–508, title XIII, §13201(a), Nov. 5, 1990, 104 Stat. 1388–609, and is classified generally to subchapter III (§661 et seq.) of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

[3] So in original. Probably should be followed by ''of''.

CODIFICATION

Subsection (a) of this section, which provided a partial table of contents for this subchapter was omitted from the Code.

Pub. L. 101–508, § 13101(b), transferred section 257(12) of Pub. L. 99–177, which was classified to section 907(12) of this title, to subsec. (c)(21) (now (c)(19)) of this section.

AMENDMENTS

2005—Subsec. (c)(4)(B). Pub. L. 109–59, § 8001(b)(1)(A), substituted ''the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users:'' for ''the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2004, Part V and the Surface Transportation Extension Act of 2003:'' in introductory provisions.

Subsec. (c)(4)(B)(v) to (vii). Pub. L. 109–59, § 8001(b)(1)(B), added cls. (v) to (vii).

Subsec. (c)(4)(C). Pub. L. 109–59, § 8001(b)(2), added heading and text of subpar. (C) and struck out former subpar. (C) which provided that the term ''mass transit category'' referred to the budget accounts as listed in cls. (i) to (vi) that were subject to the obligation limitations on contract authority provided in the Transportation Equity Act for the 21st Century, the Surface Transportation Extension Act of 2004, Part V, and the Surface Transportation Extension Act of 2003, or for which appropriations were provided pursuant to authorizations contained in those Acts, with certain exceptions, and that such term also referred to the Washington Metropolitan Transit Authority account (69–1128–0–1–401) only for fiscal year 1999 only for appropriations provided pursuant to authorizations contained in section 14 of Public Law 96–184 and Public Law 101–551.

2004—Subsec. (c)(4)(B). Pub. L. 108–310, § 10(c)(1), inserted ''and the Surface Transportation Extension Act of 2004, Part V'' after ''Century''.

Subsec. (c)(4)(C). Pub. L. 108–310, § 10(c)(2)(A), inserted ''and the Surface Transportation Extension Act of 2004, Part V'' after ''provided in the Transportation Equity Act for the 21st Century''.

Pub. L. 108–310, § 10(c)(2)(B), which directed the substitution of ''those Acts'' for ''that Act'', could not be executed because the words ''that Act'' did not appear subsequent to amendment by Pub. L. 108–88. See 2003 Amendment note below.

2003—Subsec. (c)(4)(B). Pub. L. 108–88, § 10(c)(1), inserted ''and the Surface Transportation Extension Act of 2003'' after ''Century''.

Subsec. (c)(4)(C). Pub. L. 108–88, § 10(c)(2), inserted ''and the Surface Transportation Extension Act of 2003'' after ''Century'' the first place it appears and substituted ''those Acts'' for ''that Act''.

2000—Subsec. (c)(4)(E) to (K). Pub. L. 106–291 added subpars. (E) to (K).

1998—Subsec. (c)(4). Pub. L. 105–178, § 8101(c), designated existing provisions as subpar. (A) and added subpars. (B) to (D).

Subsec. (c)(4)(C). Pub. L. 105–178, § 8101(f), as added by Pub. L. 105–206, § 9013(b), in introductory provisions, substituted ''Century or'' for ''Century and'' and ''as amended by the Transportation Equity Act for the 21st Century'' for ''as amended by this section'', and inserted concluding provisions.

1997—Subsec. (a). Pub. L. 105–33, §§ 10204(a)(2), 10208(a)(2), amended table of contents. See Codification note above.

Subsec. (b). Pub. L. 105–33, § 10202(a), substituted present text for former text which read as follows: ''This subchapter provides for the enforcement of the deficit reduction assumed in House Concurrent Resolution 310 (101st Congress, second session) and the applicable deficit targets for fiscal years 1991 through 1995. Enforcement, as necessary, is to be implemented through sequestration—

''(1) to enforce discretionary spending levels assumed in that resolution (with adjustments as provided hereinafter);

''(2) to enforce the requirement that any legislation increasing direct spending or decreasing revenues be on a pay-as-you-go basis; and

''(3) to enforce the deficit targets specifically set forth in the Congressional Budget and Impoundment Control Act of 1974 (with adjustments as provided hereinafter);

applied in the order set forth above.''

Subsec. (c)(1). Pub. L. 105–33, § 10202(b)(1), struck out ''(but including the treatment specified in section 907(b)(3) of this title of the Hospital Insurance Trust Fund) and the terms 'maximum deficit amount' '' before ''and 'discretionary'' and substituted ''section 901'' for ''section 601 of that Act as adjusted under sections 901 and 903''.

Subsec. (c)(4). Pub. L. 105–33, § 10202(b)(2), added par. (4) and struck out former par. (4) which read as follows: ''The term 'category' means:

''(A) For fiscal years 1991, 1992, and 1993, any of the following subsets of discretionary appropriations: defense, international, or domestic. Discretionary appropriations in each of the three categories shall be those so designated in the joint statement of managers accompanying the conference report on the Omnibus Budget Reconciliation Act of 1990. New accounts or activities shall be categorized in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate.

''(B) For fiscal years 1994 and 1995, all discretionary appropriations.

Contributions to the United States to offset the cost of Operation Desert Shield shall not be counted within any category.''

Subsec. (c)(6). Pub. L. 105–33, § 10202(b)(3), added par. (6) and struck out former par. (6) which read as follows: ''The term 'budgetary resources' means—

''(A) with respect to budget year 1991, new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; direct spending authority; and obligation limitations; or

''(B) with respect to budget year 1992, 1993, 1994, or 1995, new budget authority; unobligated balances; direct spending authority; and obligation limitations.''

Subsec. (c)(9). Pub. L. 105–33, § 10202(b)(4), substituted ''that budget submission that are not included with it'' for ''submission of the fiscal year 1992 budget that are not included with a budget submission''.

Subsec. (c)(14). Pub. L. 105–33, § 10202(b)(5), inserted ''first 4'' before ''fiscal years'' and struck out ''through fiscal year 1995'' after ''the budget year''.

Subsec. (c)(17). Pub. L. 105–33, § 10202(b)(6), (7), redesignated par. (18) as (17), substituted ''Balanced Budget Act of 1997'' for ''Omnibus Budget Reconciliation Act of 1990'', and struck out former par. (17) which read as follows: ''For purposes of sections 902 and 903 of this title, legislation enacted during the second session of the One Hundred First Congress shall be deemed to have been enacted before November 5, 1990.''

Subsec. (c)(18). Pub. L. 105–33, § 10202(b)(6), (8), redesignated par. (19) as (18) and substituted ''the Federal deposit insurance agencies, and other Federal agencies supervising insured depository institutions, resulting from full funding of, and continuation of, the deposit insurance guarantee commitment in effect under current estimates.'' for ''of the Federal Deposit Insurance Corporation and the funds it incorporates, the Resolution Trust Corporation, the National Credit Union Administration and the funds it incorporates, the Office of Thrift Supervision, the Comptroller of the Currency Assessment Fund, and the RTC Office of Inspector General.'' Former par. (18) redesignated (17).

Subsec. (c)(19). Pub. L. 105–33, § 10202(b)(9), added par. (19) and struck out former par. (19) which read as follows: ''The sale of an asset means the sale to the public of any asset, whether physical or financial, owned in whole or in part by the United States. The term 'prepayment of a loan' means payments to the United States made in advance of the schedules set by law or

contract when the financial asset is first acquired, such as the prepayment to the Federal Financing Bank of loans guaranteed by the Rural Electrification Administration. If a law or contract allows a flexible payment schedule, the term 'in advance' shall mean in advance of the slowest payment schedule allowed under such law or contract.''

Pub. L. 105–33, §10202(b)(6), redesignated par. (21) as (19). Former par. (19) redesignated (18).

Subsec. (c)(20). Pub. L. 105–33, §10202(b)(6), struck out par. (20) which read as follows: ''The term 'composite outlay rate' means the percent of new budget authority that is converted to outlays in the fiscal year for which the budget authority is provided and subsequent fiscal years, as follows:

''(A) For the international category, 46 percent for the first year, 20 percent for the second year, 16 percent for the third year, and 8 percent for the fourth year.

''(B) For the domestic category, 53 percent for the first year, 31 percent for the second year, 12 percent for the third year, and 2 percent for the fourth year.''

Subsec. (c)(21). Pub. L. 105–33, §10202(b)(6), redesignated par. (21) as (19).

1990—Subsec. (c)(21). Pub. L. 101–508, §13101(b), redesignated section 907(12) of this title as par. (21).

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE AND TERMINATION DATES

Pub. L. 103–66, title XIV, §14002(c)(3)(A), Aug. 10, 1993, 107 Stat. 684, which provided that, notwithstanding section 275(b) of Pub. L. 99–177, set out below, sections 900, 901, 902, and 904 to 908 of this title were to expire on Sept. 30, 1998, was repealed by Pub. L. 105–33, title X, §10212(b), Aug. 5, 1997, 111 Stat. 712.

Pub. L. 99–177, title II, §275, Dec. 12, 1985, 99 Stat. 1100, as amended by Pub. L. 100–119, title I, §106(c), title II, §210(b), Sept. 29, 1987, 101 Stat. 780, 787; Pub. L. 101–508, title XIII, §§13112(b), 13208(b), Nov. 5, 1990, 104 Stat. 1388–608, 1388–619; Pub. L. 105–33, title X, §10212(a), Aug. 5, 1997, 111 Stat. 712, provided that:

''(a) IN GENERAL.—

''(1) Except as provided in paragraph (2) and in subsections (b) and (c), this title and the amendments made by this title [see Short Title note below] shall become effective on the date of the enactment of this title [Dec. 12, 1985] and shall apply with respect to fiscal years beginning after September 30, 1985.

''(2)(A) The amendment made by section 201(a)(2) [amending section 622(2) of this title], and the amendment made by section 201(b) [(] insofar as it relates to subsections (c), (f), and (g) of section 302 of the Congressional Budget Act of 1974 [section 633(c), (f), and (g) of this title] and to subsections (c), (d), and (g) of section 310 of that Act [section 641(c), (d), and (g) of this title]), shall become effective April 15, 1986.

''(B) The amendment made by section 212 [amending section 652 of this title] shall become effective February 1, 1986.

''(b) EXPIRATION.—Sections 251, 253, 258B, and 271(b) of this Act [sections 901, 903, and 907c of this title and provisions set out as a note below], and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2002. The remaining sections of part C of this title [enacting this subchapter] shall expire September 30, 2006.

''(c) OASDI TRUST FUNDS.—The amendments made by part D [amending section 911 of Title 42, The Public Health and Welfare, and enacting provisions set out as a note under section 911 of Title 42] shall apply as provided in such part.''

[Amendment of section 275(b)(2) of Pub. L. 99–177, set out above, by section 13208(b) of Pub. L. 101–508 could not be executed because of general amendment of section 275(b) by section 13112(b) of Pub. L. 101–508.]

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105–33, title X, §10001(a), Aug. 5, 1997, 111 Stat. 677, provided that: ''This title [enacting sections 645 and 645a of this title, amending this section, sections 601, 602, 622, 631 to 636, 639, 641 to 644, 651, 654, 661a, 661c to 661e, 691a, 691c, 691e, 901, 902, 904 to 907, and 922 of this title, section 1105 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealing sections 652, 665 to 665e, 901a, and 908 of this title and section 14212 of Title 42, enacting provisions set out as notes under this section and section 902 of this title, amending provisions set out as notes under this section and section 621 of this title, and repealing provisions set out as notes under this section and sections 621, 631, and 665 of this title] may be cited as the 'Budget Enforcement Act of 1997'.''

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–508, title XIII, §13001(a), Nov. 5, 1990, 104 Stat. 1388–573, provided that: ''This title [enacting this section and sections 643, 661 to 661f, 665 to 665e, and 907a to 907d of this title, amending sections 601, 602, 622, 631 to 637, 639, 641, 642, 644, 651, 652, and 901 to 907 of this title, section 1022 of Title 15, Commerce and Trade, sections 1105, 1341, and 1342 of Title 31, Money and Finance, and section 401 of Title 42, The Public Health and Welfare, transferring section 921 of this title to section 601(g) of this title, repealing section 909 of this title, enacting provisions set out as notes under this section and sections 621, 622, 632, 633, 665, and 902 of this title, and amending provisions set out as notes under this section and sections 621 and 632 of this title] may be cited as the 'Budget Enforcement Act of 1990'.''

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100–119, title I, §101(b), Sept. 29, 1987, 101 Stat. 754, provided that: ''This title [enacting section 908 of this title, amending sections 622, 632, 642, 901 to 907, and 922 of this title and section 1105 of Title 31, Money and Finance, enacting provisions set out as notes under section 1395ww of Title 42, The Public Health and Welfare, and amending provisions set out as notes under section 901 of this title and sections 1320b–8 and 1395ww of Title 42] may be cited as the 'Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987'.''

SHORT TITLE

Pub. L. 99–177, title II, §200(a), Dec. 12, 1985, 99 Stat. 1038, provided that: ''This title [enacting this chapter and sections 654 to 656 of this title, amending sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106 and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealing section 661 of this title, enacting provisions set out as notes under this section and section 911 of Title 42, and amending provisions set out as a note under section 621 of this title] may be cited as the 'Balanced Budget and Emergency Deficit Control Act of 1985'.''

HABITAT CONSERVATION ACTIVITIES CONSIDERED WITHIN COASTAL ASSISTANCE SUB-CATEGORY

Pub. L. 108–7, div. B, title II, §214, Feb. 20, 2003, 117 Stat. 82, provided that:

''(a) Hereafter, habitat conservation activities, enforcement and surveillance—cooperative enforcement and vessel monitoring, stock assessments—data collection, and highly migratory shark fishery research under the heading, 'National Oceanic and Atmospheric Administration, Operations, Research and Facilities', shall be considered to be within the 'Coastal Assistance sub-category' in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended [2 U.S.C. 900(c)(4)(K)].

''(b) For fiscal year 2004 and thereafter, response and restoration activities, Cooperative Research, Protected Species activities, Endangered Species Act—Marine Mammals, Sea Turtles and Other Species, Endangered Species Act—Right Whales, Marine Mammal Protection, and Sea Grant (except for the fellowship program) under the heading, 'National Oceanic and Atmospheric Administration, Operations, Research, and Facilities', shall be considered to be within the 'Coastal Assistance sub-category' in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended [2 U.S.C. 900(c)(4)(K)].

''(c) All references to outlays in title VIII of Public Law 106–291 [amending this section and section 901 of this title] are repealed.''

Similar provisions were contained in the following prior appropriation act:

Pub. L. 107–77, title II, Nov. 28, 2001, 115 Stat. 775.

PURPOSE OF SUBTITLE B OF TITLE X OF PUB. L. 105–33

Section 10201 of title X of Pub. L. 105–33 provided that: ''The purpose of this subtitle [subtitle B (§§ 10201–10213) of title X of Pub. L. 105–33, amending this section, sections 901, 902, 904 to 907, and 922 of this title, section 1105 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealing sections 901a and 908 of this title and section 14212 of Title 42, enacting provisions set out as a note under section 902 of this title, and amending and repealing provisions set out as notes under this section] is to extend discretionary spending limits and pay-as-you-go requirements.''

RESTRICTION ON ELIMINATION OR REDUCTION OF PROGRAMS RELATING TO ENERGY AND WATER DEVELOPMENT

Pub. L. 102–377, title V, § 503, Oct. 2, 1992, 106 Stat. 1342, provided that: ''None of the programs, projects or activities as defined in the reports accompanying this Act or subsequent Energy and Water Development Appropriations Acts, may be eliminated or disproportionately reduced due to the application of 'Savings and Slippage', 'general reduction', or the provision of Public Law 99–177 [see Short Title note above] or Public Law 100–119 [see section 213 of Pub. L. 100–119 set out below] unless such reports expressly provide otherwise.''

WAIVERS AND SUSPENSIONS IN THE SENATE

Pub. L. 99–177, title II, § 271(b), Dec. 12, 1985, 99 Stat. 1094, as amended by Pub. L. 100–119, title II, § 211, Sept. 29, 1987, 101 Stat. 787, provided that: ''Sections 301(i), 302(c), 302(f), 304(b), 310(d), 310(g), and 311(a) of the Congressional Budget Act of 1974 [sections 632(i), 633(c), 633(f), former 635(b), 641(d), 641(g), and 642(a) of this title] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. This subsection shall not apply to any joint resolution reported or discharged pursuant to section 254(a) of this joint resolution [section 904(a) of this title].''

[Section 271(b) of Pub. L. 99–177 expired Sept. 30, 2002. See section 275(a)(1), (b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note above.]

APPEALS OF RULINGS

Pub. L. 99–177, title II, § 271(c), as added by Pub. L. 100–119, title II, § 210(a), Sept. 29, 1987, 101 Stat. 787, provided that: ''An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under section 301(i), 302(c), 302(f), 304(b), 306, 310(d), 310(g), or 311(a) of the Congressional Budget Act of 1974 [sections 632(i), 633(c), 633(f), 635(b), 637, 641(d), 641(g), or 642(a) of this title].''

[For effective date of section 271(c) of Pub. L. 99–177, see section 275(a)(1) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note above.]

EXERCISE OF CONGRESSIONAL RULEMAKING POWER

Pub. L. 103–66, title XIV, § 14004, Aug. 10, 1993, 107 Stat. 685, provided that: ''The Congress enacts the provisions of this part [probably should be ''this title'', amending sections 665, 901, 902, and 904 of this title, enacting provisions set out as notes under this section and section 902 of this title, and amending provisions set out as notes under section 665 of this title]—

''(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such these provisions shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.''

Section 13305 of title XIII of Pub. L. 101–508 provided that: ''This title and the amendments made by it [see Short Title of 1990 Amendment note above] are enacted by the Congress—

''(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as a part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.''

Section 213 of Pub. L. 100–119 provided that: ''This Act and the amendments made by this Act [enacting sections 908 and 909 of this title, amending sections 622, 632, 635, 636, 642, 683, 684, 687, 901 to 907, and 922 of this title and sections 1105 and 3101 of Title 31, Money and Finance, enacting provisions set out as notes under sections 602, 621, 686, and 901 of this title and section 1395ww of Title 42, The Public Health and Welfare, amending provisions set out as notes under section 901 of this title and sections 1320b–8 and 1395ww of Title 42, and repealing provisions set out as a note under section 653 of this title], other than those relating to the activities of the executive and judicial branches of the Government, are enacted by Congress—

''(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.''

Section 271(d), formerly section 271(c), of Pub. L. 99–177, as redesignated by Pub. L. 100–119, title II, § 210(a), Sept. 29, 1987, 101 Stat. 787, provided that: ''The provisions of this title [see Short Title note above], other than those relating to the activities of the executive and judicial branches of the Government, are enacted by the Congress—

''(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same

manner and to the same extent as in the case of any other rule of such House.''

RESTORATION OF TRUST FUND INVESTMENTS; FUNDS BORROWED OR NOT INVESTED DURING DELAYS IN RAISING PUBLIC DEBT LIMIT

For provisions restoring various trust and retirement funds administered by the Secretary of the Treasury to the position in which they would have been if debt limit increases had been delayed, including transferring amounts to the funds to compensate those funds for current and prospective losses arising from premature redemption of some long term securities when the debt limit was reached, see notes set out under section 3101 of Title 31, Money and Finance.

EXECUTIVE ORDER NO. 12857

Ex. Ord. No. 12857, Aug. 4, 1993, 58 F.R. 42181, which provided for direct spending targets for fiscal years 1994 through 1997, expired at the end of fiscal year 1997.

EX. ORD. NO. 12858. DEFICIT REDUCTION FUND

Ex. Ord. No. 12858, Aug. 4, 1993, 58 F.R. 42185, provided:

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including sections 1104 and 1105 of title 31, United States Code, it is hereby ordered as follows:

SECTION 1. *Purpose*. It is essential to guarantee that the net deficit reduction achieved by the Omnibus Budget Reconciliation Act of 1993 [Pub. L. 103–66, see Tables for classification] is dedicated exclusively to reducing the deficit.

SEC. 2. *Deficit Reduction Fund*.

(a) *Establishment of the Fund*. There is established a separate account in the Treasury, known as the Deficit Reduction Fund, which shall receive the net deficit reduction achieved by the Omnibus Budget Reconciliation Act of 1993 [Pub. L. 103–66, see Tables for classification] as called for in subsection (b) of this order.

(b) *Amounts in Fund*. Beginning upon enactment of the Omnibus Budget Reconciliation Act of 1993 [Aug. 10, 1993], the Deficit Reduction Fund shall receive any increases in total revenues resulting from enactment of such Act on a daily basis. In addition, on a daily basis, the Secretary of the Treasury shall enter into such account an amount equivalent to the net deficit reduction achieved as a result of all spending reductions resulting from such Act. The cumulative fiscal year amounts for the combination of all such revenue increases and spending reductions shall be equal to:

(1) for fiscal year 1994, $60,292,000,000;
(2) for fiscal year 1995, $70,437,000,000;
(3) for fiscal year 1996, $92,061,000,000;
(4) for fiscal year 1997, $125,881,000,000;
(5) for fiscal year 1998, $146,939,000,000.

Within 30 days of enactment of the Omnibus Budget Reconciliation Act of 1993, the foregoing amounts may be adjusted by the Director of the Office of Management and Budget to reflect the final scoring of such Act.

(c) *Status of Amounts in Fund*. (i) The amounts in the Deficit Reduction Fund shall be used exclusively to redeem maturing debt obligations of the Treasury of the United States held by foreign governments in the amounts specified in subsection (b).

(ii) The amounts in the Deficit Reduction Fund as set forth in subsection (b) that result from increases in total revenues and spending reductions shall not be available for new spending or to finance measures that increase the deficit for purposes of budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901–922 [900–922]).

(d) *Effect on Other Funds*. Establishment of and transfers to the Deficit Reduction Fund shall not affect trust fund transfers that may be authorized or required by provisions of the Omnibus Reconciliation Act of 1993 or any other provision of law.

SEC. 3. *Requirement for the President To Report Annually on the Status of the Fund*. The Director of the Office of Management and Budget shall include in the President's Budget transmitted under section 1105 of title 31, United States Code, information about the Deficit Reduction Fund, including a separate statement of amounts in and Federal debt redeemed by that Fund.

SEC. 4. *Implementation*. The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary, within their respective authorities, promptly to carry out this order.

SEC. 5. *Effective Date*. This order shall take effect upon enactment of the Omnibus Budget Reconciliation Act of 1993 [Aug. 10, 1993].

WILLIAM J. CLINTON.

§901. Enforcing discretionary spending limits

(a) Enforcement

(1) Sequestration

Within 15 calendar days after Congress adjourns to end a session and on the same day as a sequestration (if any) under section 902 of this title and section 903 of this title, there shall be a sequestration to eliminate a budget-year breach, if any, within any category.

(2) Eliminating a breach

Each non-exempt account within a category shall be reduced by a dollar amount calculated by multiplying the baseline level of sequestrable budgetary resources in that account at that time by the uniform percentage necessary to eliminate a breach within that category; except that the health programs set forth in section 906(e) of this title shall not be reduced by more than 2 percent and the uniform percent applicable to all other programs under this paragraph shall be increased (if necessary) to a level sufficient to eliminate that breach. If, within a category, the discretionary spending limits for both new budget authority and outlays are breached, the uniform percentage shall be calculated by—

(A) first, calculating the uniform percentage necessary to eliminate the breach in new budget authority, and

(B) second, if any breach in outlays remains, increasing the uniform percentage to a level sufficient to eliminate that breach.

(3) Military personnel

If the President uses the authority to exempt any military personnel from sequestration under section 905(f) of this title, each account within subfunctional category 051 (other than those military personnel accounts for which the authority provided under section 905(f) of this title has been exercised) shall be further reduced by a dollar amount calculated by multiplying the enacted level of non-exempt budgetary resources in that account at that time by the uniform percentage necessary to offset the total dollar amount by which outlays are not reduced in military personnel accounts by reason of the use of such authority.

(4) Part-year appropriations

If, on the date specified in paragraph (1), there is in effect an Act making or continuing appropriations for part of a fiscal year for any budget account, then the dollar sequestration calculated for that account under paragraphs (2) and (3) shall be subtracted from—

(A) the annualized amount otherwise available by law in that account under that or a subsequent part-year appropriation; and

(B) when a full-year appropriation for that account is enacted, from the amount otherwise provided by the full-year appropriation.

(5) Look-back

If, after June 30, an appropriation for the fiscal year in progress is enacted that causes a breach within a category for that year (after taking into account any sequestration of amounts within that category), the discretionary spending limits for that category for the next fiscal year shall be reduced by the amount or amounts of that breach.

(6) Within-session sequestration

If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach within a category for that year (after taking into account any prior sequestration of amounts within that category), 15 days later there shall be a sequestration to eliminate that breach within that category following the procedures set forth in paragraphs (2) through (4).

(7) Estimates

(A) CBO estimates

As soon as practicable after Congress completes action on any discretionary appropriation, CBO, after consultation with the Committees on the Budget of the House of Representatives and the Senate, shall provide OMB with an estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by that legislation.

(B) OMB estimates and explanation of differences

Not later than 7 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of enactment of any discretionary appropriation, OMB shall transmit a report to the House of Representatives and to the Senate containing the CBO estimate of that legislation, an OMB estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by that legislation, and an explanation of any difference between the 2 estimates. If during the preparation of the report OMB determines that there is a significant difference between OMB and CBO, OMB shall consult with the Committees on the Budget of the House of Representatives and the Senate regarding that difference and that consultation shall include, to extent practicable, written communication to those committees that affords such committees the opportunity to comment before the issuance of the report.

(C) Assumptions and guidelines

OMB estimates under this paragraph shall be made using current economic and technical assumptions. OMB shall use the OMB estimates transmitted to the Congress under this paragraph. OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.

(D) Annual appropriations

For purposes of this paragraph, amounts provided by annual appropriations shall include any new budget authority and outlays for the current year (if any) and the budget year in accounts for which funding is provided in that legislation that result from previously enacted legislation.

(b) Adjustments to discretionary spending limits

(1) Preview report

(A) CONCEPTS AND DEFINITIONS.—When the President submits the budget under section 1105 of title 31, OMB shall calculate and the budget shall include adjustments to discretionary spending limits (and those limits as cumulatively adjusted) for the budget year and each outyear to reflect changes in concepts and definitions. Such changes shall equal the baseline levels of new budget authority and outlays using up-to-date concepts and definitions minus those levels using the concepts and definitions in effect before such changes. Such changes may only be made after consultation with the committees[1] on Appropriations and the Budget of the House of Representatives and the Senate and that consultation shall include written communication to such committees that affords such committees the opportunity to comment before official action is taken with respect to such changes.

(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, OMB shall calculate and the budget shall make adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

(bb) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of receipts for that year.

(cc) OMB shall add one-half of the sum of the amount calculated under items (aa) and (bb) to the obligation limitations set forth in the section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and, using current estimates, calculate the outlay change resulting from the change in obligations for the budget year and the first outyear and the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first outyear by adding

[1] So in original. Probably should be capitalized.

one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

(II) The estimated level of highway receipts for the purposes of this clause are—

(aa) for fiscal year 2005, $31,562,000,000;

(bb) for fiscal year 2006, $33,712,000,000;

(cc) for fiscal year 2007, $34,623,000,000[2]

(dd) for fiscal year 2008, $35,449,000,000; and

(ee) for fiscal year 2009, $36,220,000,000.

(III) In this clause, the term ''highway receipts'' means the governmental receipts credited to the highway account of the Highway Trust Fund.

(C) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31 for fiscal year 2007, 2008, or 2009, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

(i) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2006, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2007 through 2010 from obligations at the levels specified in section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users using current assumptions.

(ii) When the President submits the budget under section 1105 of title 31 for fiscal year 2007, 2008, 2009, or 2010, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.

(2) Sequestration reports

When OMB submits a sequestration report under section 904(e), (f), or (g) of this title for a fiscal year, OMB shall calculate, and the sequestration report and subsequent budgets submitted by the President under section 1105(a) of title 31 shall include adjustments to discretionary spending limits (and those limits as adjusted) for the fiscal year and each succeeding year, as follows:

(A) Emergency appropriations

If, for any fiscal year, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all fiscal years from such appropriations. This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.

(B) Special outlay allowance

If, in any fiscal year, outlays for a category exceed the discretionary spending limit for that category but new budget authority does not exceed its limit for that category (after application of the first step of a sequestration described in subsection (a)(2) of this section, if necessary), the adjustment in outlays for a fiscal year is the amount of the excess but not to exceed 0.5 percent of the sum of the adjusted discretionary spending limits on outlays for that fiscal year.

(C) Continuing disability reviews

(i) If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for continuing disability reviews under the heading ''Limitation on Administrative Expenses'' for the Social Security Administration, the adjustments for that fiscal year shall be the additional new budget authority provided in that Act for such reviews for that fiscal year and the additional outlays flowing from such amounts, but shall not exceed—

(I) for fiscal year 1998, $290,000,000 in additional new budget authority and $338,000,000 in additional outlays;

(II) for fiscal year 1999, $520,000,000 in additional new budget authority and $520,000,000 in additional outlays;

(III) for fiscal year 2000, $520,000,000 in additional new budget authority and $520,000,000 in additional outlays;

(IV) for fiscal year 2001, $520,000,000 in additional new budget authority and $520,000,000 in additional outlays; and

(V) for fiscal year 2002, $520,000,000 in additional new budget authority and $520,000,000 in additional outlays.

(ii) As used in this subparagraph—

(I) the term ''continuing disability reviews'' means reviews or redeterminations as defined under section 401(g)(1)(A) of title 42 and reviews and redeterminations authorized under section 211 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;

(II) the term ''additional new budget authority'' means the amount provided for a fiscal year, in excess of $200,000,000, in an appropriations Act and specified to pay for the costs of continuing disability reviews under the heading ''Limitation on Administrative Expenses'' for the Social Security Administration; and

(III) the term ''additional outlays'' means outlays, in excess of $200,000,000 in a fiscal year, flowing from the amounts specified for continuing disability reviews under the heading ''Limitation on Administrative Expenses'' for the Social Security Administration, including outlays in that fiscal year flowing from amounts specified in Acts enacted for prior fiscal years (but not before 1996).

[2] So in original. Probably should be followed by a semicolon.

(D) Allowance for IMF

If an appropriation bill or joint resolution is enacted for a fiscal year through 2002 that includes an appropriation with respect to clause (i) or (ii), the adjustment shall be the amount of budget authority in the measure that is the dollar equivalent of the Special Drawing Rights with respect to—

(i) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); or

(ii) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 286e–2 of title 22, as amended from time to time (New Arrangements to Borrow).

(E) Allowance for international arrearages

(i) Adjustments

If an appropriation bill or joint resolution is enacted for fiscal year 1998, 1999, or 2000 that includes an appropriation for arrearages for international organizations, international peacekeeping, and multilateral development banks for that fiscal year, the adjustment shall be the amount of budget authority in that measure and the outlays flowing in all fiscal years from that budget authority.

(ii) Limitations

The total amount of adjustments made pursuant to this subparagraph for the period of fiscal years 1998 through 2000 shall not exceed $1,884,000,000 in budget authority.

(F) EITC compliance initiative

If an appropriation bill or joint resolution is enacted for a fiscal year that includes an appropriation for an earned income tax credit compliance initiative, the adjustment shall be the amount of budget authority in that measure for that initiative and the outlays flowing in all fiscal years from that budget authority, but not to exceed—

(i) with respect to fiscal year 1998, $138,000,000 in new budget authority and $131,000,000 in outlays;

(ii) with respect to fiscal year 1999, $143,000,000 in new budget authority and $143,000,000 in outlays;

(iii) with respect to fiscal year 2000, $144,000,000 in new budget authority and $144,000,000 in outlays;

(iv) with respect to fiscal year 2001, $145,000,000 in new budget authority and $145,000,000 in outlays; and

(v) with respect to fiscal year 2002, $146,000,000 in new budget authority and $146,000,000 in outlays.

(G) Adoption incentive payments

Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, 2002, or 2003 is enacted that specifies an amount for adoption incentive payments pursuant to this subchapter for the Department of Health and Human Services—

(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed $20,000,000; and

(ii) the adjustment for outlays shall be the additional outlays flowing from such amount.

(H) Conservation spending

(i) If a bill or resolution making appropriations for any fiscal year appropriates an amount for the conservation spending category that is less than the limit for the conservation spending category as specified in subsection (c) of this section, then the adjustment for new budget authority and outlays for the following fiscal year for that category shall be the amount of new budget authority and outlays that equals the difference between the amount appropriated and the amount of that category specified in subsection (c) of this section.

(ii) If a bill or resolution making appropriations for any fiscal year appropriates an amount for any conservation spending sub-category that is less than the limit for that conservation spending sub-category as specified in subsections (c)(11)–(c)(16)[3] of this section, then the adjustment for new budget authority for the following fiscal year for that sub-category shall be the amount of new budget authority that equals the difference between the amount appropriated and the amount of that sub-category specified in subsection (c)(11)–(c)(16)[3] of this section.

(iii) The total amount provided for any conservation activity within the conservation spending category may not exceed any authorized ceiling for that activity.

(c) Discretionary spending limit

As used in this subchapter, the term ''discretionary spending limit'' means—

(1) with respect to fiscal year 2005—

(A) for the highway category: $31,277,000,000 in outlays;

(B) for the mass transit category: $955,792,000 in new budget authority and $6,674,000,000 in outlays;

(2) with respect to fiscal year 2006—

(A) for the highway category: $33,942,000,000 in outlays;

(B) for the mass transit category: $1,643,000,000 in new budget authority and $7,359,000,000 in outlays;

(3) with respect to fiscal year 2007—

(A) for the highway category: $36,960,000,000 in outlays;

(B) for the mass transit category: $1,712,000,000 in new budget authority and $8,120,000,000 in outlays;

(4) with respect to fiscal year 2008—

(A) for the highway category: $39,123,000,000 in outlays;

(B) for the mass transit category: $1,858,000,000 in new budget authority and $8,742,000,000 in outlays;

(5) with respect to fiscal year 2009—

(A) for the highway category: $40,660,000,000 in outlays;

[3] See References in Text note below.

(B) for the mass transit category: $1,977,500,000 in new budget authority and $9,180,000,000 in outlays;

(6) with respect to fiscal year 2005 for the conservation spending category: $2,240,000,000, in new budget authority and $2,192,000,000 in outlays;

(7) with respect to fiscal year 2006 for the conservation spending category: $2,400,000,000, in new budget authority and $2,352,000,000 in outlays;

(8) with respect to each fiscal year 2002 through 2006 for the Federal and State Land and Water Conservation Fund sub-category of the conservation spending category: $540,000,000 in new budget authority and the outlays flowing therefrom;

(9) with respect to each fiscal year 2002 through 2006 for the State and Other Conservation sub-category of the conservation spending category: $300,000,000 in new budget authority and the outlays flowing therefrom;

(10) with respect to each fiscal year 2002 through 2006 for the Urban and Historic Preservation sub-category of the conservation spending category: $160,000,000 in new budget authority and the outlays flowing therefrom;

(11) with respect to each fiscal year 2002 through 2006 for the Payments in Lieu of Taxes sub-category of the conservation spending category: $50,000,000 in new budget authority and the outlays flowing therefrom;

(12) with respect to each fiscal year 2002 through 2006 for the Federal Deferred Maintenance sub-category of the conservation spending category: $150,000,000 in new budget authority and the outlays flowing therefrom;

(13) with respect to fiscal year 2002 for the Coastal Assistance sub-category of the conservation spending category: $440,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2003 for the Coastal Assistance sub-category of the conservation spending category: $480,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2004 for the Coastal Assistance sub-category of the conservation spending category: $520,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2005 for the Coastal Assistance sub-category of the conservation spending category: $560,000,000 in new budget authority and the outlays flowing therefrom; and with respect to fiscal year 2006 for the Coastal Assistance sub-category of the conservation spending category: $600,000,000 in new budget authority and the outlays flowing therefrom;

as adjusted in strict conformance with subsection (b) of this section.

(Pub. L. 99–177, title II, §251, Dec. 12, 1985, 99 Stat. 1063; Pub. L. 100–119, title I, §102(a), Sept. 29, 1987, 101 Stat. 754; Pub. L. 100–203, title VIII, §8003(f), Dec. 22, 1987, 101 Stat. 1330–282; Pub. L. 101–508, title XIII, §13101(a), (e)(2), Nov. 5, 1990, 104 Stat. 1388–577, 1388–593; Pub. L. 103–66, title XIV, §14002(c)(1), Aug. 10, 1993, 107 Stat. 683; Pub. L. 103–87, title V, §571, Sept. 30, 1993, 107 Stat. 971; Pub. L. 103–306, title V, §562, Aug. 23, 1994, 108 Stat. 1649; Pub. L. 103–354, title I, §119(d)(1), Oct. 13, 1994, 108 Stat. 3208; Pub. L. 104–121, title I, §103(b), Mar. 29, 1996, 110 Stat. 848; Pub. L. 104–193, title II, §211(d)(5)(B), Aug. 22, 1996, 110 Stat. 2191; Pub. L. 104–208, div. A, title I, §101(c) [title V, §577], Sept. 30, 1996, 110 Stat. 3009–121, 3009–169; Pub. L. 105–33, title X, §10203(a), (b), Aug. 5, 1997, 111 Stat. 698, 701; Pub. L. 105–89, title II, §201(b)(1), Nov. 19, 1997, 111 Stat. 2125; Pub. L. 105–178, title VIII, §8101(a), (d), June 9, 1998, 112 Stat. 488, 490; Pub. L. 106–291, title VIII, §801(a), (b), Oct. 11, 2000, 114 Stat. 1026, 1027; Pub. L. 106–429, §101(a) [title VII, §701(a)], Nov. 6, 2000, 114 Stat. 1900, 1900A–64; Pub. L. 107–117, div. C, §101(a), Jan. 10, 2002, 115 Stat. 2341; Pub. L. 108–88, §10(a), (b), Sept. 30, 2003, 117 Stat. 1127; Pub. L. 108–310, §10(a), (b), Sept. 30, 2004, 118 Stat. 1160; Pub. L. 109–59, title VIII, §§8001(a), 8002, Aug. 10, 2005, 119 Stat. 1915, 1916.)

TERMINATION OF SECTION

Section expired Sept. 30, 2002. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

REFERENCES IN TEXT

Section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, referred to in subsec. (b)(1)(B)(ii)(I)(cc), (D)(i), is section 8003 of Pub. L. 109–59, which is set out as a note below.

Section 211 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, referred to in subsec. (b)(2)(C)(ii)(I), is section 211 of Pub. L. 104–193, which amended this section, section 665e of this title, and section 1382c of Title 42, The Public Health and Welfare, enacted provisions set out as a note under section 1382c of Title 42, and amended provisions set out as a note under section 401 of Title 42.

Subsecs. (c)(11) to (c)(16) of this section, referred to in subsec. (b)(2)(H)(ii), were redesignated subsecs. (c)(4) to (c)(9) of this section, respectively, by Pub. L. 108–88, §10(b)(2), Sept. 30, 2003, 117 Stat. 1127, and subsequently redesignated subsecs. (c)(8) to (c)(13) of this section, respectively, by Pub. L. 109–59, title VIII, §8001(a), Aug. 10, 2005, 119 Stat. 1915.

CODIFICATION

Pub. L. 101–508, §13101(e)(2), redesignated former subsec. (a)(6)(I) of this section as section 257(e) of Pub. L. 99–177, which is classified to section 907(e) of this title.

AMENDMENTS

2005—Subsec. (b)(1)(B) to (E). Pub. L. 109–59, §8002, reenacted heading of subpar. (B) without change and amended text of subpars. (B) to (E) generally. Prior to amendment, subpar. (B) provided for adjustments to align highway spending with revenues using amount of obligations set forth in section 8103 of the Transportation Equity Act for the 21st Century and estimates of receipts for fiscal years 1998 through 2003, subpar. (C) provided for additional adjustments required in budget submissions for fiscal years 2000 through 2003, subpar. (D) provided for a final sequester report for fiscal year 1999 and an adjustment of estimates upon submission of the budget for fiscal years 2000 through 2003, and subpar. (E) required consultation with the Committees on the Budget and inclusion of a report on adjustments under subparagraphs (B) and (C) in the preview report.

Subsec. (c). Pub. L. 109–59, §8001(a), added pars. (1) to (5), redesignated former pars. (2) to (9) as (6) to (13), respectively, and struck out former par. (1) which read as follows: ''with respect to fiscal year 2004—

''(A) for the highway category: $31,834,000,000 in outlays;

''(B) for the mass transit category: $1,462,000,000 in new budget authority and $6,629,000,000 in outlays; and

''(C) for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 in outlays;''.

2004—Subsec. (b)(2). Pub. L. 108–310, § 10(a), which directed amendment of par. (2) by striking out ''through 2002'' in introductory provisions, could not be executed because the phrase ''through 2002'' did not appear subsequent to amendment by Pub. L. 108–88, § 10(a). See 2003 Amendment note below.

Subsec. (c). Pub. L. 108–310, § 10(b), which directed the amendment of subsec. (c) by redesignating par. (8) as par. (1), substituting ''with respect to fiscal year 2005—'' for ''with respect to fiscal year 2005'' and adding subpars. (A) and (B) in par. (1), redesignating remaining provisions of par. (1) as subpar. (C), redesignating pars. (9) to (16) as (2) to (9), respectively, and striking out former pars. (1) to (7), which defined ''discretionary spending limit'' with respect to fiscal years 2002 to 2006, either could not be executed or could not be executed as intended because of prior amendments by Pub. L. 108–88, § 10(b). See 2003 Amendment notes below.

2003—Subsec. (b)(2). Pub. L. 108–88, § 10(a), struck out ''through 2002'' after ''succeeding year'' in introductory provisions.

Subsec. (c)(1). Pub. L. 108–88, § 10(b)(1), redesignated par. (8) as (1), substituted ''with respect to fiscal year 2004—'' for ''with respect to fiscal year 2004'', added subpars. (A) and (B), redesignated remaining provisions of par. (1) as subpar. (C), and struck out former par. (1), which defined ''discretionary spending limit'' with respect to fiscal year 1997.

Subsec. (c)(2) to (16). Pub. L. 108–88, § 10(b), redesignated pars. (9) to (16) as (2) to (9), respectively, and struck out former pars. (2) to (7), which defined ''discretionary spending limit'' with respect to fiscal years 1998 to 2003.

2002—Subsec. (c)(6)(A). Pub. L. 107–117, § 101(a)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: ''for the discretionary category: $551,074,000,000 in new budget authority and $560,799,000,000 in outlays;''.

Subsec. (c)(6)(C). Pub. L. 107–117, § 101(a)(2), struck out second ''and'' at end.

Subsec. (c)(6)(D). Pub. L. 107–117, § 101(a)(3), substituted ''$1,473,000,000'' for ''$1,232,000,000''.

2000—Subsec. (b)(2)(H). Pub. L. 106–291, § 801(b), added subpar. (H).

Subsec. (c)(5)(A). Pub. L. 106–429 added subpar. (A) and struck out former subpar. (A) which read as follows: ''for the discretionary category: $542,032,000,000 in new budget authority and $564,396,000,000 in outlays;''.

Subsec. (c)(6)(D). Pub. L. 106–291, § 801(a)(1), added subpar. (D).

Subsec. (c)(7)(C). Pub. L. 106–291, § 801(a)(2), added subpar. (C).

Subsec. (c)(8) to (16). Pub. L. 106–291, § 801(a)(3), added pars. (8) to (16).

1998—Subsec. (b)(1). Pub. L. 105–178, § 8101(d), designated existing provisions as subpar. (A), inserted heading, and added subpars. (B) to (E).

Subsec. (c)(3)(D), (E). Pub. L. 105–178, § 8101(a)(1), added subpars. (D) and (E).

Subsec. (c)(4)(C), (D). Pub. L. 105–178, § 8101(a)(2), added subpars. (C) and (D).

Subsec. (c)(5). Pub. L. 105–178, § 8101(a)(3), substituted a dash for comma after ''2001'', designated remaining provisions as subpar. (A), realigned margins, struck out ''and'' at end, and added subpars. (B) and (C).

Subsec. (c)(6). Pub. L. 105–178, § 8101(a)(4), substituted a dash for comma after ''2002'', designated remaining provisions as subpar. (A), realigned margins, and added subpars. (B) and (C).

Subsec. (c)(7). Pub. L. 105–178, § 8101(a)(5), added par. (7).

1997—Subsec. (a). Pub. L. 105–33, § 10203(a)(1), struck out ''Fiscal Years 1991–1998'' before ''Enforcement'' in heading.

Subsec. (a)(3). Pub. L. 105–33, § 10203(a)(2), substituted ''section 905(f)'' for ''section 905(h)'' in two places.

Subsec. (a)(7). Pub. L. 105–33, § 10203(a)(3), added par. (7) and struck out heading and text of former par. (7). Text read as follows: ''As soon as practicable after Congress completes action on any discretionary appropriation, CBO, after consultation with the Committees on the Budget of the House of Representatives and the Senate, shall provide OMB with an estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by that legislation. Within 5 calendar days after the enactment of any discretionary appropriation, OMB shall transmit a report to the House of Representatives and to the Senate containing the CBO estimate of that legislation, an OMB estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by that legislation, and an explanation of any difference between the two estimates. For purposes of this paragraph, amounts provided by annual appropriations shall include any new budget authority and outlays for those years in accounts for which funding is provided in that legislation that result from previously enacted legislation. Those OMB estimates shall be made using current economic and technical assumptions. OMB shall use the OMB estimates transmitted to the Congress under this paragraph for the purposes of this subsection. OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.''

Subsec. (b). Pub. L. 105–33, § 10203(a)(4), added subsec. (b) and struck out heading and text of former subsec. (b) which provided that when the President submitted the budget for a budget year from 1992 to 1998, OMB was to calculate, and the budget was to include, adjustments to discretionary spending limits reflecting certain enumerated factors and provided that when OMB submitted a sequestration report for a fiscal year from 1991 to 1998, OMB was to calculate, and the sequestration report and subsequent budgets were to include, adjustments to discretionary spending limits reflecting certain enumerated factors.

Subsec. (b)(2)(G). Pub. L. 105–89 added subpar. (G).

Subsec. (c). Pub. L. 105–33, § 10203(b), added subsec. (c).

1996—Subsec. (b)(2)(G). Pub. L. 104–208 substituted ''fiscal years 1994, 1995, and 1997'' for ''fiscal year 1994 and 1995'' in two places.

Subsec. (b)(2)(H). Pub. L. 104–121 added subpar. (H).

Subsec. (b)(2)(H)(i). Pub. L. 104–193, § 211(d)(5)(B)(i), substituted ''$175,000,000'' for ''$25,000,000'' and ''$310,000,000'' for ''$160,000,000'' in subcl. (II), and ''$245,000,000'' for ''$145,000,000'' and ''$470,000,000'' for ''$370,000,000'' in subcl. (III).

Subsec. (b)(2)(H)(ii)(I). Pub. L. 104–193, § 211(d)(5)(B)(ii), amended subcl. (I) generally. Prior to amendment, subcl. (I) read as follows: ''the term 'continuing disability reviews' has the meaning given such term by section 401(g)(1)(A) of title 42;''.

1994—Subsec. (b)(2)(D)(i). Pub. L. 103–354 inserted at end ''This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.''

Subsec. (b)(2)(G). Pub. L. 103–306 substituted ''1994 and 1995'' for ''1994'' in two places.

1993—Subsec. (a). Pub. L. 103–66, § 14002(c)(1)(A), substituted ''1998'' for ''1995'' in heading.

Subsec. (b)(1). Pub. L. 103–66, § 14002(c)(1)(B)(i), in introductory provisions, substituted ''1995, 1996, 1997, or 1998'' for ''or 1995'' and ''outyear through 1998'' for ''outyear through 1995''.

Subsec. (b)(1)(B)(iii). Pub. L. 103–66, § 14002(c)(1)(B)(ii), added cl. (iii).

Subsec. (b)(2). Pub. L. 103–66, § 14002(c)(1)(B)(iii), in introductory provisions, substituted ''1995, 1996, 1997, or 1998'' for ''or 1995'' and ''year through 1998'' for ''year through 1995''.

Subsec. (b)(2)(D)(i). Pub. L. 103–66, § 14002(c)(1)(B)(iv), substituted ''for any fiscal year,'' for ''for fiscal year 1991, 1992, 1993, 1994, or 1995,''.

Subsec. (b)(2)(E)(iv). Pub. L. 103–66, § 14002(c)(1)(B)(v), added cl. (iv).

Subsec. (b)(2)(F). Pub. L. 103–66, § 14002(c)(1)(B)(vi), inserted before period at end '', and not to exceed 0.5 per-

cent of the adjusted descretionary [sic] spending limit on outlays for the fiscal year in fiscal year 1996, 1997, or 1998''.

Subsec. (b)(2)(G). Pub. L. 103–87 added subpar. (G).

1990—Pub. L. 101–508, §13101(a), amended section generally, substituting subsecs. (a) and (b) relating to enforcement of discretionary spending limits for former subsecs. (a) to (e) relating to reporting of excess deficits.

Subsec. (a)(6)(I). Pub. L. 101–508, §13101(e)(2), redesignated subsec. (a)(6)(I) of this section as section 907(e) of this title.

1987—Pub. L. 100–119 amended section generally, substituting provisions consisting of subsecs. (a) to (e) relating to reports by Director of CBO to Director of OMB and to Congress and by Director of OMB to President and Congress for provisions consisting of subsecs. (a) to (g) relating to joint reports by Directors of CBO and OMB to Comptroller General and report by Comptroller General to President and Congress.

Subsec. (a)(6)(B). Pub. L. 100–203, §8003(f), struck out ''and'' before ''contract authority'' and inserted provision whereby the authority to provide insurance through the Federal Housing Administration Fund be continued.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–89 effective Nov. 19, 1997, except as otherwise provided, with delay permitted if State legislation is required, see section 501 of Pub. L. 105–89, set out as a note under section 622 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 119(d)(1) of Pub. L. 103–354 provided that the amendment made by that section is effective Jan. 1, 1995.

ADJUSTMENT FOR ROUNDING

Pub. L. 106–429, §101(a) [title VII, §701(c)], Nov. 6, 2000, 114 Stat. 1900, 1900A–64, provided that: ''Under the terms of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(b)(2)] adjustments for rounding shall be provided for the first amount referred to in section 251(c)(5)(A) of such Act [former 2 U.S.C. 901(c)(5)(A)], as amended by this section, equal to 0.5 percent of such amount.''

Pub. L. 106–113, div. B, §1000(a)(5) [title III, §307], Nov. 29, 1999, 113 Stat. 1536, 1501A–306, provided that: ''Under the terms of section 251(b)(2) of Public Law 99–177 [2 U.S.C. 901(b)(2)], an adjustment for rounding shall be provided for the first amount referred to in section 251(c)(4)(A) of such Act [former 2 U.S.C. 901(c)(4)(A)] equal to 0.2 percent of such amount.''

OFFSETTING ADJUSTMENT IN DISCRETIONARY SPENDING LIMITS

Pub. L. 105–178, title VIII, §8101(b), June 9, 1998, 112 Stat. 489, as amended by Pub. L. 105–206, title IX, §9013(a), July 22, 1998, 112 Stat. 865, provided that:

''(1) ADJUSTMENT OF NONDEFENSE CATEGORY FOR FY1999.—The discretionary spending limit set forth in section 251(c)(3)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 [former 2 U.S.C. 901(c)(3)(B)], as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $25,144,000,000 in outlays.

''(2) ADJUSTMENT OF DISCRETIONARY CATEGORY FOR FY2000.—The discretionary spending limit set forth in section 251(c)(4)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 [former 2 U.S.C. 901(c)(4)(A)], as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,009,000,000 in outlays.

''(3) ADJUSTMENT OF DISCRETIONARY SPENDING LIMIT FOR FY2001.—The discretionary spending limit set forth in section 251(c)(5)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 [former 2 U.S.C. 901(c)(5)(A)], as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,329,000,000 in outlays.

''(4) ADJUSTMENT OF DISCRETIONARY SPENDING LIMIT FOR FY2002.—The discretionary spending limit set forth in section 251(c)(6)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 [former 2 U.S.C. 901(c)(6)(A)], as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,675,000,000 in outlays.''

LEVEL OF OBLIGATION LIMITATIONS

Pub. L. 109–59, title VIII, §8003, Aug. 10, 2005, 119 Stat. 1917, provided that:

''(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(b)], the level of obligation limitations for the highway category is—

''(1) for fiscal year 2005, $35,164,292,000;
''(2) for fiscal year 2006, $37,220,843,903;
''(3) for fiscal year 2007, $39,460,710,516;
''(4) for fiscal year 2008, $40,824,075,404; and
''(5) for fiscal year 2009, $42,469,970,178.

''(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

''(1) for fiscal year 2005, $7,646,336,000;
''(2) for fiscal year 2006, $8,622,931,000;
''(3) for fiscal year 2007, $8,974,775,000;
''(4) for fiscal year 2008, $9,730,893,000; and
''(5) for fiscal year 2009, $10,338,065,000.

For purposes of this subsection, the term 'obligation limitations' means the sum of budget authority and obligation limitations.''

Similar provisions for prior fiscal years were contained in the following prior act:

Pub. L. 105–178, title VIII, §8103, June 9, 1998, 112 Stat. 492, as amended by Pub. L. 108–88, §11(a), (b), Sept. 30, 2003, 117 Stat. 1128; Pub. L. 108–310, §11(a), (b), Sept. 30, 2004, 118 Stat. 1161.

§901a. Repealed. Pub. L. 105–33, title X, §10204(a)(1), Aug. 5, 1997, 111 Stat. 702

Section, Pub. L. 99–177, title II, §251A, as added Pub. L. 103–322, title XXXI, §310001(g)(1), Sept. 13, 1994, 108 Stat. 2104, related to sequestration with respect to Violent Crime Reduction Trust Fund.

§902. Enforcing pay-as-you-go

(a) Purpose

The purpose of this section is to assure that any legislation enacted before October 1, 2002, affecting direct spending or receipts that increases the deficit will trigger an offsetting sequestration.

(b) Sequestration

(1) Timing

Not later than 15 calendar days after the date Congress adjourns to end a session and on the same day as a sequestration (if any) under section 901 or 903 of this title, there shall be a sequestration to offset the amount of any net deficit increase caused by all direct spending and receipts legislation enacted before October 1, 2002, as calculated under paragraph (2).

(2) Calculation of deficit increase

OMB shall calculate the amount of deficit increase or decrease by adding—

(A) all OMB estimates for the budget year of direct spending and receipts legislation transmitted under subsection (d) of this section;

(B) the estimated amount of savings in direct spending programs applicable to budget

year resulting from the prior year's sequestration under this section or section 903 of this title, if any, as published in OMB's final sequestration report for that prior year; and

(C) any net deficit increase or decrease in the current year resulting from all OMB estimates for the current year of direct spending and receipts legislation transmitted under subsection (d) of this section that were not reflected in the final OMB sequestration report for the current year.

(c) Eliminating a deficit increase

(1) The amount required to be sequestered in a fiscal year under subsection (b) of this section shall be obtained from non-exempt direct spending accounts from actions taken in the following order:

(A) First

All reductions in automatic spending increases specified in section 906(a) of this title shall be made.

(B) Second

If additional reductions in direct spending accounts are required to be made, the maximum reductions permissible under sections 906(b) of this title (guaranteed and direct student loans) and 906(c) of this title (foster care and adoption assistance) shall be made.

(C) Third

(i) If additional reductions in direct spending accounts are required to be made, each remaining non-exempt direct spending account shall be reduced by the uniform percentage necessary to make the reductions in direct spending required by paragraph (1); except that the medicare programs specified in section 906(d) of this title shall not be reduced by more than 4 percent and the uniform percentage applicable to all other direct spending programs under this paragraph shall be increased (if necessary) to a level sufficient to achieve the required reduction in direct spending.

(ii) For purposes of determining reductions under clause (i), outlay reductions (as a result of sequestration of Commodity Credit Corporation commodity price support contracts in the fiscal year of a sequestration) that would occur in the following fiscal year shall be credited as outlay reductions in the fiscal year of the sequestration.

(2) For purposes of this subsection, accounts shall be assumed to be at the level in the baseline.

(d) Estimates

(1) CBO estimates

As soon as practicable after Congress completes action on any direct spending or receipts legislation, CBO shall provide an estimate to OMB of that legislation.

(2) OMB estimates

Not later than 7 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of enactment of any direct spending or receipts legislation, OMB shall transmit a report to the House of Representatives and to the Senate containing—

(A) the CBO estimate of that legislation;

(B) an OMB estimate of that legislation using current economic and technical assumptions; and

(C) an explanation of any difference between the 2 estimates.

(3) Significant differences

If during the preparation of the report under paragraph (2) OMB determines that there is a significant difference between the OMB and CBO estimates, OMB shall consult with the Committees on the Budget of the House of Representatives and the Senate regarding that difference and that consultation, to the extent practicable, shall include written communication to such committees that affords such committees the opportunity to comment before the issuance of that report.

(4) Scope of estimates

The estimates under this section shall include the amount of change in outlays or receipts for the current year (if applicable), the budget year, and each outyear excluding any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect under current estimates; and

(B) emergency provisions as designated under subsection (e) of this section.

(5) Scorekeeping guidelines

OMB and CBO, after consultation with each other and the Committees on the Budget of the House of Representatives and the Senate, shall—

(A) determine common scorekeeping guidelines; and

(B) in conformance with such guidelines, prepare estimates under this section.

(e) Emergency legislation

If a provision of direct spending or receipts legislation is enacted that the President designates as an emergency requirement and that the Congress so designates in statute, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be designated as an emergency requirement in the reports required under subsection (d) of this section. This subsection shall not apply to direct spending provisions to cover agricultural crop disaster assistance.

(Pub. L. 99–177, title II, § 252, Dec. 12, 1985, 99 Stat. 1072; Pub. L. 100–119, title I, § 102(a), Sept. 29, 1987, 101 Stat. 764; Pub. L. 100–203, title VIII, § 8003(e), Dec. 22, 1987, 101 Stat. 1330–282; Pub. L. 101–508, title XIII, § 13101(a), Nov. 5, 1990, 104 Stat. 1388–581; Pub. L. 103–66, title XIV, § 14003(a), Aug. 10, 1993, 107 Stat. 684; Pub. L. 103–354, title I, § 119(d)(2), Oct. 13, 1994, 108 Stat. 3208; Pub. L. 105–33, title X, § 10205, Aug. 5, 1997, 111 Stat. 702.)

TERMINATION OF SECTION

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–33, § 10205(1), added subsec. (a) and struck out heading and text of former sub-

sec. (a). Text read as follows: ''The purpose of this section is to assure that any legislation (enacted after November 5, 1990) affecting direct spending or receipts that increases the deficit in any fiscal year covered by this Act will trigger an offsetting sequestration.''

Subsec. (b). Pub. L. 105–33, §10205(1), added subsec. (b) and struck out heading and text of former subsec. (b) which required sequestrations at the end of a session of Congress to offset amount of any net deficit increase in that fiscal year and prior fiscal year caused by all direct spending and receipts legislation enacted after Nov. 5, 1990.

Subsec. (c)(1)(B). Pub. L. 105–33, §10205(2), inserted ''and direct'' after ''guaranteed''.

Subsec. (d). Pub. L. 105–33, §10205(3), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: ''As soon as practicable after Congress completes action on any direct spending or receipts legislation enacted after November 5, 1990, after consultation with the Committees on the Budget of the House of Representatives and the Senate, CBO shall provide OMB with an estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from that legislation. Within 5 calendar days after the enactment of any direct spending or receipts legislation enacted after November 5, 1990, OMB shall transmit a report to the House of Representatives and to the Senate containing such CBO estimate of that legislation, an OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from that legislation, and an explanation of any difference between the two estimates. Those OMB estimates shall be made using current economic and technical assumptions. OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.''

Subsec. (e). Pub. L. 105–33, §10205(4), struck out '', for any fiscal year from 1991 through 1998,'' after ''If'' and ''through 1995'' after ''receipts in all fiscal years''.

1994—Subsec. (e). Pub. L. 103–354 inserted at end ''This subsection shall not apply to direct spending provisions to cover agricultural crop disaster assistance.''

1993—Subsec. (a). Pub. L. 103–66, §14003(a)(1), which directed the substitution of ''Fiscal year 1992–1998 enforcement'' for ''Fiscal year 1992–1995 enforcement'' in heading, was executed by substituting ''Fiscal years 1992–1998 enforcement'' for ''Fiscal years 1992–1995 enforcement'', to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 103–66, §14003(a)(2), substituted ''through fiscal year 1998'' for ''through fiscal year 1995'' in two places.

Subsec. (e). Pub. L. 103–66, §14003(a)(3), substituted ''for any fiscal year from 1991 through 1998'' for ''for fiscal year 1991, 1992, 1993, 1994, or 1995''.

1990—Pub. L. 101–508 amended section generally, substituting subsecs. (a) to (e) relating to enforcement of pay-as-you-go for former subsecs. (a) to (g) relating to Presidential order.

1987—Pub. L. 100–119 amended section generally to reflect substitution of Director of OMB for Comptroller General as official submitting reports under section 901 of this title and to revise provisions relating to content of Presidential orders issued in accordance with those reports.

Subsec. (c)(2)(F)(ii). Pub. L. 100–203, §8003(e), substituted ''proposed'' for ''made''.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 119(d)(2) of Pub. L. 103–354 provided that the amendment made by that section is effective Jan. 1, 1995.

REDUCTION OF PREEXISTING PAYGO BALANCES

Pub. L. 107–312, §1, Dec. 2, 2002, 116 Stat. 2456, provided that: ''Upon enactment of this Act [Dec. 2, 2002], the Director of the Office of Management and Budget shall reduce any balances of direct spending and receipts legislation for all fiscal years under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] to zero.''

PAY-AS-YOU-GO ADJUSTMENT

Pub. L. 107–117, div. C, §102, Jan. 10, 2002, 115 Stat. 2342, provided that: ''In preparing the final sequestration report for fiscal year 2002 required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 904(f)(3)], the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal years 2001 and 2002 under section 252 of that Act [2 U.S.C. 902] to zero.''

CONFORMING PAYGO SCORECARD WITH TRANSPORTATION EQUITY ACT FOR 21ST CENTURY

Pub. L. 105–178, title VIII, §8102, June 9, 1998, 112 Stat. 492, as amended by Pub. L. 105–206, title IX, §9013(c), July 22, 1998, 112 Stat. 865, provided that: ''Upon the enactment of this Act [June 9, 1998], the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(d)] of changes in direct spending outlays and receipts for any fiscal year resulting from this title [see Tables for classification] or from section 1102 of this Act [23 U.S.C. 104 note].''

REDUCTION OF PREEXISTING BALANCES AND EXCLUSION OF EFFECTS OF PUB. L. 105–33 FROM PAYGO SCORECARD

Section 10213 of Pub. L. 105–33 provided that: ''Upon the enactment of this Act [Aug. 5, 1997], the Director of the Office of Management and Budget shall—

''(1) reduce any balances of direct spending and receipts legislation for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] to zero; and

''(2) not make any estimates of changes in direct spending outlays and receipts under subsection (d) of that section for any fiscal year resulting from the enactment of this Act [see Tables for classification] or of the Taxpayer Relief Act of 1997 [Pub. L. 105–34, see Tables for classification].''

REDUCTION OF DIRECT SPENDING AND RECEIPTS LEGISLATION BALANCES

Section 14003(c) of Pub. L. 103–66 provided that: ''Upon enactment of this Act [Aug. 10, 1993], the director of the Office of Management and Budget shall reduce the balances of direct spending and receipts legislation applicable to each fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] by an amount equal to the net deficit reduction achieved through the enactment in this Act [see Tables for classification] of direct spending and receipts legislation for that year.''

§903. Enforcing deficit targets

(a) Sequestration

Within 15 calendar days after Congress adjourns to end a session (other than of the One Hundred First Congress) and on the same day as a sequestration (if any) under section 901 of this title and section 902 of this title, but after any sequestration required by section 901 of this title (enforcing discretionary spending limits) or section 902 of this title (enforcing pay-as-you-go), there shall be a sequestration to eliminate the excess deficit (if any remains) if it exceeds the margin.

(b) Excess deficit; margin

The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus—

(1) the maximum deficit amount for that year;

(2) the amounts for that year designated as emergency direct spending or receipts legislation under section 902(e) of this title; and

(3) for any fiscal year in which there is not a full adjustment for technical and economic reestimates, the deposit insurance reestimate for that year, if any, calculated under subsection (h) of this section.

The ''margin'' for fiscal year 1992 or 1993 is zero and for fiscal year 1994 or 1995 is $15,000,000,000.

(c) Dividing sequestration

To eliminate the excess deficit in a budget year, half of the required outlay reductions shall be obtained from non-exempt defense accounts (accounts designated as function 050 in the President's fiscal year 1991 budget submission) and half from non-exempt, non-defense accounts (all other non-exempt accounts).

(d) Defense

Each non-exempt defense account shall be reduced by a dollar amount calculated by multiplying the level of sequestrable budgetary resources in that account at that time by the uniform percentage necessary to carry out subsection (c) of this section, except that, if any military personnel are exempt, adjustments shall be made under the procedure set forth in section 901(a)(3) of this title.

(e) Non-defense

Actions to reduce non-defense accounts shall be taken in the following order:

(1) First

All reductions in automatic spending increases under section 906(a) of this title shall be made.

(2) Second

If additional reductions in non-defense accounts are required to be made, the maximum reduction permissible under sections 906(b) of this title (guaranteed student loans) and 906(c) of this title (foster care and adoption assistance) shall be made.

(3) Third

(A) If additional reductions in non-defense accounts are required to be made, each remaining non-exempt, non-defense account shall be reduced by the uniform percentage necessary to make the reductions in non-defense outlays required by subsection (c) of this section, except that—

(i) the medicare program specified in section 906(d) of this title shall not be reduced by more than 2 percent in total including any reduction of less than 2 percent made under section 902 of this title or, if it has been reduced by 2 percent or more under section 902 of this title, it may not be further reduced under this section; and

(ii) the health programs set forth in section 906(e) of this title shall not be reduced by more than 2 percent in total (including any reduction made under section 901 of this title),

and the uniform percent applicable to all other programs under this subsection shall be increased (if necessary) to a level sufficient to achieve the required reduction in non-defense outlays.

(B) For purposes of determining reductions under subparagraph (A), outlay reduction (as a result of sequestration of Commodity Credit Corporation commodity price support contracts in the fiscal year of a sequestration) that would occur in the following fiscal year shall be credited as outlay reductions in the fiscal year of the sequestration.

(f) Baseline assumptions; part-year appropriations

(1) Budget assumptions

For purposes of subsections (b), (c), (d), and (e) of this section, accounts shall be assumed to be at the level in the baseline minus any reductions required to be made under sections 901 and 902 of this title.

(2) Part-year appropriations

If, on the date specified in subsection (a) of this section, there is in effect an Act making or continuing appropriations for part of a fiscal year for any non-exempt budget account, then the dollar sequestration calculated for that account under subsection (d) or (e) of this section, as applicable, shall be subtracted from—

(A) the annualized amount otherwise available by law in that account under that or a subsequent part-year appropriation; and

(B) when a full-year appropriation for that account is enacted, from the amount otherwise provided by the full-year appropriation; except that the amount to be sequestered from that account shall be reduced (but not below zero) by the savings achieved by that appropriation when the enacted amount is less than the baseline for that account.

(g) Adjustments to maximum deficit amounts

(1) Adjustments

(A) When the President submits the budget for fiscal year 1992, the maximum deficit amounts for fiscal years 1992, 1993, 1994, and 1995 shall be adjusted to reflect up-to-date reestimates of economic and technical assumptions and any changes in concepts or definitions. When the President submits the budget for fiscal year 1993, the maximum deficit amounts for fiscal years 1993, 1994, and 1995 shall be further adjusted to reflect up-to-date reestimates of economic and technical assumptions and any changes in concepts or definitions.

(B) When submitting the budget for fiscal year 1994, the President may choose to adjust the maximum deficit amounts for fiscal years 1994 and 1995 to reflect up-to-date reestimates of economic and technical assumptions. If the President chooses to adjust the maximum deficit amount when submitting the fiscal year 1994 budget, the President may choose to invoke the same adjustment procedure when submitting the budget for fiscal year 1995. In each case, the President must choose between making no adjustment or the full adjustment described in paragraph (2). If the President chooses to

make that full adjustment, then those procedures for adjusting discretionary spending limits described in sections 901(b)(1)(C)[1] and 901(b)(2)(E)[1] of this title, otherwise applicable through fiscal year 1993 or 1994 (as the case may be), shall be deemed to apply for fiscal year 1994 (and 1995 if applicable).

(C) When the budget for fiscal year 1994 or 1995 is submitted and the sequestration reports for those years under section 904 of this title are made (as applicable), if the President does not choose to make the adjustments set forth in subparagraph (B), the maximum deficit amount for that fiscal year shall be adjusted by the amount of the adjustment to discretionary spending limits first applicable for that year (if any) under section 901(b) of this title.

(D) For each fiscal year the adjustments required to be made with the submission of the President's budget for that year shall also be made when OMB submits the sequestration update report and the final sequestration report for that year, but OMB shall continue to use the economic and technical assumptions in the President's budget for that year.

Each adjustment shall be made by increasing or decreasing the maximum deficit amounts set forth in section 665[1] of this title.

(2) Calculations of adjustments

The required increase or decrease shall be calculated as follows:

(A) The baseline deficit or surplus shall be calculated using up-to-date economic and technical assumptions, using up-to-date concepts and definitions, and, in lieu of the baseline levels of discretionary appropriations, using the discretionary spending limits set forth in section 665[1] of this title as adjusted under section 901 of this title.

(B) The net deficit increase or decrease caused by all direct spending and receipts legislation enacted after November 5, 1990 (after adjusting for any sequestration of direct spending accounts) shall be calculated for each fiscal year by adding—

(i) the estimates of direct spending and receipts legislation transmitted under section 902(d) of this title applicable to each such fiscal year; and

(ii) the estimated amount of savings in direct spending programs applicable to each such fiscal year resulting from the prior year's sequestration under this section or section 902 of this title of direct spending, if any, as contained in OMB's final sequestration report for that year.

(C) The amount calculated under subparagraph (B) shall be subtracted from the amount calculated under subparagraph (A).

(D) The maximum deficit amount set forth in section 665[1] of this title shall be subtracted from the amount calculated under subparagraph (C).

(E) The amount calculated under subparagraph (D) shall be the amount of the adjustment required by paragraph (1).

[1] See References in Text note below.

(h) Treatment of deposit insurance

(1) Initial estimates

The initial estimates of the net costs of federal deposit insurance for fiscal year 1994 and fiscal year 1995 (assuming full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of the submission of the budget for fiscal year 1993) shall be set forth in that budget.

(2) Reestimates

For fiscal year 1994 and fiscal year 1995, the amount of the reestimate of deposit insurance costs shall be calculated by subtracting the amount set forth under paragraph (1) for that year from the current estimate of deposit insurance costs (but assuming full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of submission of the budget for fiscal year 1993).

(Pub. L. 99–177, title II, §253, Dec. 12, 1985, 99 Stat. 1078; Pub. L. 100–119, title I, §103, Sept. 29, 1987, 101 Stat. 775; Pub. L. 101–508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388–583.)

TERMINATION OF SECTION

Section expired Sept. 30, 2002. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

REFERENCES IN TEXT

Section 901(b) of this title, referred to in subsec. (g)(1)(B), was amended by Pub. L. 105–33, title X, §10203(a)(4), Aug. 5, 1997, 111 Stat. 699; Pub. L. 105–178, title VIII, §8101(d), June 9, 1998, 112 Stat. 490; and Pub. L. 109–59, title VIII, §8002, Aug. 10, 2005, 119 Stat. 1916, and as so amended, section 901(b)(1)(C) relates to adjustments in the FY 2007, 2008, and 2009 budgets made by OMB to the limits on outlays for the highway and mass transit categories and section 901(b)(2)(E) relates to allowance for international arrearages.

Section 665 of this title, referred to in subsec. (g)(1), (2)(A), (D), was repealed by Pub. L. 105–33, title X, §10118(a), Aug. 5, 1997, 111 Stat. 695.

CODIFICATION

November 5, 1990, referred to in subsec. (g)(2)(B), was in the original ''the date of enactment of this section'', which was translated as meaning the date of enactment of Pub. L. 101–508, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1990—Pub. L. 101–508 amended section generally, substituting provisions relating to enforcement of deficit targets for provisions relating to compliance report by Comptroller General.

1987—Pub. L. 100–119 amended section generally, designating existing provisions as par. (1), substituting ''(or December 15, 1987, in the case of the fiscal year 1988)'' for ''(or on or before April 1, 1986, in the case of the fiscal year 1986)'', and adding pars. (2) and (3).

§904. Reports and orders

(a) Timetable

The timetable with respect to this subchapter for any budget year is as follows:

Date:	Action to be completed:
January 21	Notification regarding optional adjustment of maximum deficit amount.

Date:	Action to be completed:
5 days before the President's budget submission.	CBO sequestration preview report.
The President's budget submission.	OMB sequestration preview report.
August 10	Notification regarding military personnel.
August 15	CBO sequestration update report.
August 20	OMB sequestration update report.
10 days after end of session.	CBO final sequestration report.
15 days after end of session.	OMB final sequestration report; Presidential order.

(b) Submission and availability of reports

Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the Federal Register.

(c) Sequestration preview reports

(1) Reporting requirement

On the dates specified in subsection (a) of this section, OMB and CBO shall issue a preview report regarding discretionary, pay-as-you-go, and deficit sequestration based on laws enacted through those dates.

(2) Discretionary sequestration report

The preview reports shall set forth estimates for the current year and each subsequent year through 2002 of the applicable discretionary spending limits for each category and an explanation of any adjustments in such limits under section 901 of this title.

(3) Pay-as-you-go sequestration reports

The preview reports shall set forth, for the current year and the budget year, estimates for each of the following:

(A) The amount of net deficit increase or decrease, if any, calculated under subsection 902(b) of this title.

(B) A list identifying each law enacted and sequestration implemented after November 5, 1990, included in the calculation of the amount of deficit increase or decrease and specifying the budgetary effect of each such law.

(C) The sequestration percentage or (if the required sequestration percentage is greater than the maximum allowable percentage for medicare) percentages necessary to eliminate a deficit increase under section 902(c) of this title.

(4) Deficit sequestration reports

The preview reports shall set forth for the budget year estimates for each of the following:

(A) The maximum deficit amount, the estimated deficit calculated under section 903(b) of this title, the excess deficit, and the margin.

(B) The amount of reductions required under section 902 of this title, the excess deficit remaining after those reductions have been made, and the amount of reductions required from defense accounts and the reductions required from non-defense accounts.

(C) The sequestration percentage necessary to achieve the required reduction in defense accounts under section 903(d) of this title.

(D) The reductions required under sections 903(e)(1) and 903(e)(2) of this title.

(E) The sequestration percentage necessary to achieve the required reduction in non-defense accounts under section 903(e)(3) of this title.

The CBO report need not set forth the items other than the maximum deficit amount for fiscal year 1992, 1993, or any fiscal year for which the President notifies the House of Representatives and the Senate that he will adjust the maximum deficit amount under the option under section 903(g)(1)(B) of this title.

(5) Explanation of differences

The OMB reports shall explain the differences between OMB and CBO estimates for each item set forth in this subsection.

(d) Notification regarding military personnel

On or before the date specified in subsection (a) of this section, the President shall notify the Congress of the manner in which he intends to exercise flexibility with respect to military personnel accounts under section 905(f) of this title.

(e) Sequestration update reports

On the dates specified in subsection (a) of this section, OMB and CBO shall issue a sequestration update report, reflecting laws enacted through those dates, containing all of the information required in the sequestration preview reports.

(f) Final sequestration reports

(1) Reporting requirement

On the dates specified in subsection (a) of this section, OMB and CBO shall issue a final sequestration report, updated to reflect laws enacted through those dates.

(2) Discretionary sequestration reports

The final reports shall set forth estimates for each of the following:

(A) For the current year and each subsequent year through 2002 the applicable discretionary spending limits for each category and an explanation of any adjustments in such limits under section 901 of this title.

(B) For the current year and the budget year the estimated new budget authority and outlays for each category and the breach, if any, in each category.

(C) For each category for which a sequestration is required, the sequestration percentages necessary to achieve the required reduction.

(D) For the budget year, for each account to be sequestered, estimates of the baseline level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions.

(3) Pay-as-you-go and deficit sequestration reports

The final reports shall contain all the information required in the pay-as-you-go and defi-

cit sequestration preview reports. In addition, these reports shall contain, for the budget year, for each account to be sequestered, estimates of the baseline level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions. The reports shall also contain estimates of the effects on outlays of the sequestration in each outyear for direct spending programs.

(4) Explanation of differences

The OMB report shall explain any differences between OMB and CBO estimates of the amount of any net deficit change calculated under subsection[1] 902(b) of this title, any excess deficit, any breach, and any required sequestration percentage. The OMB report shall also explain differences in the amount of sequesterable[2] resources for any budget account to be reduced if such difference is greater than $5,000,000.

(5) Presidential order

On the date specified in subsection (a) of this section, if in its final sequestration report OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(g) Within-session sequestration reports and order

If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach, 10 days later CBO shall issue a report containing the information required in paragraph (f)(2). Fifteen days after enactment, OMB shall issue a report containing the information required in paragraphs (f)(2) and (f)(4). On the same day as the OMB report, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(h) GAO compliance report

Upon request of the Committee on the Budget of the House of Representatives or the Senate, the Comptroller General shall submit to the Congress and the President a report on—

(1) the extent to which each order issued by the President under this section complies with all of the requirements contained in this subchapter, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

(2) the extent to which each report issued by OMB or CBO under this section complies with all of the requirements contained in this subchapter, either certifying that the report fully and accurately complies with such requirements or indicating the respects in which it does not.

[1] So in original. Probably should be ''section''.

[2] So in original. Probably should be ''sequestrable''.

(i) Low-growth report

At any time, CBO shall notify the Congress if—

(1) during the period consisting of the quarter during which such notification is given, the quarter preceding such notification, and the 4 quarters following such notification, CBO or OMB has determined that real economic growth is projected or estimated to be less than zero with respect to each of any 2 consecutive quarters within such period; or

(2) the most recent of the Department of Commerce's advance preliminary or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than one percent.

(j) Economic and technical assumptions

In all reports required by this section, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31.

(Pub. L. 99–177, title II, §254, Dec. 12, 1985, 99 Stat. 1078; Pub. L. 100–119, title I, §§102(b)(1), 106(e)(2), Sept. 29, 1987, 101 Stat. 773, 781; Pub. L. 101–508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388–586; Pub. L. 103–66, title XIV, §§14002(c)(2), 14003(b), Aug. 10, 1993, 107 Stat. 684, 685; Pub. L. 103–322, title XXXI, §310001(g)(2), Sept. 13, 1994, 108 Stat. 2105; Pub. L. 104–316, title I, §102(d), Oct. 19, 1996, 110 Stat. 3828; Pub. L. 105–33, title X, §10206, Aug. 5, 1997, 111 Stat. 704.)

TERMINATION OF SECTION

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

CODIFICATION

November 5, 1990, referred to in subsec. (c)(3)(B), was in the original ''the date of enactment of this section'', which was translated as meaning the date of enactment of Pub. L. 101–508, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1997—Subsec. (c). Pub. L. 105–33, §10206(1), (2), redesignated subsec. (d) as (c), substituted ''2002'' for ''1998'' in par. (2), and struck out heading and text of former subsec. (c). Text read as follows: ''With respect to budget year 1994 or 1995, on the date specified in subsection (a) of this section the President shall notify the House of Representatives and the Senate of his decision regarding the optional adjustment of the maximum deficit amount (as allowed under section 903(g)(1)(B) of this title).''

Subsec. (d). Pub. L. 105–33, §10206(1), (3), redesignated subsec. (e) as (d) and substituted ''section 905(f)'' for ''section 905(h)''. Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 105–33, §10206(1), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 105–33, §10206(1), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(2)(A). Pub. L. 105–33, §10206(4)(A), substituted ''2002'' for ''1998''.

Subsec. (f)(3). Pub. L. 105–33, §10206(4)(B), struck out ''through 1998'' after ''each outyear''.

Subsec. (f)(4) to (6). Pub. L. 105–33, §10206(4)(C), redesignated pars. (5) and (6) as (4) and (5), respectively, and struck out heading and text of former par. (4). Text

read as follows: ''The final reports shall set forth for the budget year estimates for each of the following:

''(A) The amount of budget authority appropriated from the Violent Crime Reduction Trust Fund and outlays resulting from those appropriations.

''(B) The sequestration percentage and reductions, if any, required under section 901a of this title.''

Subsec. (g). Pub. L. 105–33, § 10206(1), (5), redesignated subsec. (h) as (g) and substituted ''paragraph (f)(2)'' for ''paragraph (g)(2)'' and ''paragraphs (f)(2) and (f)(4)'' for ''paragraphs (g)(2) and (g)(4)''. Former subsec. (g) redesignated (f).

Subsecs. (h) to (k). Pub. L. 105–33, § 10206(1), redesignated subsecs. (i) to (k) as (h) to (j), respectively. Former subsec. (h) redesignated (g).

1996—Subsec. (a). Pub. L. 104–316, § 102(d)(1), struck out item at end of timetable relating to GAO compliance report.

Subsec. (i). Pub. L. 104–316, § 102(d)(2), in introductory provisions substituted ''Upon request of the Committee on the Budget of the House of Representatives or the Senate'' for ''On the date specified in subsection (a) of this section''.

1994—Subsec. (g)(4) to (6). Pub. L. 103–322 added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

1993—Subsecs. (d)(2), (g)(2)(A), (3). Pub. L. 103–66 substituted ''1998'' for ''1995''.

1990—Pub. L. 101–508 amended section generally, substituting provisions setting out timetable and requisite content of reports and orders developed as part of sequestration process for former provisions relating to special Congressional procedures in the event of recession, Congressional responses to Presidential orders, and treatment of certain resolutions as reconciliation bills.

1987—Subsec. (b)(1)(A). Pub. L. 100–119, § 102(b)(1), substituted ''the Director of OMB'' for ''the Comptroller General''.

Subsec. (b)(1)(E). Pub. L. 100–119, § 106(e)(2), inserted provisions relating to maximum deficit amount for fiscal year 1988 or 1989.

FISCAL YEAR DEFICIT CONTROL MEASURES

1991—Pub. L. 102–27, title IV, § 401(b), Apr. 10, 1991, 105 Stat. 154, provided that: ''Upon the enactment of this Act [Apr. 10, 1991], the order issued by the President on November 9, 1990 [set out below], pursuant to sections 251 and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, [2 U.S.C. 901, 904] is hereby rescinded. Any action taken to implement this order shall be reversed, and any sequestrable resource that has been reduced or sequestered by such order is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the order had not been issued.''

Section 13401 of Pub. L. 101–508 provided that:

''(a) ORDER RESCINDED.—Upon the enactment of this Act [Nov. 5, 1990], the orders issued by the President on August 25, 1990, and October 15, 1990 [set out below], pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] are hereby rescinded.

''(b) AMOUNTS RESTORED.—Any action taken to implement the orders referred to in subsection (a) shall be reversed, and any sequestrable resource that has been reduced or sequestered by such orders is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the orders had not been issued.

''(c) FURLOUGHED EMPLOYEES.—(1) Federal employees furloughed as a result of the lapse in appropriations from midnight October 5, 1990, until the enactment of House Joint Resolution 666 [Pub. L. 101–412, which was approved Oct. 9, 1990] shall be compensated at their standard rate of compensation for the period during which there was a lapse in appropriations.

''(2) All obligations incurred in anticipation of the appropriations made and authority granted by House Joint Resolution 666 for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of government functions are hereby ratified and approved if otherwise in accord with the provisions of that Act [Pub. L. 101–412, Oct. 9, 1990, 104 Stat. 894].''

Pub. L. 101–467, § 105, Oct. 28, 1990, 104 Stat. 1087, provided that:

''(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 28, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

''(b) Subsection (a) shall cease to be effective on the date set forth in section 101(b)(B) [Nov. 5, 1990].''

Pub. L. 101–461, § 113, Oct. 25, 1990, 104 Stat. 1078, provided that:

''(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 25, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

''(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c) [Oct. 27, 1990].''

Pub. L. 101–444, § 113, Oct. 19, 1990, 104 Stat. 1033, provided that:

''(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 19, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

''(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c) [Oct. 24, 1990].''

Pub. L. 101–412, § 113, Oct. 9, 1990, 104 Stat. 897, provided that:

''(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 9, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

''(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c) [Oct. 19, 1990].''

Pub. L. 101–403, title I, § 113, Oct. 1, 1990, 104 Stat. 870, provided that:

''(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 1, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

''(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c) [Oct. 5, 1990].''

Final Order of the President of the United States, Nov. 9, 1990, 26 Weekly Compilation of Presidential Documents 1797, Nov. 12, 1990, provided:

By the authority vested in me as President by the statutes of the United States of America, including section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) [2 U.S.C. 904], as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and Title XIII of the Omnibus Reconciliation Act of 1990 (Public Law 101–508) (hereafter referred to as ''the Act''), I hereby order that the following actions be taken immediately to implement the sequestrations and reductions determined by the Director of the Office of Management and Budget as set forth in his report dated November 9, 1990, under sections 251 and 254 of the Act [2 U.S.C. 901, 904]:

(1) Budgetary resources for each non-exempt account within the international category of discretionary spending shall be reduced as specified by the Director of the Office of Management and Budget in his report of November 9, 1990.

(2) Pursuant to sections 250(c)(6) and 251 [2 U.S.C. 900(c)(6), 901], budgetary resources subject to sequestration shall be new budget authority; new loan guarantee

commitments or limitations; new direct loan obligations, commitments, or limitations; and obligation limitations.

(3) For accounts making commitments for guaranteed loans as authorized by substantive law, the head of each Department or agency is directed to reduce the level of such commitments or obligations to the extent necessary to conform to the limitations established by the Act [Pub. L. 99–177, title II, see Short Title note set out under 2 U.S.C. 900] and specified by the Director of the Office of Management and Budget in his report of November 9, 1990.

All sequestrations shall be made in strict accordance with the specifications of the November 9th report of the Director of the Office of Management and Budget and the requirements of sections 251 and 254.

GEORGE BUSH.

Final Order of the President of the United States, Oct. 15, 1990, 55 F.R. 41977, provided:

By the authority vested in me as President by the statutes of the United States of America, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) [2 U.S.C. 902], as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) (hereafter referred to as ''the Act''), I hereby order that the following actions shall be taken to implement the sequestrations and reductions determined by the Director of the Office of Management and Budget as set forth in his report dated October 15, 1990, under section 251 of the Act [2 U.S.C. 901]:

(1) Each automatic spending increase that would, but for the provisions of the Act, take effect during fiscal year 1991 is permanently sequestered or reduced as provided in section 252.

(2) The following are sequestered as provided in section 252: new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; spending authority as defined in section 401(c)(2) of the Congressional Budget Act of 1974, as amended [2 U.S.C. 651(c)(2)]; and obligation limitations.

(3) For accounts making payments otherwise required by substantive law, the head of each Department or agency is directed to modify the calculation of each such payment to the extent necessary to reduce the estimate of total required payments for the fiscal year by the amount specified by the Director of the Office of Management and Budget in his report of October 15, 1990.

(4) For accounts making commitments for guaranteed loans as authorized by substantive law, the head of each Department or agency is directed to reduce the level of such commitments or obligations to the extent necessary to conform to the limitations established by the Act and specified by the Director of the Office of Management and Budget in his report of October 15, 1990.

All reductions and sequestrations shall be made in strict accordance with the specifications of the October 15th report of the Director of the Office of Management and Budget and the requirements of section 252(b).

This order supersedes the Initial Order issued on August 25, 1990 [see above].

This order shall be published in the Federal Register.

GEORGE BUSH.

Initial Order of the President of the United States, Aug. 25, 1990, 55 F.R. 35133, which provided emergency deficit control measures for fiscal year 1991, was superseded by Final Order of the President, Oct. 15, 1990, 55 F.R. 41977, set out above.

1990—Pub. L. 101–239, title VI, §6001, Dec. 19, 1989, 103 Stat. 2139, provided that: ''Notwithstanding any other provision of law (including section 11002 [set out below] or any other provision of this Act, other than section 6201 [set out below]), the reductions in the amount of payments required under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] made by the final sequester order issued by the President on October 16, 1989 [set out below], pursuant to section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(b)] shall continue to be effective (as provided by sections 252(a)(4)(B) and 256(d)(2) of such Act [2 U.S.C. 902(a)(4)(B), 906(d)(2)]) through December 31, 1989, with respect to payments for items and services under part A of such title [42 U.S.C. 1395c et seq.] (including payments under section 1886 of such title [42 U.S.C. 1395ww] attributable or allocated to such part). Each such payment made for items and services provided during fiscal year 1990 after such date shall be increased by 1.42 percent above what it would otherwise be under this Act.''

Pub. L. 101–239, title VI, §6101, Dec. 19, 1989, 103 Stat. 2168, provided that: ''Notwithstanding any other provision of law (including any other provision of this Act, other than section 6201 [set out below]), the reductions in the amount of payments required under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] made by the final sequester order issued by the President on October 16, 1989, pursuant to section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(b)] shall continue to be effective (as provided by sections 252(a)(4)(B) and 256(d)(2) of such Act [2 U.S.C. 902(a)(4)(B), 906(d)(2)]) through March 31, 1990, with respect to payments for items and services under part B of such title [42 U.S.C. 1395j et seq.].''

Pub. L. 101–239, title VI, §6201, Dec. 19, 1989, 103 Stat. 2225, provided that: ''Notwithstanding any other provision of law (including section 11002 [set out below] or any other provision of this Act), the reductions in the amount of payments required under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] made by the final sequester order issued by the President on October 16, 1989 [set out below], pursuant to section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(b)] shall continue to be effective (as provided by sections 252(a)(4)(B) and 256(d)(2) of such Act [2 U.S.C. 902(a)(4)(B), 906(d)(2)]) through December 31, 1989, with respect to payments under section 1833(a)(1)(A) or 1876 of the Social Security Act [42 U.S.C. 1395*l*(a)(1)(A), 1395mm], section 402 of the Social Security Amendments of 1967 [section 402 of Pub. L. 90–248, enacting 42 U.S.C. 1395b–1, and amending 42 U.S.C. 1395*ll*], or section 222 of the Social Security Amendments of 1972 [section 222 of Pub. L. 92–603, amending 42 U.S.C. 1395b–1 and enacting provisions set out as a note under 42 U.S.C. 1395b–1]. Each such payment made during fiscal year 1990 after such date shall be increased by 1.42 percent above what it would otherwise be under this Act.''

Pub. L. 101–239, title XI, §11002, Dec. 19, 1989, 103 Stat. 2490, provided that:

''(a) ORDER RESCINDED.—(1) Upon the issuance of a new final order by the President under subsection (b)(4) [set out below], the order issued by the President on October 16, 1989 [set out below], pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is rescinded.

''(2) Except as otherwise provided in sections 6001, 6101, and 6201 [set out above], and subject to subsection (b), any action taken to implement the order issued by the President on October 16, 1989, shall be reversed, and any sequesterable budgetary resource that has been reduced or sequestered by such order is restored, revived, or released and shall be available to the same extent and for the same purposes as if an order had not been issued.

''(3) For purposes of section[s] 702(d) and 1101(c) of the Ethics Reform Act of 1989 [Pub. L. 101–194, 5 U.S.C. 5305 note, 2 U.S.C. 31–1 note], the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is deemed to be rescinded on January 31, 1990.

''(b) ADJUSTED REDUCTION.—

''(1) Before the close of the fifteenth calendar day beginning after the date of enactment of this Act [Dec. 19, 1989], the Director of OMB shall issue a re-

vised report using the exact budget baseline set forth in the report of October 16, 1989 [set out below], and following the requirements, specifications, definitions, and calculations required by the Balanced Budget and Emergency Deficit Control Act of 1985 [Pub. L. 99–177, title II, see Short Title note set out under 2 U.S.C. 901] for the final report issued under section 251(c)(2) [former 2 U.S.C. 901(c)(2)] for fiscal year 1990, except that the aggregate outlay reduction to be achieved shall be an amount equal to $16.1 billion multiplied by 130 divided by 365. Calculations made to carry out the preceding sentence shall take into account the reductions and cancellations achieved by paragraphs (2) and (3) and shall not be affected by subsection (d).

''(2) Notwithstanding any provision of law other than this paragraph, the reductions and cancellations in the student loan programs described in section 256(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 906(c)] achieved by the order issued by the President on October 16, 1989, shall remain in effect through December 31, 1989, and no reductions or cancellations in such programs shall be made by the order issued under paragraph (4).

''(3) Notwithstanding any provision of law other than this paragraph, any automatic spending increase suspended or cancelled by the order issued by the President on October 16, 1989, shall be paid at a rate that is 130/365ths less than the rate that would have been paid under the laws providing for such automatic spending increase.

''(4) On the date that the Director submits a revised report to the President under paragraph (1) for fiscal year 1990, the President shall issue a new final order to make all of the reductions and cancellations specified in such report in conformity with section 252(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(a)(2)]. Such order shall be deemed to have become effective on October 16, 1989.

''(c) COMPLIANCE REPORT BY COMPTROLLER GENERAL.—Before the close of the thirtieth day beginning after the date the President issues a new final order under subsection (b)(4), the Comptroller General shall submit to the Congress and the President a compliance report setting forth the information required under section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 903] with respect to such order.

''(d) NO DOUBLE REDUCTION IN MEDICARE.—With respect to items and services described in section 6001, 6101, or 6201 [set out above] for periods for which reductions are made pursuant to the respective sections, no reduction shall be made under subsection (b).''

New Final Order of the President of the United States, Dec. 27, 1989, 54 F.R. 53469, provided:

By the authority vested in me as President by the statutes of the United States of America, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) [2 U.S.C. 902], as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) (hereafter referred to as ''the Act''), and section 11002 of the Omnibus [Budget] Reconciliation Act of 1989 (Public Law 101–239) (''OBRA'') [set out above], I hereby order that the following actions be taken to implement the sequestrations and reductions determined by the Director of the Office of Management and Budget as set forth in his report dated December 27, 1989, under section 251 of the Act [2 U.S.C. 901] and section 11002 of the OBRA:

(1) Each automatic spending increase that would, but for the provisions of the Act, take effect during fiscal year 1990 is permanently sequestered or reduced as provided in section 252 of the Act and section 11002 of OBRA.

(2) The following are sequestered as provided in section 252 of the Act and section 11002 of OBRA: new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; spending authority as defined in section 401(c)(2) of the Congressional Budget Act of 1974, as amended [2 U.S.C. 651(c)(2)]; and obligation limitations.

(3) For accounts making payments otherwise required by substantive law, the head of each department or agency is directed to modify the calculation of each such payment to the extent necessary to reduce the estimate of total required payments for the fiscal year by the amount specified by the Director of the Office of Management and Budget in his report of December 27, 1989.

(4) For accounts making commitments for guaranteed loans or obligations for direct loans as authorized by substantive law, the head of each department or agency is directed to reduce the level of such commitments or obligations to the extent necessary to conform to the limitations established by the Act and by OBRA and specified by the Director of the Office of Management and Budget in his report of December 27, 1989.

All reductions and sequestrations shall be made in strict accordance with the specifications of the December 27th report of the Director of the Office of Management and Budget and the requirements of section 252(b) of the Act and section 11002 of OBRA.

This order shall be deemed to have become effective on October 16, 1989, as provided in section 11002 of OBRA.

This order shall be published [in the] Federal Register.

GEORGE BUSH.

Final Order of the President of the United States, Oct. 16, 1989, 54 F.R. 42795, which provided emergency deficit control measures for fiscal year 1990, was rescinded by section 11002(a) of Pub. L. 101–239, set out above, upon issuance of New Final Order of the President of the United States, Dec. 27, 1989, 54 F.R. 53469, set out above.

Initial Order of the President of the United States, Aug. 25, 1989, 54 F.R. 35627, which provided emergency deficit control measures for fiscal year 1990, was superseded by Final Order of the President, Oct. 16, 1989, 54 F.R. 42795.

1989—Final Order of the President of the United States, Oct. 15, 1988, 53 F.R. 40696.

Initial Order of the President of the United States, Aug. 25, 1988, 53 F.R. 32881.

1988—Pub. L. 100–203, title IV, §§ 4001, 4041(b), 4061, title VIII, § 8002, Dec. 22, 1987, 101 Stat. 1330–42, 1330–84, 1330–100, 1330–281.

Pub. L. 100–202, § 1, Dec. 22, 1987, 101 Stat. 1329.

Order of the President of the United States, Nov. 20, 1987, 52 F.R. 44960.

Order of the President of the United States, Oct. 20, 1987, 52 F.R. 39205.

1986—Pub. L. 99–366, July 31, 1986, 100 Stat. 773.

Pub. L. 99–349, title II, § 202, July 2, 1986, 100 Stat. 748.

Pub. L. 99–255, Mar. 7, 1986, 100 Stat. 39, as amended by Pub. L. 99–322, § 1, May 23, 1986, 100 Stat. 494.

Order of the President of the United States, Feb. 1, 1986, 51 F.R. 4291.

§ 905. Exempt programs and activities

(a) Social security benefits and tier I railroad retirement benefits

Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C. 401 et seq.], and benefits payable under section 231b(a), 231b(f)(3), 231c(a), or 231c(f) of title 45, shall be exempt from reduction under any order issued under this subchapter.

(b) Veterans programs

The following programs shall be exempt from reduction under any order issued under this subchapter:

National Service Life Insurance Fund (36-8132-0-7-701);

Service-Disabled Veterans Insurance Fund (36-4012-0-3-701);

Veterans Special Life Insurance Fund (36-8455-0-8-701);

Veterans Reopened Insurance Fund (36-4010-0-3-701);

United States Government Life Insurance Fund (36-8150-0-7-701);

Veterans Insurance and Indemnities (36-0120-0-1-701);

Special Therapeutic and Rehabilitation Activities Fund (36-4048-0-3-703);

Canteen Service Revolving Fund (36-4014-0-3-705);

Benefits under chapter 21 of title 38 relating to specially adapted housing and mortgage-protection life insurance for certain veterans with service-connected disabilities (36-0120-0-1-701);

Benefits under section 2307 of title 38 relating to burial benefits for veterans who die as a result of service-connected disability (36-0155-0-1-701);

Benefits under chapter 39 of title 38 relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces (36-0137-0-1-702);

Compensation (36-0153-0-1-701); and

Pensions (36-0154-0-1-701).

Benefits under chapter 35 of title 38 related to educational assistance for survivors and dependents of certain veterans with service-connected disabilities (36-0137-0-1-702);

Assistance and services under chapter 31 of title 38 relating to training and rehabilitation for certain veterans with service-connected disabilities (36-0137-0-1-702);

Benefits under subchapters I, II, and III of chapter 37 of title 38 relating to housing loans for certain veterans and for the spouses and surviving spouses of certain veterans Guaranty and Indemnity Program Account (36-1119-0-1-704);

Loan Guaranty Program Account (36-1025-0-1-704); and

Direct Loan Program Account (36-1024-0-1-704).

(c) Net interest

No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this subchapter.

(d) Earned income tax credit

Payments to individuals made pursuant to section 32 of title 26 shall be exempt from reduction under any order issued under this subchapter.

(e) Non-defense unobligated balances

Unobligated balances of budget authority carried over from prior fiscal years, except balances in the defense category, shall be exempt from reduction under any order issued under this subchapter.

(f) Optional exemption of military personnel

(1) In general

The President may, with respect to any military personnel account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

(2) Limitation

The President may not use the authority provided by paragraph (1) unless the President notifies the Congress of the manner in which such authority will be exercised on or before the date specified in section 904(a) of this title for the budget year.

(g) Other programs and activities

(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this subchapter:

Activities resulting from private donations, bequests, or voluntary contributions to the Government;

Activities financed by voluntary payments to the Government for goods or services to be provided for such payments;

Administration of Territories, Northern Mariana Islands Covenant grants (14-0412-0-1-806);

Alaska Power Administration, Operations and maintenance (89-0304-0-1-271);

Appropriations for the District of Columbia (to the extent they are appropriations of locally raised funds);

Bonneville Power Administration fund and borrowing authority established pursuant to section 13 of Public Law 93–454 (1974), as amended [16 U.S.C. 838k] (89-4045-0-3-271);

Bureau of Indian Affairs, Indian land and water claims settlements and miscellaneous payments to Indians (14-2303-0-1-452);

Bureau of Indian Affairs Miscellaneous trust funds (14-9973-0-7-999);

Claims, judgments, and relief acts (20-1895-0-1-808);

Compact of Free Association (14-0415-0-1-808);

Compensation of the President (11-0001-0-1-802);

Conservation Reserve Program (12-2319-0-1-302);

Customs Service, miscellaneous permanent appropriations (20-9922-0-2-806);

Comptroller of the Currency, Assessment funds (20-8413-0-8-373);

Dual benefits payments account (60-0111-0-1-601);

Exchange stabilization fund (20-4444-0-3-155);

Farm Credit Administration, Limitation on Administrative Expenses (78-4131-0-3-351);

Farm Credit System Financial Assistance Corporation, interest payment (20-1850-0-1-908);

Farm Credit System Financial Assistance Corporation, interest payments (20-1850-0-1-351);

Federal Deposit Insurance Corporation, Bank Insurance Fund (51-4064-0-3-373);

Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51-4065-0-3-373);

Federal Deposit Insurance Corporation, Savings Association Insurance Fund (51-4066-0-3-373);

Federal Housing Finance Board (95-4039-0-3-371);

Federal payment to the railroad retirement accounts (60-0113-0-1-601);

Foreign military sales trust fund (11-8242-0-7-155);

Health professions graduate student loan insurance fund program account (75-0340-0-1-552);

Higher education facilities loans (91-0240-01-502);

Internal Revenue Collections for Puerto Rico (20-5737-0-2-806);

Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect;

Panama Canal Commission, Panama Canal Revolving Fund (95-4061-0-3-403);

Medical facilities guarantee and loan fund, Federal interest subsidies for medical facilities (75-9931-0-3-550);

National Credit Union Administration operating fund (25-4056-0-3-373);

National Credit Union Administration, Central liquidity facility (25-4470-0-3-373);

National Credit Union Administration, Credit union share insurance fund (25-4468-0-3-373);

Office of Thrift Supervision (20-4108-0-3-373);

Payment of Vietnam and USS Pueblo prisoner-of-war claims (15-0104-0-1-153);

Payment to civil service retirement and disability fund (24-0200-0-1-805);

Payment to Judiciary Trust Funds (10-0941-0-1-752);

Payments to copyright owners (03-5175-0-2-376);

Payments to health care trust funds (75-0580-0-1-571);

Payments to military retirement fund (97-0040-0-1-054);

Payments to social security trust funds (75-0404-0-1-651);

Payments to the foreign service retirement and disability fund (11-1036-0-1-153 and 19-0540-0-1-153);

Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds;

Payments to the United States territories, fiscal assistance (14-0418-0-1-806);

Payments to widows and heirs of deceased Members of Congress (00-0215-0-1-801);

Postal service fund (18-4020-0-3-372);

Resolution Trust Corporation Revolving Fund (22-4055-0-3-373);

Salaries of Article III judges;

Soldiers and Airmen's Home, payment of claims (84-8930-0-7-705);

Southeastern Power Administration, Operations and maintenance (89-0302-0-1-271);

Southwestern Power Administration, Operations and maintenance (89-0303-0-1-271);

Tennessee Valley Authority fund, except non-power programs and activities (64-4110-0-3-999);

Thrift Savings Fund;

United States Enrichment Corporation (95-4054-0-3-271);

Vaccine Injury Compensation (75-0320-0-1-551);

Vaccine Injury Compensation Program Trust Fund (20-8175-0-7-551);

United States Enrichment Corporation;

Washington Metropolitan Area Transit Authority, interest payments (46-0300-0-1-401);

Western Area Power Administration, Construction, rehabilitation, operations, and maintenance (89-5068-0-2-271); and

Western Area Power Administration, Colorado River basins power marketing fund (89-4452-0-3-271).

(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this subchapter:

Black Lung Disability Trust Fund (20-8144-0-7-601);

Central Intelligence Agency retirement and disability system fund (56-3400-0-1-054);

Civil service retirement and disability fund (24-8135-0-7-602);

Comptrollers general retirement system (05-0107-0-1-801);

Foreign service retirement and disability fund (19-8186-0-7-602);

Judicial survivors' annuities fund (10-8110-0-7-602);

Judicial Officers' Retirement Fund (10-8122-0-7-602);

Claims Judges' Retirement Fund (10-8124-0-7-602);

Special workers compensation expenses, Longshoremen's and harborworkers' compensation benefits (16-9971-0-7-601);

Military retirement fund (97-8097-0-7-602);

National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306);

Pensions for former Presidents (47-0105-0-1-802);

Railroad Industry Pension Fund (60-8011-0-7-601);

Railroad supplemental annuity pension fund (60-8012-0-7-602);

Retired pay, Coast Guard (69-0241-0-1-403);

Retirement pay and medical benefits for commissioned officers, Public Health Service (75-0379-0-1-551);

Special benefits, Federal Employees' Compensation Act (16-1521-0-1-600);

Special benefits for disabled coal miners (75-0409-0-1-601); and

Tax Court judges survivors annuity fund (23-8115-0-7-602).

(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this subchapter:

Biomass energy development (20-0114-0-1-271);

United States Treasury check forgery insurance fund (20-4109-0-3-803);

Credit liquidating accounts;

Employees life insurance fund (24-8424-0-8-602);

Energy security reserve (Synthetic Fuels Corporation) (20-0112-0-1-271);

Federal Aviation Administration, Aviation insurance revolving fund (69-4120-0-3-402);

Federal Crop Insurance Corporation fund (12-4085-0-3-351);

Federal Emergency Management Agency, National flood insurance fund (58-4236-0-3-453);

Federal Emergency Management Agency, National insurance development fund (58-4235-0-3-451);

Geothermal resources development fund (89-0206-0-1-271);

Homeowners assistance fund, Defense (97-4090-0-3-051);

International Trade Administration, Operations and administration (13-1250-0-1-376);

Low-rent public housing, Loans and other expenses (86-4098-0-3-604);

Maritime Administration, War-risk insurance revolving fund (69-4302-0-3-403);

Overseas Private Investment Corporation (71-4030-0-3-151);

Pension Benefit Guaranty Corporation fund (16-4204-0-3-601);

Rail service assistance (69-0122-0-1-401); and

Department of Veterans Affairs, Servicemen's group life insurance fund (36-4009-0-3-701).

(h) Low-income programs

The following programs shall be exempt from reduction under any order issued under this subchapter:

Block grants to States for temporary assistance for needy families;

Child nutrition programs (with the exception of special milk programs) (12-3539-0-1-605);

Temporary assistance for needy families (75-1552-0-1-609);

Contingency fund (75-1522-0-1-609);

Child care entitlement to States (75-1550-0-1-609);

Commodity supplemental food program (12-3512-0-1-605);

Food stamp programs (12-3505-0-1-605 and 12-3550-0-1-605);

Grants to States for Medicaid (75-0512-0-1-551);

Supplemental Security Income Program (75-0406-0-1-609); and[1]

Special supplemental nutrition program for women, infants, and children (WIC) (12-3510-0-1-605);[1]

Family support payments to States (75-1501-0-1-609);[2]

(i) Identification of programs

For purposes of subsections (b), (g), and (h) of this section, each account is identified by the designated budget account identification code number set forth in the Budget of the United States Government 1998–Appendix, and an activity within an account is designated by the name of the activity and the identification code number of the account.

(Pub. L. 99–177, title II, §255, Dec. 12, 1985, 99 Stat. 1082; Pub. L. 99–509, title VII, §7002(a), Oct. 21, 1986, 100 Stat. 1949; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–86, title V, §506(a), Aug. 10, 1987, 101 Stat. 634; Pub. L. 100–119, title I, §104(a)(1), (2), (b), (c)(1), Sept. 29, 1987, 101 Stat. 775–777; Pub. L. 101–73, title VII, §743(a), (c), Aug. 9, 1989, 103 Stat. 437; Pub. L. 101–220, §8, Dec. 12, 1989, 103 Stat. 1881; Pub. L. 101–508, title XIII, §13101(c), Nov. 5, 1990, 104 Stat. 1388–589; Pub. L. 102–54, §13(a), June 13, 1991, 105 Stat. 274; Pub. L. 102–83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–486, title IX, §902(d), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 102–572, title VI, §601, Oct. 29, 1992, 106 Stat. 4514; Pub. L. 104–193, title I, §110(r)(1), Aug. 22, 1996, 110 Stat. 2175; Pub. L. 104–208, div. A, title II, §2704(d)(10), Sept. 30, 1996, 110 Stat. 3009–489; Pub. L. 105–33, title X, §10207, Aug. 5, 1997, 111 Stat. 704; Pub. L. 109–171, title II, §2102(b), Feb. 8, 2006, 120 Stat. 9.)

TERMINATION OF SECTION

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Federal Employees' Compensation Act, referred to in subsec. (g)(1)(B), which is act Sept. 7, 1916, ch. 458, 39 Stat. 742, was repealed and the provisions thereof reenacted as subchapter I of chapter 81 of Title 5, Government Organization and Employees, by Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

2006—Subsec. (g)(1)(A). Pub. L. 109–171 repealed Pub. L. 104–208, §2704(d)(10). See 1996 Amendment note below.

1997—Subsec. (b). Pub. L. 105–33, §10207(a), substituted ''Veterans Insurance and Indemnities'' for ''Veterans Insurance and Indemnity'', ''Canteen Service Revolving Fund'' for ''Veterans' Canteen Service Revolving Fund'', ''(36-0120-0-1-701)'' for ''(36-0137-0-1-702)'' in item relating to benefits under chapter 21 of title 38, ''Compensation'' for ''Veterans' compensation'', and ''Pensions'' for ''Veterans' pensions'' and inserted at end items relating to benefits under chapter 35 of title 38, assistance and services under chapter 31 of title 38, benefits under subchapters I, II, and III of chapter 37 of title 38, Loan Guaranty Program Account, and Direct Loan Program Account.

Subsec. (f). Pub. L. 105–33, §10207(b), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: ''Outlays for programs specified in paragraph (1) of section 907 of this title shall be subject to reduction only in accordance with the procedures established in section 901(a)(3)(C) and 906(b) of this title.''

Subsec. (g)(1)(A). Pub. L. 105–33, §10207(c)(1)(KK), inserted items relating to Thrift Savings Fund, United States Enrichment Corporation (95-4054-0-3-271), Vaccine Injury Compensation, and Vaccine Injury Compensation Program Trust Fund.

Pub. L. 105–33, §10207(c)(1)(JJ), inserted ''Revolving Fund (22-4055-0-3-373)'' before semicolon in item relating to the Resolution Trust Corporation.

Pub. L. 105–33, §10207(c)(1)(II), struck out ''Resolution Funding Corporation;'' after item relating to postal service fund.

Pub. L. 105–33, §10207(c)(1)(HH), substituted ''806'' for ''852'' in item relating to payments to the United States territories.

Pub. L. 105–33, §10207(c)(1)(GG), struck out ''Payments to state and local government fiscal assistance trust fund (20-2111-0-1-851);'' after item relating to payments to social security trust funds.

Pub. L. 105–33, §10207(c)(1)(FF), substituted ''651'' for ''571'' in item relating to payments to social security trust funds.

Pub. L. 105–33, §10207(c)(1)(EE), struck out ''Compact of Free Association, economic assistance pursuant to Public Law 99–658 (14-0415-0-1-806);'' after item relating to payments to military retirement fund.

Pub. L. 105–33, §10207(c)(1)(DD), substituted ''571'' for ''572'' in item relating to payments to health care trust funds.

[1] So in original. The word ''and'' probably should follow ''(12-3510-0-1-605);''.

[2] So in original. The semicolon probably should be a period.

Pub. L. 105–33, § 10207(c)(1)(CC), inserted item relating to Office of Thrift Supervision.

Pub. L. 105–33, § 10207(c)(1)(BB), substituted ''Credit union share'' for ''credit union share'' and inserted before semicolon ''(25-4468-0-3-373)'' in third item relating to National Credit Union Administration.

Pub. L. 105–33, § 10207(c)(1)(AA), substituted ''Central'' for ''central'' and inserted before semicolon ''(25-4470-0-3-373)'' in second item relating to National Credit Union Administration.

Pub. L. 105–33, § 10207(c)(1)(Z), inserted ''operating fund (25-4056-0-3-373)'' before semicolon in first item relating to National Credit Union Administration.

Pub. L. 105–33, § 10207(c)(1)(Y), substituted ''(75-9931-0-3-550)'' for ''(75-4430-0-3-551)'' in item relating to medical facilities guarantee and loan fund.

Pub. L. 105–33, § 10207(c)(1)(X), substituted ''Panama Canal Commission, Panama Canal Revolving Fund (95-4061-0-3-403);'' for ''Panama Canal Commission, operating expenses (95-5190-0-2-403), and Panama Canal Commission, capital outlay (95-5190-0-2-403);''.

Pub. L. 105–33, § 10207(c)(1)(W), substituted ''806'' for ''852'' in item relating to internal revenue collections for Puerto Rico.

Pub. L. 105–33, § 10207(c)(1)(V), struck out ''and insurance'' after ''Higher education facilities loans''.

Pub. L. 105–33, § 10207(c)(1)(U), inserted ''program account'' after ''fund'' and substituted ''(75-0340-0-1-552)'' for ''(Health Education Assistance Loan Program) (75-4305-0-3-553)'' in item relating to health professions graduate student loan insurance fund.

Pub. L. 105–33, § 10207(c)(1)(T), substituted ''accounts'' for ''account'' after ''Federal payment to the railroad retirement''.

Pub. L. 105–33, § 10207(c)(1)(S), inserted ''(95-4039-0-3-371)'' before semicolon in item relating to Federal Housing Finance Board.

Pub. L. 105–33, § 10207(c)(1)(R), inserted ''(51-4066-0-3-373)'' before semicolon in third item relating to Federal Deposit Insurance Corporation.

Pub. L. 105–33, § 10207(c)(1)(Q), inserted ''(51-4065-0-3-373)'' before semicolon in second item relating to Federal Deposit Insurance Corporation.

Pub. L. 105–33, § 10207(c)(1)(P), inserted ''(51-4064-0-3-373)'' before semicolon in first item relating to Federal Deposit Insurance Corporation.

Pub. L. 105–33, § 10207(c)(1)(O), struck out ''Federal Deposit Insurance Corporation;'' after item relating to Farm Credit System Financial Assistance Corporation, interest payments (20-1850-0-1-351).

Pub. L. 105–33, § 10207(c)(1)(N), inserted items relating to Farm Credit Administration and Farm Credit System Financial Assistance Corporation, interest payment (20-1850-0-1-908).

Pub. L. 105–33, § 10207(c)(1)(M), struck out ''Eastern Indian land claims settlement fund (14-2202-0-1-806);'' after item relating to dual benefits payments account.

Pub. L. 105–33, § 10207(c)(1)(L), struck out ''Director of the Office of Thrift Supervision;'' after item relating to Comptroller of the Currency.

Pub. L. 105–33, § 10207(c)(1)(K), inserted '', Assessment funds (20-8413-0-8-373)'' before semicolon in item relating to the Comptroller of the Currency.

Pub. L. 105–33, § 10207(c)(1)(J), substituted ''806'' for ''852'' in item relating to the Customs Service.

Pub. L. 105–33, § 10207(c)(1)(I), inserted item relating to Conservation Reserve Program.

Pub. L. 105–33, § 10207(c)(1)(H), inserted item relating to Compact of Free Association.

Pub. L. 105–33, § 10207(c)(1)(G), struck out ''Coinage profit fund (20-5811-0-2-803);'' after item relating to claims, judgments, and relief acts.

Pub. L. 105–33, § 10207(c)(1)(F), substituted ''808'' for ''806'' in item relating to claims, judgments, and relief acts.

Pub. L. 105–33, § 10207(c)(1)(E), struck out ''Claims, defense (97-0102-0-1-051);'' after second item relating to Bureau of Indian Affairs.

Pub. L. 105–33, § 10207(c)(1)(D), substituted ''Miscellaneous trust funds'' for ''miscellaneous trust funds, tribal trust funds'' in second item relating to Bureau of Indian Affairs.

Pub. L. 105–33, § 10207(c)(1)(C), inserted ''Indian land and water claims settlements and'' after comma in first item relating to Bureau of Indian Affairs.

Pub. L. 105–33, § 10207(c)(1)(B), struck out ''Thrift Savings Fund (26-8141-0-7-602);'' after item relating to administration of Territories, Northern Mariana Islands Covenant grants.

Pub. L. 105–33, § 10207(c)(1)(A), inserted item relating to activities financed by voluntary payments to Government.

Subsec. (g)(1)(B). Pub. L. 105–33, § 10207(c)(2)(E), substituted ''Railroad Industry Pension Fund'' for ''Railroad retirement tier II''.

Pub. L. 105–33, § 10207(c)(2)(D), inserted ''Special workers compensation expenses,'' before ''Longshoremen's and harborworkers' compensation benefits''.

Pub. L. 105–33, § 10207(c)(2)(C), substituted ''Claims Judges' Retirement Fund'' for ''Court of Federal Claims Judges' Retirement Fund''.

Pub. L. 105–33, § 10207(c)(2)(B), substituted ''Black Lung Disability Trust Fund'' for ''Black lung benefits''.

Pub. L. 105–33, § 10207(c)(2)(A), substituted ''The following Federal retirement and disability accounts'' for ''The following budget accounts'' in introductory provisions.

Subsec. (g)(2). Pub. L. 105–33, § 10207(c)(3)(E), struck out items ''Credit union share insurance fund (25-4468-0-3-371);'' and ''Economic development revolving fund (13-4406-0-3-452);'' after item relating to credit liquidating accounts, item ''Export-Import Bank of the United States, Limitation of program activity (83-4027-0-3-155);'' after item relating to energy security reserve (Synthetic Fuels Corporation), item ''Federal Deposit Insurance Corporation (51-8419-0-8-371);'' after item relating to Federal Crop Insurance Corporation fund, items ''Federal Housing Administration fund (86-4070-0-3-371);'', ''Federal ship financing fund (69-4301-0-3-403);'', and ''Federal ship financing fund, fishing vessels (13-4417-0-3-376);'' after item relating to Federal Emergency Management Agency National insurance development fund, items ''Government National Mortgage Association, Guarantees of mortgage-backed securities (86-4238-0-3-371);'' and ''Health education loans (75-4307-0-3-553);'' after item relating to geothermal resources development fund, item ''Indian loan guarantee and insurance fund (14-4410-0-3-452);'' after item relating to homeowners assistance fund, defense, and items ''Railroad rehabilitation and improvement financing fund (69-4411-0-3-401);'', ''Rural development insurance fund (12-4155-0-3-452);'', ''Rural electric and telephone revolving fund (12-4230-8-3-271);'', ''Rural housing insurance fund (12-4141-0-3-371);'', ''Small Business Administration, Business loan and investment fund (73-4154-0-3-376);'', ''Small Business Administration, Lease guarantees revolving fund (73-4157-0-3-376);'', ''Small Business Administration, Pollution control equipment contract guarantee revolving fund (73-4147-0-3-376);'', ''Small Business Administration, Surety bond guarantees revolving fund (73-4156-0-3-376);'', and ''Department of Veterans Affairs, Loan guaranty revolving fund (36-4025-0-3-704);'' after item relating to rail service assistance.

Pub. L. 105–33, § 10207(c)(3)(D), inserted item relating to credit liquidating accounts.

Pub. L. 105–33, § 10207(c)(3)(C), struck out ''Community development grant loan guarantees (86-0162-0-1-451);'' after item relating to United States Treasury check forgery insurance fund.

Pub. L. 105–33, § 10207(c)(3)(B), substituted ''United States Treasury check forgery insurance fund'' for ''Check forgery insurance fund''.

Pub. L. 105–33, § 10207(c)(3)(A), struck out items ''Agency for International Development, Housing, and other credit guarantee programs (72-4340-0-3-151);'' and ''Agricultural credit insurance fund (12-4140-0-3-351);'' after ''order issued under this subchapter:''.

Subsec. (h). Pub. L. 105–33, § 10207(f), struck out heading and text of subsec. (h) relating to optional exemption of military personnel. Text read as follows:

''(1) The President may, with respect to any military personnel account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

''(2) The President may not use the authority provided by paragraph (1) unless he notifies the Congress of the manner in which such authority will be exercised on or before the initial snapshot date for the budget year.''

Pub. L. 105–33, §10207(d)(4), inserted item relating to family support payments to States.

Pub. L. 105–33, §10207(d)(3), substituted item relating to special supplemental nutrition program for women, infants, and children (WIC) for ''Women, infants, and children program (12-3510-0-1-605).''.

Pub. L. 105–33, §10207(d)(2), inserted items relating to temporary assistance for needy families, contingency fund, and child care entitlement to States.

Pub. L. 105–33, §10207(d)(1), substituted item relating to child nutrition programs for ''Child nutrition (12-3539-0-1-605);''.

Subsec. (i). Pub. L. 105–33, §10207(e), amended heading and text of subsec. (i) generally. Prior to amendment, text read as follows: ''For purposes of subsections (g) and (h) of this section, programs are identified by the designated budget account identification code numbers set forth in the Budget of the United States Government, 1986—Appendix.''

1996—Subsec. (g)(1)(A). Pub. L. 104–208, §2704(d)(10), which directed the amendment of subpar. (A) by substituting ''Deposit Insurance Fund'' for ''Bank Insurance Fund'' and by striking ''Federal Deposit Insurance Corporation, Savings Association Insurance fund;'', was not executed and was repealed by Pub. L. 109–171. See Effective Date of 1996 Amendments note below.

Subsec. (h). Pub. L. 104–193 substituted ''Block grants to States for temporary assistance for needy families;'' for ''Aid to families with dependent children (75-0412-0-1-609);''.

1992—Subsec. (g)(1)(A). Pub. L. 102–572, §601(b), inserted item relating to payment to Judiciary Trust Funds.

Pub. L. 102–486 inserted item relating to United States Enrichment Corporation.

Subsec. (g)(1)(B). Pub. L. 102–572, §601(a), inserted items relating to Judicial Officers' Retirement Fund and Court of Federal Claims Judges' Retirement Fund.

1991—Subsec. (b). Pub. L. 102–83 substituted ''section 2307 of title 38'' for ''section 907 of title 38'' in item relating to burial benefits for veterans.

Subsec. (g)(2). Pub. L. 102–54 substituted last two items relating to Department of Veterans Affairs for items relating to Veterans Administration, Loan guaranty revolving fund, and Veterans Administration, Servicemen's group life insurance fund.

1990—Subsec. (a). Pub. L. 101–508, §13101(c)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Increases in benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act, or in benefits payable under section 231b(a), 231b(f)(3), 231c(a), or 231c(f) of title 45, shall not be considered 'automatic spending increases' for purposes of this title; and no reduction in any such increase or in any of the benefits involved shall be made under any order issued under this subchapter.''

Subsec. (e). Pub. L. 101–508, §13101(c)(2), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: ''Offsetting receipts and collections shall not be reduced under any order issued under this subchapter.''

Subsec. (g)(1)(B). Pub. L. 101–508, §13101(c)(3), inserted item relating to railroad supplemental annuity pension fund.

Subsec. (h). Pub. L. 101–508, §13101(c)(4), added subsec. (h) relating to optional exemption of military personnel.

1989—Subsec. (g)(1)(A). Pub. L. 101–220 inserted item relating to Farm Credit System Financial Assistance Corporation, interest payments, after item relating to Exchange stabilization fund.

Pub. L. 101–73, §743(a)(1), inserted item relating to Director of the Office of Thrift Supervision after item relating to Comptroller of the Currency.

Pub. L. 101–73, §743(a)(2), substituted items relating to Federal Deposit Insurance Corporation, Bank Insurance Fund; Federal Deposit Insurance Corporation, FSLIC Resolution Fund; and Federal Deposit Insurance Corporation, Savings Association Insurance Fund; for item relating to Federal Home Loan Bank Board.

Pub. L. 101–73, §743(a)(3), substituted item relating to Federal Housing Finance Board for item relating to Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation.

Pub. L. 101–73, §743(a)(4), inserted items relating to Resolution Funding Corporation and Resolution Trust Corporation after item relating to Postal service fund.

Subsec. (g)(2). Pub. L. 101–73, §743(c), struck out item relating to Federal Savings and Loan Insurance Corporation fund (82-4037-0-3-371).

1987—Subsec. (b). Pub. L. 100–119, §104(b)(1), inserted items relating to National Service Life Insurance Fund, Service-Disabled Veterans Insurance Fund, Veterans Special Life Insurance Fund, Veterans Reopened Insurance Fund, United States Government Life Insurance Fund, Veterans Insurance and Indemnity, Special Therapeutic and Rehabilitation Activities Fund, Veterans' Canteen Service Revolving Fund, benefits under chapter 21 of title 38 relating to specially adapted and mortgage-protection life insurance for certain veterans and service-connected disabilities, benefits under section 907 of title 38 relating to burial benefits for veterans who die as a result of service-connected disability, and benefits under chapter 39 of title 38 relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

Subsec. (g)(1). Pub. L. 100–119, §104(a)(2), (b)(2), (3), designated existing provisions of par. (1) as subpar. (A); inserted items relating to Administration of Territories, Northern Mariana Islands Covenant grants, Thrift Savings Fund, Bureau of Indian Affairs, miscellaneous payments to Indians, Customs Service, miscellaneous permanent appropriations, higher education facilities loans and insurance, Internal Revenue Collections for Puerto Rico, Panama Canal Commission operating expenses and Panama Canal Commission capital outlay, to medical facilities guarantee and loan fund, Federal interest subsidies for medical facilities, Compact of Free Association, economic assistance pursuant to Public Law 99–658, payments to United States territories, fiscal assistance, payments to widows and heirs of deceased Members of Congress, and Washington Metropolitan Area Transit Authority, interest payments; and added subpar. (B).

Pub. L. 100–86 inserted items relating to Comptroller of the Currency; Federal Deposit Insurance Corporation; Federal Home Loan Bank Board; Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation; National Credit Union Administration; National Credit Union Administration, central liquidity facility; and National Credit Union Administration, credit union share insurance fund.

Subsec. (g)(2). Pub. L. 100–119, §104(c)(1), struck out following items relating to Veterans Administration: national service life insurance fund, service-disabled veterans insurance fund, United States Government life insurance fund, veterans insurance and indemnities, veterans reopened insurance fund, and veterans special life insurance fund.

Subsec. (h). Pub. L. 100–119, §104(a)(1), inserted item relating to commodity supplemental food program.

1986—Subsec. (d). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

Subsec. (g)(1). Pub. L. 99–509 inserted item relating to dual benefits payments account.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–171 effective no later than the first day of the first calendar quarter that begins

after the end of the 90-day period beginning Feb. 8, 2006, see section 2102(c) of Pub. L. 109–171, set out as a Merger of BIF and SAIF note under section 1821 of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1996 AMENDMENTS

Amendment by Pub. L. 104–208 effective Jan. 1, 1999, if no insured depository institution is a savings association on that date, see section 2704(c) of Pub. L. 104–208, formerly set out as a note under section 1821 of Title 12, Banks and Banking.

Amendment by Pub. L. 104–193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104–193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 1101(a) of Pub. L. 102–572 provided that: ''Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act [see Tables for classification] shall take effect on January 1, 1993.''

EFFECTIVE DATE OF 1986 AMENDMENT

Section 7002(b) of Pub. L. 99–509 provided that: ''The amendment made by subsection (a) [amending this section] shall apply to fiscal years beginning after September 30, 1986.''

SOLDIERS' AND AIRMEN'S HOME

The Soldiers' and Airmen's Home, referred to in subsec. (g)(1)(A), was incorporated into the Armed Forces Retirement Home by section 411 of Title 24, Hospitals and Asylums.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

TERMINATION OF UNITED STATES SYNTHETIC FUELS CORPORATION

The United States Synthetic Fuels Corporation was terminated by Pub. L. 99–272, title VII, § 7403(b), Apr. 7, 1986, 100 Stat. 144, set out as a note under section 8791 of Title 42, The Public Health and Welfare.

§ 906. General and special sequestration rules

(a) Automatic spending increases

Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

(1) Special milk program; and

(2) Vocational rehabilitation basic State grants.

In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any order issued under this subchapter.

(b) Student loans

For all student loans under part B or D of title IV of the Higher Education Act of 1965 [20 U.S.C. 1071 et seq., 1087a et seq.] made during the period when a sequestration order under section 904 of this title is in effect as required by section 902 or 903 of this title, origination fees under sections 438(c)(2) and 455(c) of that Act [20 U.S.C. 1087–1(c)(2), 1087e(c)] shall each be increased by 0.50 percentage point.

(c) Treatment of foster care and adoption assistance programs

Any order issued by the President under section 904 of this title shall make the reduction which is otherwise required under the foster care and adoption assistance programs (established by part E of title IV of the Social Security Act [42 U.S.C. 670 et seq.]) only with respect to payments and expenditures made by States in which increases in foster care maintenance payment rates or adoption assistance payment rates (or both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by applying a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 474 of that Act [42 U.S.C. 674] (for such fiscal year) for that portion of the State's payments which is attributable to the increases taking effect during that year. No State's matching payments from the Federal Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic sequestration percentage. No State may, after December 12, 1985, make any change in the timetable for making payments under a State plan approved under part E of title IV of the Social Security Act which has the effect of changing the fiscal year in which expenditures under such part are made.

(d) Special rules for Medicare program

(1) Calculation of reduction in individual payment amounts

To achieve the total percentage reduction in those programs required by sections 902 and 903 of this title, and notwithstanding section 710 of the Social Security Act [42 U.S.C. 911], OMB shall determine, and the applicable Presidential order under section 904 of this title shall implement, the percentage reduction that shall apply to payments under the health insurance programs under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] for

services furnished after the order is issued, such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that fiscal year as determined on a 12-month basis.

(2) Timing of application of reductions

(A) In general

Except as provided in subparagraph (B), if a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished during the effective period of the order. For purposes of the previous sentence, in the case of inpatient services furnished for an individual, the services shall be considered to be furnished on the date of the individual's discharge from the inpatient facility.

(B) Payment on the basis of cost reporting periods

In the case in which payment for services of a provider of services is made under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] on a basis relating to the reasonable cost incurred for the services during a cost reporting period of the provider, if a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for costs for such services incurred at any time during each cost reporting period of the provider any part of which occurs during the effective period of the order, but only (for each such cost reporting period) in the same proportion as the fraction of the cost reporting period that occurs during the effective period of the order.

(3) No increase in beneficiary charges in assignment-related cases

If a reduction in payment amounts is made under paragraph (1) for services for which payment under part B of title XVIII of the Social Security Act [42 U.S.C. 1395j et seq.] is made on the basis of an assignment described in section 1842(b)(3)(B)(ii) [42 U.S.C. 1395u(b)(3)(B)(ii)], in accordance with section 1842(b)(6)(B) [42 U.S.C. 1395u(b)(6)(B)], or under the procedure described in section 1870(f)(1) [42 U.S.C. 1395gg(f)(1)], of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

(4) No effect on computation of AAPCC

In computing the adjusted average per capita cost for purposes of section 1876(a)(4) of the Social Security Act [42 U.S.C. 1395mm(a)(4)], the Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this subchapter.

(e) Community and migrant health centers, Indian health services and facilities, and veterans' medical care

(1) The maximum permissible reduction in budget authority for any account listed in paragraph (2) for any fiscal year, pursuant to an order issued under section 904 of this title, shall be 2 percent.

(2) The accounts referred to in paragraph (1) are as follows:

(A) Community health centers (75-0350-0-1-550).

(B) Migrant health centers (75-0350-0-1-550).

(C) Indian health facilities (75-0391-0-1-551).

(D) Indian health services (75-0390-0-1-551).

(E) Veterans' medical care (36-0160-0-1-703).

For purposes of the preceding provisions of this paragraph, programs are identified by the designated budget account identification code numbers set forth in the Budget of the United States Government—Appendix.

(f) Treatment of child support enforcement program

Notwithstanding any change in the display of budget accounts, any order issued by the President under section 904 of this title shall accomplish the full amount of any required reduction in expenditures under sections 455 and 458 of the Social Security Act [42 U.S.C. 655, 658a] by reducing the Federal matching rate for State administrative costs under such program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

(g) Federal pay

(1) In general

For purposes of any order issued under section 904 of this title—

(A) Federal pay under a statutory pay system, and

(B) elements of military pay,

shall be subject to reduction under an order in the same manner as other administrative expense components of the Federal budget; except that no such order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any such statutory pay system (as increased by any amount payable under section 5304 of title 5 or section 302 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, section 1009 of title 37, or any other provision of law.

(2) Definitions

For purposes of this subsection:

(A) The term ''statutory pay system'' shall have the meaning given that term in section 5302(1) of title 5.

(B) The term ''elements of military pay'' means—

(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37,

(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and

(iii) cadet pay and midshipman pay under section 203(c) of such title.

(C) The term ''uniformed services'' shall have the meaning given that term in section 101(3) of title 37.

(h) Treatment of Federal administrative expenses

(1) Notwithstanding any other provision of this title,[1] administrative expenses incurred by the departments and agencies, including independent agencies, of the Federal Government in connection with any program, project, activity, or account shall be subject to reduction pursuant to an order issued under section 904 of this title, without regard to any exemption, exception, limitation, or special rule which is otherwise applicable with respect to such program, project, activity, or account under this subchapter.

(2) Notwithstanding any other provision of law, administrative expenses of any program, project, activity, or account which is self-supporting and does not receive appropriations shall be subject to reduction under a sequester order, unless specifically exempted in this subchapter.

(3) Payments made by the Federal Government to reimburse or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account shall not be considered administrative expenses of the Federal Government for purposes of this section, and shall be subject to reduction or sequestration under this subchapter to the extent (and only to the extent) that other payments made by the Federal Government under or in connection with that program, project, activity, or account are subject to such reduction or sequestration; except that Federal payments made to a State as reimbursement of administrative costs incurred by such State under or in connection with the unemployment compensation programs specified in subsection (h)(1)[1] of this section shall be subject to reduction or sequestration under this subchapter notwithstanding the exemption otherwise granted to such programs under that subsection.

(4) Notwithstanding any other provision of law, this subsection shall not apply with respect to the following:

(A) Comptroller of the Currency.

(B) Federal Deposit Insurance Corporation.

(C) Office of Thrift Supervision.

(D) National Credit Union Administration.

(E) National Credit Union Administration, central liquidity facility.

(F) Federal Retirement Thrift Investment Board.

(G) Resolution Trust Corporation.

(H) Farm Credit Administration.

(i) Treatment of payments and advances made with respect to unemployment compensation programs

(1) For purposes of section 904 of this title—

(A) any amount paid as regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act [42 U.S.C. 1104(a)]),

(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act [42 U.S.C. 1104(g)]) under title XII of such Act [42 U.S.C. 1321 et seq.] and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act [42 U.S.C. 1323], and

(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act [42 U.S.C. 1109]) for the purpose of carrying out chapter 85 of title 5 and funds appropriated or transferred to or otherwise deposited in such Account,

shall not be subject to reduction.

(2)(A) A State may reduce each weekly benefit payment made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemployment occurring during any period with respect to which payments are reduced under an order issued under section 904 of this title by a percentage not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

(B) A reduction by a State in accordance with subparagraph (A) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of title 26.

(j) Commodity Credit Corporation

(1) Powers and authorities of the Commodity Credit Corporation

This title[2] shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation, the purpose for which it was created.

(2) Reduction in payments made under contracts

(A) Loan eligibility under any contract entered into with a person by the Commodity Credit Corporation prior to the time an order has been issued under section 904 of this title shall not be reduced by an order subsequently issued. Subject to subparagraph (B), after an order is issued under such section for a fiscal year, any cash payments for loans or loan deficiencies made by the Commodity Credit Corporation shall be subject to reduction under the order.

(B) Each loan contract entered into with producers or producer cooperatives with respect to a particular crop of a commodity and subject to reduction under subparagraph (A) shall be reduced in accordance with the same terms and conditions. If some, but not all, contracts applicable to a crop of a commodity have been entered into prior to the issuance of an order under section 904 of this title, the order shall provide that the necessary reduction in payments under contracts applicable to the commodity be uniformly applied to all contracts for the next succeeding crop of the commodity, under the authority provided in paragraph (3).

(3) Delayed reduction in outlays permissible

Notwithstanding any other provision of this title,[2] if an order under section 904 of this title

[1] See References in Text note below.

[2] See References in Text note below.

is issued with respect to a fiscal year, any reduction under the order applicable to contracts described in paragraph (1) may provide for reductions in outlays for the account involved to occur in the fiscal year following the fiscal year to which the order applies.

(4) Uniform percentage rate of reduction and other limitations

All reductions described in paragraph (2) which are required to be made in connection with an order issued under section 904 of this title with respect to a fiscal year shall be made so as to ensure that outlays for each program, project, activity, or account involved are reduced by a percentage rate that is uniform for all such programs, projects, activities, and accounts, and may not be made so as to achieve a percentage rate of reduction in any such item exceeding the rate specified in the order.

(5) Dairy program

Notwithstanding any other provision of this subsection, as the sole means of achieving any reduction in outlays under the milk price support program, the Secretary of Agriculture shall provide for a reduction to be made in the price received by producers for all milk produced in the United States and marketed by producers for commercial use. That price reduction (measured in cents per hundred weight of milk marketed) shall occur under section 1446(d)(2)(A) of title 7, shall begin on the day any sequestration order is issued under section 904 of this title, and shall not exceed the aggregate amount of the reduction in outlays under the milk price support program that otherwise would have been achieved by reducing payments for the purchase of milk or the products of milk under this subsection during the applicable fiscal year.

(6) Certain authority not to be limited

Nothing in this joint resolution shall limit or reduce, in any way, any appropriation that provides the Commodity Credit Corporation with budget authority to cover the Corporation's net realized losses.

(k) Effects of sequestration

The effects of sequestration shall be as follows:

(1) Budgetary resources sequestered from any account shall be permanently cancelled, except as provided in paragraph (5).

(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with the remaining amount of the appropriation being obligated in a manner consistent with program allocation formulas in substantive law.

(4) Except as otherwise provided, obligations in sequestered accounts shall be reduced only in the fiscal year in which a sequester occurs.

(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

(6) Budgetary resources sequestered in revolving, trust, and special fund accounts and offsetting collections sequestered in appropriation accounts shall not be available for obligation during the fiscal year in which the sequestration occurs, but shall be available in subsequent years to the extent otherwise provided in law.

(Pub. L. 99–177, title II, §256, Dec. 12, 1985, 99 Stat. 1086; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–86, title V, §506(b), Aug. 10, 1987, 101 Stat. 634; Pub. L. 100–119, title I, §§102(b)(2), (3), (11), 104(a)(3), (4), Sept. 29, 1987, 101 Stat. 773, 775, 776; Pub. L. 101–73, title VII, §743(b), Aug. 9, 1989, 103 Stat. 437; Pub. L. 101–508, title XIII, §13101(d), Nov. 5, 1990, 104 Stat. 1388–589; Pub. L. 101–509, title V, §529 [title I, §101(b)(2)(A), (4)(H)], Nov. 5, 1990, 104 Stat. 1427, 1439, 1440; Pub. L. 104–193, title I, §110(r)(2), Aug. 22, 1996, 110 Stat. 2175; Pub. L. 105–33, title X, §10208(a)(1), (b)–(g), Aug. 5, 1997, 111 Stat. 708–710.)

TERMINATION OF SECTION

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (b), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended. Parts B and D of title IV of the Act are classified generally to parts B (§1071 et seq.) and C (§1087a et seq.) of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Social Security Act, referred to in subsecs. (c), (d)(1), (2)(B), (3), and (i)(1)(B), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part E of title IV of the Social Security Act is classified generally to part E (§670 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. Titles XII and XVIII of the Social Security Act are classified generally to subchapters XII (§1321 et seq.) and XVIII (§1395 et seq.), respectively, of chapter 7 of Title 42. Part B of title XVIII of the Social Security Act is classified generally to part B (§1395j et seq.) of subchapter XVIII of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 302 of the Federal Employees Pay Comparability Act of 1990, referred to in subsec. (g)(1), is section 529 [title III, §302] of Pub. L. 101–509, which is set out as a note under section 5304 of Title 5, Government Organization and Employees.

This title, referred to in subsecs. (h)(1) and (j)(1), (3), means title II (§200 et seq.) of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, known as the Balanced Budget and Emergency Deficit Control Act of 1985. For complete

classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

This joint resolution, referred to in subsec. (j)(6), means Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1037, as amended, which enacted this chapter and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106, 1109, and 3101 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. For complete classification of this Act to the Code, see Tables.

Subsec. (h)(1) of this section, referred to in subsec. (h)(3), was redesignated subsec. (i)(1) of this section by Pub. L. 101–508, title XIII, §13101(d)(2), Nov. 5, 1990, 104 Stat. 1388–589.

The Federal-State Extended Unemployment Compensation Act of 1970, referred to in subsec. (i)(2)(A), is title II of Pub. L. 91–373, Aug. 10, 1970, 84 Stat. 708, as amended, which is classified generally as a note under section 3304 of Title 26, Internal Revenue Code. Section 204 of such Act is set out in the note under section 3304 of Title 26. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1997—Pub. L. 105–33, §10208(a)(1), substituted ''General and special sequestration rules'' for ''Exceptions, limitations, and special rules'' as section catchline.

Subsec. (a). Pub. L. 105–33, §10208(b), redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which read as follows: ''National Wool Act;''.

Subsec. (b). Pub. L. 105–33, §10208[(c)], amended subsec. (b) generally, substituting new heading and text for former text consisting of pars. (1) to (3) relating to reductions required to be achieved from student loan programs operated under part B of title IV of the Higher Education Act of 1965 as a consequence of a sequestration order. Amendment was executed to reflect the probable intent of Congress based on language directing the general amendment of subsec. (b), appearing in the conference report for H.R. 2015, H. Rept. No. 105–217, 105th Congress, as adopted by the House of Representatives and Senate.

Subsec. (e)(1). Pub. L. 105–33, §10208(d), substituted ''shall be 2 percent.'' for ''shall be—'' and struck out subpars. (A) and (B) which read as follows:

''(A) 1 percent in the case of the fiscal year 1986, and

''(B) 2 percent in the case of any subsequent fiscal year.''

Subsec. (h)(2). Pub. L. 105–33, §10208(e)(1), substituted ''this subchapter'' for ''this joint resolution''.

Subsec. (h)(4)(D). Pub. L. 105–33, §10208(e)(2), redesignated subpar. (E) as (D) and struck out former subpar. (D) which read as follows: ''Office of Thrift Supervision.''

Subsec. (h)(4)(E) to (G). Pub. L. 105–33, §10208(e)(2), redesignated subpars. (F), (G), and (I) as (E), (F), and (G), respectively. Former subpar. (E) redesignated (D).

Subsec. (h)(4)(H). Pub. L. 105–33, §10208(e)(2), added subpar. (H) and struck out former subpar. (H) which read as follows: ''Resolution Funding Corporation.''

Subsec. (h)(4)(I). Pub. L. 105–33, §10208(e)(2), redesignated subpar. (I) as (G).

Subsec. (j)(2) to (5). Pub. L. 105–33, §10208(f), added pars. (2) to (5) and struck out former pars. (2) to (5) which related to reduction in payments made under contracts, delayed reduction in outlays permissible, uniform percentage rate of reduction and other limitations, and no double reduction for agricultural price support and income protection programs.

Subsec. (k)(1). Pub. L. 105–33, §10208(g)(1), struck out ''other than a trust or special fund account'' after ''from any account'' and inserted '', except as provided in paragraph (5)'' before period.

Subsec. (k)(6). Pub. L. 105–33, §10208(g)(2), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''Except as otherwise provided, sequestration in trust and special fund accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration are reduced, from the level that would actually have occurred, by the applicable sequestration percentage.''

1996—Subsecs. (k), (*l*). Pub. L. 104–193 redesignated subsec. (*l*) as (k) and struck out former subsec. (k) which related to special rules for JOBS portion of AFDC, providing that any order under section 904 accomplish full amount of any required sequestration of job opportunities and basic skills training program, and setting forth new allotment formula.

1990—Subsec. (a). Pub. L. 101–508, §13101(d)(1), amended subsec. (a) generally, substituting provisions relating to automatic spending increases for provisions relating to effect of reductions and sequestrations.

Subsec. (b). Pub. L. 101–508, §13101(d)(3), substituted ''section 904 of this title'' for ''section 902 of this title'' in pars. (1) to (3).

Pub. L. 101–508, §13101(d)(2), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (h).

Subsec. (c). Pub. L. 101–508, §13101(d)(4), inserted after first sentence ''No State's matching payments from the Federal Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic sequestration percentage.''

Pub. L. 101–508, §13101(d)(3), substituted ''section 904 of this title'' for ''section 902 of this title''.

Pub. L. 101–508, §13101(d)(2), redesignated subsec. (f) as (c). Former subsec. (c) redesignated (b).

Subsec. (d)(1). Pub. L. 101–508, §13101(d)(5), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''The maximum permissible reduction for the health insurance programs under title XVIII of the Social Security Act for any fiscal year, pursuant to an order issued under section 902 of this title, consists only of a reduction of—

''(A) 1 percent in the case of fiscal year 1986, and

''(B) 2 percent (or such higher percentage as may apply as determined in accordance with section 902(a)(4)(B)(ii) of this title) in the case of any subsequent fiscal year,

in each separate payment amount otherwise made for a covered service under those programs without regard to this subchapter.''

Subsec. (d)(2)(C). Pub. L. 101–508, §13101(d)(6), struck out subpar. (C) which read as follows: ''For purposes of this paragraph, the effective period of a sequestration order for fiscal year 1986 is the period beginning on March 1, 1986, and ending on September 30, 1986.''

Subsec. (e). Pub. L. 101–508, §13101(d)(2), redesignated subsec. (k) as (e). Former subsec. (e) redesignated (f).

Subsec. (e)(1). Pub. L. 101–508, §13101(d)(3), substituted ''section 904 of this title'' for ''section 902 of this title''.

Subsec. (f). Pub. L. 101–508, §13101(d)(3), substituted ''section 904 of this title'' for ''section 902 of this title''.

Pub. L. 101–508, §13101(d)(2), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (c).

Subsec. (g)(1). Pub. L. 101–509, §529 [title I, §101(b)(4)(H)], in closing provisions, inserted ''(as increased by any amount payable under section 5304 of title 5 or section 302 of the Federal Employees Pay Comparability Act of 1990)'' after ''pay system'' and substituted ''5303'' for ''5305''.

Pub. L. 101–508, §13101(d)(3), substituted ''section 904 of this title'' for ''section 902 of this title''.

Subsec. (g)(2)(A). Pub. L. 101–509, §529 [title I, §101(b)(2)(A)], substituted ''5302(1)'' for ''5301(c)''.

Subsec. (h). Pub. L. 101–508, §13101(d)(2), redesignated subsec. (b) as (h). Former subsec. (h) redesignated (i).

Subsec. (h)(1). Pub. L. 101–508, §13101(d)(3), substituted ''section 904 of this title'' for ''section 902 of this title''.

Subsec. (i). Pub. L. 101–508, §13101(d)(2), redesignated subsec. (h) as (i) and struck out former subsec. (i) which related to treatment of mine worker disability compensation increases as automatic spending increases.

Subsec. (i)(1), (2)(A). Pub. L. 101–508, §13101(d)(3), substituted ''section 904 of this title'' for ''section 902 of this title''.

Subsec. (j). Pub. L. 101–508, §13101(d)(3), substituted ''section 904 of this title'' for ''section 902 of this title'' wherever appearing in pars. (2) to (5).

Subsec. (k). Pub. L. 101–508, §13101(d)(2), added subsec. (k). Former subsec. (k) redesignated (e).

Subsec. (*l*). Pub. L. 101–508, §13101(d)(2), added subsec. (*l*) and struck out former subsec. (*l*) which related to treatment of obligated balances.

1989—Subsec. (b)(4)(C). Pub. L. 101–73, §743(b)(1), substituted ''Office of Thrift Supervision'' for ''Federal Home Loan Bank Board''.

Subsec. (b)(4)(D). Pub. L. 101–73, §743(b)(2), substituted ''Office of Thrift Supervision'' for ''Federal Savings and Loan Insurance Corporation''.

Subsec. (b)(4)(H), (I). Pub. L. 101–73, §743(b)(3), added subpars. (H) and (I).

1987—Subsec. (a)(2). Pub. L. 100–119, §102(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''Any amount of new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority (as defined in section 651(c)(2) of this title), or obligation limitations which is sequestered or reduced pursuant to an order issued under section 902 of this title is permanently cancelled, with the exception of amounts sequestered in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law, including the provisions of this Act.''

Subsec. (b)(4). Pub. L. 100–86 added par. (4).

Subsec. (b)(4)(G). Pub. L. 100–119, §104(a)(3), added subpar. (G).

Subsec. (d)(1)(B). Pub. L. 100–119, §102(b)(11), inserted ''(or such higher percentage as may apply as determined in accordance with section 902(a)(4)(B)(ii) of this title)''.

Subsec. (e). Pub. L. 100–119, §104(a)(4), substituted ''Notwithstanding any change in the display of budget accounts, any order'' for ''Any order''.

Subsec. (*l*). Pub. L. 100–119, §102(b)(3), amended subsec. (*l*) generally, striking out provisions which had created an ''existing contract'' exception to the rule of obligated balances not being subject to reduction under an order issued under section 902 of this title, under which existing contracts in major functional category 050 (other than (A) those contracts which included a specified penalty for cancellation or modification by the Government and which if so cancelled or modified would have resulted (due to such penalty) in a net loss to the Government for the fiscal year, and (B) those contracts the reduction of which would have violated the legal obligations of the Government) were subject to reduction, in accordance with section 901(d)(3) of this title, under an order issued under section 902 of this title.

1986—Subsec. (h)(2)(B). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104–193, set out as a note under section 601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101–509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

§907. The baseline

(a) In general

For any budget year, the baseline refers to a projection of current-year levels of new budget authority, outlays, revenues, and the surplus or deficit into the budget year and the outyears based on laws enacted through the applicable date.

(b) Direct spending and receipts

For the budget year and each outyear, the baseline shall be calculated using the following assumptions:

(1) In general

Laws providing or creating direct spending and receipts are assumed to operate in the manner specified in those laws for each such year and funding for entitlement authority is assumed to be adequate to make all payments required by those laws.

(2) Exceptions

(A)(i) No program established by a law enacted on or before August 5, 1997, with estimated current year outlays greater than $50,000,000 shall be assumed to expire in the budget year or the outyears. The scoring of new programs with estimated outlays greater than $50,000,000 a year shall be based on scoring by the Committees on Budget or OMB, as applicable. OMB, CBO, and the Budget Committees shall consult on the scoring of such programs where there are differenes[1] between CBO and OMB.

(ii) On the expiration of the suspension of a provision of law that is suspended under section 7301 of title 7 and that authorizes a program with estimated fiscal year outlays that are greater than $50,000,000, for purposes of clause (i), the program shall be assumed to continue to operate in the same manner as the program operated immediately before the expiration of the suspension.

(B) The increase for veterans' compensation for a fiscal year is assumed to be the same as that required by law for veterans' pensions unless otherwise provided by law enacted in that session.

(C) Excise taxes dedicated to a trust fund, if expiring, are assumed to be extended at current rates.

(D) If any law expires before the budget year or any outyear, then any program with estimated current year outlays greater than $50,000,000 that operates under that law shall be assumed to continue to operate under that law as in effect immediately before its expiration.

(3) Hospital Insurance Trust Fund

Notwithstanding any other provision of law, the receipts and disbursements of the Hospital Insurance Trust Fund shall be included in all calculations required by this Act.

(c) Discretionary appropriations

For the budget year and each outyear, the baseline shall be calculated using the following

[1] So in original. Probably should be ''differences''.

assumptions regarding all amounts other than those covered by subsection (b) of this section:

(1) Inflation of current-year appropriations

Budgetary resources other than unobligated balances shall be at the level provided for the budget year in full-year appropriation Acts. If for any account a full-year appropriation has not yet been enacted, budgetary resources other than unobligated balances shall be at the level available in the current year, adjusted sequentially and cumulatively for expiring housing contracts as specified in paragraph (2), for social insurance administrative expenses as specified in paragraph (3), to offset pay absorption and for pay annualization as specified in paragraph (4), for inflation as specified in paragraph (5), and to account for changes required by law in the level of agency payments for personnel benefits other than pay.

(2) Expiring housing contracts

New budget authority to renew expiring multiyear subsidized housing contracts shall be adjusted to reflect the difference in the number of such contracts that are scheduled to expire in that fiscal year and the number expiring in the current year, with the per-contract renewal cost equal to the average current-year cost of renewal contracts.

(3) Social insurance administrative expenses

Budgetary resources for the administrative expenses of the following trust funds shall be adjusted by the percentage change in the beneficiary population from the current year to that fiscal year: the Federal Hospital Insurance Trust Fund, the Supplementary Medical Insurance Trust Fund, the Unemployment Trust Fund, and the railroad retirement account.

(4) Pay annualization; offset to pay absorption

Current-year new budget authority for Federal employees shall be adjusted to reflect the full 12-month costs (without absorption) of any pay adjustment that occurred in that fiscal year.

(5) Inflators

The inflator used in paragraph (1) to adjust budgetary resources relating to personnel shall be the percent by which the average of the Bureau of Labor Statistics Employment Cost Index (wages and salaries, private industry workers) for that fiscal year differs from such index for the current year. The inflator used in paragraph (1) to adjust all other budgetary resources shall be the percent by which the average of the estimated gross domestic product chain-type price index for that fiscal year differs from the average of such estimated index for the current year.

(6) Current-year appropriations

If, for any account, a continuing appropriation is in effect for less than the entire current year, then the current-year amount shall be assumed to equal the amount that would be available if that continuing appropriation covered the entire fiscal year. If law permits the transfer of budget authority among budget accounts in the current year, the current-year level for an account shall reflect transfers accomplished by the submission of, or assumed for the current year in, the President's original budget for the budget year.

(d) Up-to-date concepts

In deriving the baseline for any budget year or outyear, current-year amounts shall be calculated using the concepts and definitions that are required for that budget year.

(e) Asset sales

Amounts realized from the sale of an asset shall not be included in estimates under section 901, 902, or 903 of this title if that sale would result in a financial cost to the Federal Government as determined pursuant to scorekeeping guidelines.

(Pub. L. 99–177, title II, § 257, formerly §§ 251(a)(6)(I), 257, Dec. 12, 1985, 99 Stat. 1092; Pub. L. 100–119, title I, §§ 102(a), (b)(4)–(8), 104(c)(2), 106(b), Sept. 29, 1987, 101 Stat. 754, 773, 774, 777, 780; renumbered § 257 and amended Pub. L. 101–508, title XIII, § 13101(b), (e)(1), (2), Nov. 5, 1990, 104 Stat. 1388–589, 1388–591, 1388–593; Pub. L. 105–33, title X, § 10209(a), Aug. 5, 1997, 111 Stat. 710.)

TERMINATION OF SECTION

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(3), means Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1037, as amended, which enacted this chapter and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106, 1109, and 3101 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Pub. L. 101–508, § 13101(b), redesignated former par. (12) of this section as section 250(c)(21) (now 250(c)(19)) of Pub. L. 99–177, which is classified to section 900(c)(19) of this title.

Pub. L. 101–508, § 13101(e)(2), transferred section 251(a)(6)(I) of Pub. L. 99–177, which was classified to section 901(a)(6)(I) of this title, to subsec. (e) of this section.

AMENDMENTS

1997—Subsec. (b)(2)(A). Pub. L. 105–33, § 10209(a)(1), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "No program with estimated current-year outlays greater than $50 million shall be assumed to expire in the budget year or outyears."

Subsec. (b)(2)(D). Pub. L. 105–33, § 10209(a)(2), added subpar. (D).

Subsec. (c)(5). Pub. L. 105–33, § 10209(a)(3), substituted "domestic product chain-type price index" for "national product fixed-weight price index".

Subsec. (e). Pub. L. 105–33, § 10209(a)(4), added subsec. (e) and struck out former subsec. (e) which read as follows: "The sale of an asset or prepayment of a loan shall not alter the deficit or produce any net deficit re-

duction in the budget baseline, except that the budget baseline estimate shall include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986;''.

1990—Pub. L. 101–508, §13101(e)(1), amended section generally, substituting provisions relating to baseline for provisions relating to definitions.

Subsec. (e). Pub. L. 101–508, §13101(e)(2), redesignated section 901(a)(6)(I) of this title as subsec. (e) of this section, and substituted ''The'' for ''assuming, for purposes of this paragraph and subparagraph (A)(i) of paragraph (3), that the''.

1987—Pub. L. 100–119, §102(a), amended section 901 of this title generally, adding subsec. (a)(6)(I). See 1990 Amendment note above.

Par. (1). Pub. L. 100–119, §104(c)(2), struck out provisions of former subpar. (A) that ''automatic spending increase'' meant increases in budget outlays due to changes in indexes in the following Federal programs:

''Black lung benefits (20-8144-0-7-601);

''Central Intelligence Agency retirement and disability system fund (56-3400-0-1-054);

''Civil service retirement and disability fund (24-8135-0-7-602);

''Comptrollers general retirement system (05-0107-0-1-801);

''Foreign service retirement and disability fund (19-8186-0-7-602);

''Judicial survivors' annuities fund (10-8110-0-7-602);

''Longshoremen's and harborworkers' compensation benefits (16-9971-0-7-601);

''Military retirement fund (97-8097-0-7-602);

''National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306);

''Pensions for former Presidents (47-0105-0-1-802);

''Railroad retirement tier II (60-8011-0-7-601);

''Retired pay, Coast Guard (69-0241-0-1-403);

''Retirement pay and medical benefits for commissioned officers, Public Health Service (75-0379-0-1-551);

''Special benefits, Federal Employees' Compensation Act (16-1521-0-1-600);

''Special benefits for disabled coal miners (75-0409-0-1-601); and

''Tax Court judges survivors annuity fund (23-8115-0-7-602).''

Par. (7). Pub. L. 100–119, §102(b)(4), amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''The terms 'sequester' and 'sequestration' (subject to section 902(a)(4) of this title) refer to or mean the cancellation of new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, and spending authority as defined in section 651(c)(2) of this title, and the reduction of obligation limitations.''

Par. (9). Pub. L. 100–119, §102(b)(5), added par. (9).

Par. (10). Pub. L. 100–119, §106(b), added par. (10).

Par. (11). Pub. L. 100–119, §102(b)(6), added par. (11).

Par. (12). Pub. L. 100–119, §102(b)(7), added par. (12).

Pars. (13), (14). Pub. L. 100–119, §102(b)(8), added pars. (13) and (14).

DEFINITION OF TERMS USED IN BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

Pub. L. 101–163, title III, §315, Nov. 21, 1989, 103 Stat. 1066, provided that: ''Effective in the case of this Act and any subsequent Act making appropriations for the Legislative Branch, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended [see Short Title note set out under section 900 of this title], or any other Act which requires a uniform percentage reduction in accounts in this Act and any subsequent Act making appropriations for the Legislative Branch, the accounts under the general heading 'Senate', and the accounts under the general heading 'House of Representatives', shall each be considered to be one appropriation account and one 'program, project, and activity'.''

Pub. L. 100–202, §101(i) [title III, §306], Dec. 22, 1987, 101 Stat. 1329–290, 1329–309, provided that: ''Hereafter, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended [see Short Title note set out under section 900 of this title], the term 'program, project, and activity' shall be synonymous with each appropriation account in this Act [see Tables for classification], except that the accounts under the general heading 'House of Representatives' shall be considered one appropriation account and one 'program, project, and activity', and the accounts under the general heading 'Senate' shall be considered one appropriation account and one 'program, project, and activity'.''

COST-OF-LIVING ADJUSTMENTS IN CERTAIN FEDERAL BENEFITS

Pub. L. 99–509, title VII, §7001, Oct. 21, 1986, 100 Stat. 1948, provided that:

''(a) IN GENERAL.—Benefits which are payable in calendar year 1987, 1988, 1989, 1990, or 1991, under programs listed in section 257(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), [2 U.S.C. 907(1)(A)], including any cost-of-living adjustment in such benefits, shall not be subject to modification, suspension, or reduction in such calendar year pursuant to a Presidential order issued under such Act [see Short Title note set out under 2 U.S.C. 900].

''(b) DEFINITION.—For purposes of this section, the term 'cost-of-living adjustment' means any increase or change in the amount of a benefit or in standards relating to such benefit under any provision of Federal law which requires such increase or change as a result of any change in the Consumer Price Index (or any component thereof) or any other index which measures costs, prices, or wages.''

§ 907a. Suspension in event of war or low growth

(a) Procedures in event of low-growth report

(1) Trigger

Whenever CBO issues a low-growth report under section 254(j),[1] the Majority Leader of the House of Representatives may, and the Majority Leader of the Senate shall, introduce a joint resolution (in the form set forth in paragraph (2)) declaring that the conditions specified in section 254(j)[1] are met and suspending the relevant provisions of this title,[1] titles III and VI[1] of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq.], and section 1103 of title 31.

(2) Form of joint resolution

(A) The matter after the resolving clause in any joint resolution introduced pursuant to paragraph (1) shall be as follows: ''That the Congress declares that the conditions specified in section 254(j)[1] of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.''

(B) The title of the joint resolution shall be ''Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.''; and the joint resolution shall not contain any preamble.

[1] See References in Text note below.

(3) Committee action

Each joint resolution introduced pursuant to paragraph (1) shall be referred to the appropriate committees of the House of Representatives or the Committee on the Budget of the Senate, as the case may be; and such Committee shall report the joint resolution to its House without amendment on or before the fifth day on which such House is in session after the date on which the joint resolution is introduced. If the Committee fails to report the joint resolution within the five-day period referred to in the preceding sentence, it shall be automatically discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar.

(4) Consideration of joint resolution

(A) A vote on final passage of a joint resolution reported to the Senate or discharged pursuant to paragraph (3) shall be taken on or before the close of the fifth calendar day of session after the date on which the joint resolution is reported or after the Committee has been discharged from further consideration of the joint resolution. If prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then—

(i) the procedure in that House shall be the same as if no such joint resolution had been received from the other House, but

(ii) the vote on final passage shall be on the joint resolution of the other House.

When the joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a House joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a Senate joint resolution agreed to in the Senate) shall cause the joint resolution to be engrossed, certified, and transmitted to the other House of the Congress as soon as practicable.

(B)(i) In the Senate, a joint resolution under this paragraph shall be privileged. It shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) Debate in the Senate on a joint resolution under this paragraph, and all debatable motions and appeals in connection therewith, shall be limited to not more than five hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(iii) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this paragraph shall be limited to not more than one hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.

(iv) A motion in the Senate to further limit debate on a joint resolution under this paragraph is not debatable. A motion to table or to recommit a joint resolution under this paragraph is not in order.

(C) No amendment to a joint resolution considered under this paragraph shall be in order in the Senate.

(b) Suspension of sequestration procedures

Upon the enactment of a declaration of war or a joint resolution described in subsection (a) of this section—

(1) the subsequent issuance of any sequestration report or any sequestration order is precluded;

(2) sections 302(f), 310(d), 311(a), and title VI[1] of the Congressional Budget Act of 1974 [2 U.S.C. 633(f), 641(d), 642(a)] are suspended; and

(3) section 1103 of title 31 is suspended.

(c) Restoration of sequestration procedures

(1) In the event of a suspension of sequestration procedures due to a declaration of war, then, effective with the first fiscal year that begins in the session after the state of war is concluded by Senate ratification of the necessary treaties, the provisions of subsection (b) of this section triggered by that declaration of war are no longer effective.

(2) In the event of a suspension of sequestration procedures due to the enactment of a joint resolution described in subsection (a) of this section, then, effective with regard to the first fiscal year beginning at least 12 months after the enactment of that resolution, the provisions of subsection (b) of this section triggered by that resolution are no longer effective.

(Pub. L. 99–177, title II, § 258, as added Pub. L. 101–508, title XIII, § 13101(f), Nov. 5, 1990, 104 Stat. 1388–593.)

TERMINATION OF SECTION

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

REFERENCES IN TEXT

Section 254 and section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(1), (2)(A), mean section 254 of Pub. L. 99–177, which is classified to section 904 of this title, and was amended by Pub. L. 105–33, title X, § 10206(1), Aug. 5, 1997, 111 Stat. 704, by redesignating subsecs. (j) and (k) as (i) and (j), respectively.

This title, referred to in subsec. (a)(1), means title II (§ 200 et seq.) of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended, known as the Balanced Budget and Emergency Deficit Control Act of 1985. For complete classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

The Congressional Budget Act of 1974, referred to in subsecs. (a)(1) and (b)(2), is titles I to IX of Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. Title III of the Act is classified generally to subchapter I (§ 631 et seq.) of chapter 17A of this title. Title VI of the Act was classified generally to subchapter IV (§ 665 et seq.) of chapter 17A of this title prior to repeal by Pub. L. 105–33, title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (a)(2)(A), is Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

Part C of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(2)(A), is

classified generally to this subchapter. Section 258 of the Act is classified to this section.

PRIOR PROVISIONS

A prior section 258 of Pub. L. 99–177 was classified to section 908 of this title prior to repeal by Pub. L. 105–33, title X, § 10210, Aug. 5, 1997, 111 Stat. 711.

§ 907b. Modification of Presidential order

(a) Introduction of joint resolution

At any time after the Director of OMB issues a final sequestration report under section 904 of this title for a fiscal year, but before the close of the twentieth calendar day of the session of Congress beginning after the date of issuance of such report, the majority leader of either House of Congress may introduce a joint resolution which contains provisions directing the President to modify the most recent order issued under section 904 of this title or provide an alternative to reduce the deficit for such fiscal year. After the introduction of the first such joint resolution in either House of Congress in any calendar year, then no other joint resolution introduced in such House in such calendar year shall be subject to the procedures set forth in this section.

(b) Procedures for consideration of joint resolutions

(1) Referral to committee

A joint resolution introduced in the Senate under subsection (a) of this section shall not be referred to a committee of the Senate and shall be placed on the calendar pending disposition of such joint resolution in accordance with this subsection.

(2) Consideration in Senate

On or after the third calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution is introduced under subsection (a) of this section, notwithstanding any rule or precedent of the Senate, including Rule XXII of the Standing Rules of the Senate, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the joint resolution. The motion is not in order after the eighth calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution (to which the motion applies) is introduced. The joint resolution is privileged in the Senate. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the Senate shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the Senate until disposed of.

(3) Debate in Senate

(A) In the Senate, debate on a joint resolution introduced under subsection (a) of this section, amendments thereto, and all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader (or their designees).

(B) A motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order, and a motion to recommit the joint resolution is not in order.

(C)(i) No amendment that is not germane to the provisions of the joint resolution or to the order issued under section 904 of this title shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 30 minutes to be equally divided between, and controlled by, the mover and the majority leader (or their designees), except that in the event that the majority leader favors the amendment, motion, or appeal, the minority leader (or the minority leader's designee) shall control the time in opposition to the amendment, motion, or appeal.

(ii) In the Senate, an amendment that is otherwise in order shall be in order notwithstanding the fact that it amends the joint resolution in more than one place or amends language previously amended. It shall not be in order in the Senate to vote on the question of agreeing to such a joint resolution or any amendment thereto unless the figures then contained in such joint resolution or amendment are mathematically consistent.

(4) Vote on final passage

Immediately following the conclusion of the debate on a joint resolution introduced under subsection (a) of this section, a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, and the disposition of any pending amendments under paragraph (3), the vote on final passage of the joint resolution shall occur.

(5) Appeals

Appeals from the decisions of the Chair shall be decided without debate.

(6) Conference reports

In the Senate, points of order under titles III, IV, and VI[1] of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq.] are applicable to a conference report on the joint resolution or any amendments in disagreement thereto.

(7) Resolution from other House

If, before the passage by the Senate of a joint resolution of the Senate introduced under subsection (a) of this section, the Senate receives from the House of Representatives a joint resolution introduced under subsection (a) of this section, then the following procedures shall apply:

(A) The joint resolution of the House of Representatives shall not be referred to a committee and shall be placed on the calendar.

(B) With respect to a joint resolution introduced under subsection (a) of this section in the Senate—

[1] See References in Text note below.

(i) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(ii)(I) the vote on final passage shall be on the joint resolution of the House if it is identical to the joint resolution then pending for passage in the Senate; or

(II) if the joint resolution from the House is not identical to the joint resolution then pending for passage in the Senate and the Senate then passes the Senate joint resolution, the Senate shall be considered to have passed the House joint resolution as amended by the text of the Senate joint resolution.

(C) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(8) Senate action on House resolution

If the Senate receives from the House of Representatives a joint resolution introduced under subsection (a) of this section after the Senate has disposed of a Senate originated resolution which is identical to the House passed joint resolution, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution. If it is not identical to the House passed joint resolution, then the Senate shall be considered to have passed the joint resolution of the House as amended by the text of the Senate joint resolution.

(Pub. L. 99–177, title II, § 258A, as added Pub. L. 101–508, title XIII, § 13101(f), Nov. 5, 1990, 104 Stat. 1388–595.)

TERMINATION OF SECTION

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

REFERENCES IN TEXT

The Congressional Budget Act of 1974, referred to in subsec. (b)(6), is titles I to IX of Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. Titles III and IV of the Act are classified generally to subchapters I (§ 631 et seq.) and II (§ 651 et seq.), respectively, of chapter 17A of this title. Title VI of the Act was classified generally to subchapter IV (§ 665 et seq.) of chapter 17A of this title prior to repeal by Pub. L. 105–33, title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

§ 907c. Flexibility among defense programs, projects, and activities

(a) Reductions beyond amount specified in Presidential order

Subject to subsections (b), (c), and (d) of this section, new budget authority and unobligated balances for any programs, projects, or activities within major functional category 050 (other than a military personnel account) may be further reduced beyond the amount specified in an order issued by the President under section 904 of this title for such fiscal year. To the extent such additional reductions are made and result in additional outlay reductions, the President may provide for lesser reductions in new budget authority and unobligated balances for other programs, projects, or activities within major functional category 050 for such fiscal year, but only to the extent that the resulting outlay increases do not exceed the additional outlay reductions, and no such program, project, or activity may be increased above the level actually made available by law in appropriation Acts (before taking sequestration into account). In making calculations under this subsection, the President shall use account outlay rates that are identical to those used in the report by the Director of OMB under section 904 of this title.

(b) Base closures prohibited

No actions taken by the President under subsection (a) of this section for a fiscal year may result in a domestic base closure or realignment that would otherwise be subject to section 2687 of title 10.

(c) Report and joint resolution required

The President may not exercise the authority provided by this paragraph[1] for a fiscal year unless—

(1) the President submits a single report to Congress specifying, for each account, the detailed changes proposed to be made for such fiscal year pursuant to this section;

(2) that report is submitted within 5 calendar days of the start of the next session of Congress; and

(3) a joint resolution affirming or modifying the changes proposed by the President pursuant to this paragraph[1] becomes law.

(d) Introduction of joint resolution

Within 5 calendar days of session after the President submits a report to Congress under subsection (c)(1) of this section for a fiscal year, the majority leader of each House of Congress shall (by request) introduce a joint resolution which contains provisions affirming the changes proposed by the President pursuant to this paragraph.[1]

(e) Form and title of joint resolution

(1) The matter after the resolving clause in any joint resolution introduced pursuant to subsection (d) of this section shall be as follows: ''That the report of the President as submitted on [Insert Date] under section 258B is hereby approved.''

(2) The title of the joint resolution shall be ''Joint resolution approving the report of the President submitted under section 258B of the Balanced Budget and Emergency Deficit Control Act of 1985.''

(3) Such joint resolution shall not contain any preamble.

(f) Calendaring and consideration of joint resolution in Senate

(1) A joint resolution introduced in the Senate under subsection (d) of this section shall be referred to the Committee on Appropriations, and if not reported within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from

[1] So in original. Probably should be ''section''.

the date of introduction shall be considered as having been discharged therefrom and shall be placed on the appropriate calendar pending disposition of such joint resolution in accordance with this subsection. In the Senate, no amendment proposed in the Committee on Appropriations shall be in order other than an amendment (in the nature of a substitute) that is germane or relevant to the provisions of the joint resolution or to the order issued under section 904 of this title. For purposes of this paragraph, an amendment shall be considered to be relevant if it relates to function 050 (national defense).

(2) On or after the third calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution is placed on the Senate calendar, notwithstanding any rule or precedent of the Senate, including Rule XXII of the Standing Rules of the Senate, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the joint resolution. The motion is not in order after the eighth calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after such joint resolution is placed on the appropriate calendar. The motion is not debatable. The joint resolution is privileged in the Senate. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the Senate shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the Senate until disposed of.

(g) Debate of joint resolution; motions

(1) In the Senate, debate on a joint resolution introduced under subsection (d) of this section, amendments thereto, and all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader (or their designees).

(2) A motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order. In the Senate, a motion to recommit the joint resolution is not in order.

(h) Amendment of joint resolution

(1) No amendment that is not germane or relevant to the provisions of the joint resolution or to the order issued under section 904 of this title shall be in order in the Senate. For purposes of this paragraph, an amendment shall be considered to be relevant if it relates to function 050 (national defense). In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 30 minutes to be equally divided between, and controlled by, the mover and the majority leader (or their designees), except that in the event that the majority leader favors the amendment, motion, or appeal, the minority leader (or the minority leader's designee) shall control the time in opposition to the amendment, motion, or appeal.

(2) In the Senate, an amendment that is otherwise in order shall be in order notwithstanding the fact that it amends the joint resolution in more than one place or amends language previously amended, so long as the amendment makes or maintains mathematical consistency. It shall not be in order in the Senate to vote on the question of agreeing to such a joint resolution or any amendment thereto unless the figures then contained in such joint resolution or amendment are mathematically consistent.

(3) It shall not be in order in the Senate to consider any amendment to any joint resolution introduced under subsection (d) of this section or any conference report thereon if such amendment or conference report would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided in such joint resolution unless such amendment or conference report makes a reduction in other specific budget outlays at least equivalent to any increase in outlays provided by such amendment or conference report.

(4) For purposes of the application of paragraph (3), the level of outlays and specific budget outlay reductions provided in an amendment shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(i) Vote on final passage of joint resolution

Immediately following the conclusion of the debate on a joint resolution introduced under subsection (d) of this section, a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, and the disposition of any pending amendments under subsection (h) of this section, the vote on final passage of the joint resolution shall occur.

(j) Appeal from decision of Chair

Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (d) of this section shall be decided without debate.

(k) Conference reports

In the Senate, points of order under titles III and IV of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq.] (including points of order under sections 302(c), 303(a), 306, and 401(b)(1) [2 U.S.C. 633(c), 634(a), 637, 651(b)(1)]) are applicable to a conference report on the joint resolution or any amendments in disagreement thereto.

(*l*) Resolution from other House

If, before the passage by the Senate of a joint resolution of the Senate introduced under subsection (d) of this section, the Senate receives from the House of Representatives a joint resolution introduced under subsection (d) of this section, then the following procedures shall apply:

(1) The joint resolution of the House of Representatives shall not be referred to a committee.

(2) With respect to a joint resolution introduced under subsection (d) of this section in the Senate—

(A) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(B)(i) the vote on final passage shall be on the joint resolution of the House if it is identical to the joint resolution then pending for passage in the Senate; or

(ii) if the joint resolution from the House is not identical to the joint resolution then pending for passage in the Senate and the Senate then passes the Senate joint resolution, the Senate shall be considered to have passed the House joint resolution as amended by the text of the Senate joint resolution.

(3) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the joint resolution originated in the Senate.

(m) Senate action on House resolution

If the Senate receives from the House of Representatives a joint resolution introduced under subsection (d) of this section after the Senate has disposed of a Senate originated joint resolution which is identical to the House passed joint resolution, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution. If it is not identical to the House passed joint resolution, then the Senate shall be considered to have passed the joint resolution of the House as amended by the text of the Senate joint resolution.

(Pub. L. 99–177, title II, § 258B, as added Pub. L. 101–508, title XIII, § 13101(g), Nov. 5, 1990, 104 Stat. 1388–597.)

TERMINATION OF SECTION

Section expired Sept. 30, 2002. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

REFERENCES IN TEXT

Section 258B, referred to in subsec. (e)(1), (2), means section 258B of Pub. L. 99–177, which is classified to this section.

The Congressional Budget Act of 1974, referred to in subsec. (k), is titles I to IX of Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. Titles III and IV of the Act are classified generally to subchapters I (§ 631 et seq.) and II (§ 651 et seq.) of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

§ 907d. Special reconciliation process

(a) Reporting of resolutions and reconciliation bills and resolutions, in Senate

(1) Committee alternatives to Presidential order

After the submission of an OMB sequestration update report under section 904 of this title that envisions a sequestration under section 902 or 903 of this title, each standing committee of the Senate may, not later than October 10, submit to the Committee on the Budget of the Senate information of the type described in section 632(d) of this title with respect to alternatives to the order envisioned by such report insofar as such order affects laws within the jurisdiction of the committee.

(2) Initial Budget Committee action

After the submission of such a report, the Committee on the Budget of the Senate may, not later than October 15, report to the Senate a resolution. The resolution may affirm the impact of the order envisioned by such report, in whole or in part. To the extent that any part is not affirmed, the resolution shall state which parts are not affirmed and shall contain instructions to committees of the Senate of the type referred to in section 641(a) of this title, sufficient to achieve at least the total level of deficit reduction contained in those sections which are not affirmed.

(3) Response of committees

Committees instructed pursuant to paragraph (2), or affected thereby, shall submit their responses to the Budget Committee no later than 10 days after the resolution referred to in paragraph (2) is agreed to, except that if only one such Committee is so instructed such Committee shall, by the same date, report to the Senate a reconciliation bill or reconciliation resolution containing its recommendations in response to such instructions. A committee shall be considered to have complied with all instructions to it pursuant to a resolution adopted under paragraph (2) if it has made recommendations with respect to matters within its jurisdiction which would result in a reduction in the deficit at least equal to the total reduction directed by such instructions.

(4) Budget Committee action

Upon receipt of the recommendations received in response to a resolution referred to in paragraph (2), the Budget Committee shall report to the Senate a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revisions. In the event that a committee instructed in a resolution referred to in paragraph (2) fails to submit any recommendation (or, when only one committee is instructed, fails to report a reconciliation bill or resolution) in response to such instructions, the Budget Committee shall include in the reconciliation bill or reconciliation resolution reported pursuant to this subparagraph legislative language within the jurisdiction of the noncomplying committee to achieve the amount of deficit reduction directed in such instructions.

(5) Point of order

It shall not be in order in the Senate to consider any reconciliation bill or reconciliation resolution reported under paragraph (4) with respect to a fiscal year, any amendment thereto, or any conference report thereon if—

(A) the enactment of such bill or resolution as reported;

(B) the adoption and enactment of such amendment; or

(C) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the amount of the deficit for such fiscal year to exceed the maximum deficit

amount for such fiscal year, unless the low-growth report submitted under section 904 of this title projects negative real economic growth for such fiscal year, or for each of any two consecutive quarters during such fiscal year.

(6) Treatment of certain amendments

In the Senate, an amendment which adds to a resolution reported under paragraph (2) an instruction of the type referred to in such paragraph shall be in order during the consideration of such resolution if such amendment would be in order but for the fact that it would be held to be non-germane on the basis that the instruction constitutes new matter.

(7) "Day" defined

For purposes of paragraphs (1), (2), and (3), the term ''day'' shall mean any calendar day on which the Senate is in session.

(b) Procedures

(1) In general

Except as provided in paragraph (2), in the Senate the provisions of sections 636 and 641 of this title for the consideration of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration of resolutions, and reconciliation bills and reconciliation resolutions reported under this paragraph and conference reports thereon.

(2) Limit on debate

Debate in the Senate on any resolution reported pursuant to subsection (a)(2) of this section, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to 10 hours.

(3) Limitation on amendments

Section 641(d)(2) of this title shall apply to reconciliation bills and reconciliation resolutions reported under this subsection.

(4) Bills and resolutions received from the House

Any bill or resolution received in the Senate from the House, which is a companion to a reconciliation bill or reconciliation resolution of the Senate for the purposes of this subsection, shall be considered in the Senate pursuant to the provisions of this subsection.

(5) "Resolution" defined

For purposes of this subsection, the term ''resolution'' means a simple, joint, or concurrent resolution.

(Pub. L. 99–177, title II, § 258C, as added Pub. L. 101–508, title XIII, § 13101(g), Nov. 5, 1990, 104 Stat. 1388–600.)

TERMINATION OF SECTION

Section expired Sept. 30, 2006. See section 275(b) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

§ 908. Repealed. Pub. L. 105–33, title X, § 10210, Aug. 5, 1997, 111 Stat. 711

Section, Pub. L. 99–177, title II, § 258, as added Pub. L. 100–119, title I, § 105(a), Sept. 29, 1987, 101 Stat. 778, related to modification of Presidential order.

§ 909. Repealed. Pub. L. 101–508, title XIII, § 13212, Nov. 5, 1990, 104 Stat. 1388–621

Section, Pub. L. 100–119, title II, § 202, Sept. 29, 1987, 101 Stat. 784, prohibited counting as savings transfer of Government actions from one year to another.

SUBCHAPTER II—OPERATION AND REVIEW

§ 921. Transferred

CODIFICATION

Section, Pub. L. 99–177, title II, § 273, Dec. 12, 1985, 99 Stat. 1098, which related to revenue estimates, was redesignated as section 201(g) of Pub. L. 93–344 by section 13202(b) of Pub. L. 101–508 and is classified to section 601(f) of this title.

§ 922. Judicial review

(a) Expedited review

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any order that might be issued pursuant to section 904 of this title violates the Constitution.

(2) Any Member of Congress, or any other person adversely affected by any action taken under this title,[1] may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief concerning the constitutionality of this title.[1]

(3) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory and injunctive relief on the ground that the terms of an order issued under section 904 of this title do not comply with the requirements of this title.[1]

(4) A copy of any complaint in an action brought under paragraph (1), (2), or (3) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(5) Any action brought under paragraph (1), (2), or (3) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1), (2), or (3) without the necessity of adopting a resolution to authorize such intervention.

(b) Appeal to Supreme Court

Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1), (2), or (3) of subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order

[1] See References in Text note below.

issued pursuant to an action brought under paragraph (1), (2), or (3) of subsection (a) of this section shall be issued by a single Justice of the Supreme Court.

(c) Expedited consideration

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a) of this section.

(d) Noncompliance with sequestration procedures

(1) If it is finally determined by a court of competent jurisdiction that an order issued by the President under section 904 of this title for any fiscal year—

(A) does not reduce automatic spending increases under any program specified in section 906(a) of this title if such increases are required to be reduced by subchapter I of this chapter (or reduces such increases by a greater extent than is so required), or

(B) does not sequester the amount of budgetary resources which is required to be sequestered by subchapter I of this chapter (or sequesters more than that amount) with respect to any program, project, activity, or account,

the President shall, within 20 days after such determination is made, revise the order in accordance with such determination.

(2) If the order issued by the President under section 904 of this title for any fiscal year—

(A) does not reduce any automatic spending increase to the extent that such increase is required to be reduced by subchapter I of this chapter,

(B) does not sequester any amount of new budget authority, new loan guarantee commitments, new direct loan obligations, or spending authority which is required to be sequestered by subchapter I of this chapter, or

(C) does not reduce any obligation limitation by the amount by which such limitation is required to be reduced under subchapter I of this chapter,

on the claim or defense that the constitutional powers of the President prevent such sequestration or reduction or permit the avoidance of such sequestration or reduction, and such claim or defense is finally determined by the Supreme Court of the United States to be valid, then the entire order issued pursuant to section 904 of this title for such fiscal year shall be null and void.

(e) Timing of relief

No order of any court granting declaratory or injunctive relief from the order of the President issued under section 904 of this title, including but not limited to relief permitting or requiring the expenditure of funds sequestered by such order, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or, if appeal is taken, during the period before the court to which such appeal is taken has entered its final order disposing of such action.

(f) Preservation of other rights

The rights created by this section are in addition to the rights of any person under law, subject to subsection (e) of this section.

(g) Economic data and assumptions

The economic data and economic assumptions used by the Director of OMB in computing the figures specified in any report issued by the Director of OMB under section 904 of this title, shall not be subject to review in any judicial or administrative proceeding.

(Pub. L. 99–177, title II, § 274, Dec. 12, 1985, 99 Stat. 1098; Pub. L. 100–119, title I, § 102(b)(9), (10), Sept. 29, 1987, 101 Stat. 774, 775; Pub. L. 105–33, title X, § 10211, Aug. 5, 1997, 111 Stat. 711.)

REFERENCES IN TEXT

This title, referred to in subsec. (a)(2), (3), means title II (§ 200 et seq.) of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, known as the Balanced Budget and Emergency Deficit Control Act of 1985. For complete classification of this Act to the code, see Short Title note set out under section 900 of this title and Tables.

AMENDMENTS

1997—Subsec. (a)(1), (3). Pub. L. 105–33, § 10211(1), substituted ''section 904'' for ''section 902''.

Subsec. (d)(1). Pub. L. 105–33, § 10211(1), substituted ''section 904'' for ''section 902(b)'' in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 105–33, § 10211(2), substituted ''906(a) of this title if'' for ''907(1) of this title to the extent that'' and inserted ''or'' at end.

Subsec. (d)(1)(B). Pub. L. 105–33, § 10211(3), substituted ''budgetary resources'' for ''new budget authority, new loan guarantee commitments, new direct loan obligations, or spending authority''. Directory language directing the striking of ''or'' after the comma was executed by striking ''or'' after ''account,'' and not after ''activity,'' to reflect the probable intent of Congress.

Subsec. (d)(1)(C). Pub. L. 105–33, § 10211(4), struck out subpar. (C) which read as follows: ''does not reduce obligation limitations by the amount by which such limitations are required to be reduced under subchapter I of this chapter (or reduces such limitations by more than that amount) with respect to any program, project, activity, or account,''.

Subsec. (d)(2). Pub. L. 105–33, § 10211(1), substituted ''section 904'' for ''section 902(b)'' in introductory and concluding provisions.

Subsec. (e). Pub. L. 105–33, § 10211(1), substituted ''section 904'' for ''section 902''.

Subsec. (f). Pub. L. 105–33, § 10211(5), redesignated subsec. (g) as (f) and struck out heading and text of former subsec. (f) consisting of pars. (1) to (5) relating to alternative procedures for joint reports of directors.

Subsec. (g). Pub. L. 105–33, § 10211(6), substituted ''figures'' for ''base levels of total revenues and total budget outlays, as'' and ''section 904 of this title'' for ''section 901(a)(2)(B) or (c)(2) of this title,''.

Pub. L. 105–33, § 10211(5), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Subsec. (h). Pub. L. 105–33, § 10211(5), redesignated subsec. (h) as (g).

1987—Subsec. (f)(1). Pub. L. 100–119, § 102(b)(9)(A), added par. (1) and struck out former par. (1) which read as follows: ''In the event that any of the reporting procedures described in section 901 of this title are invalidated, then any report of the Directors referred to in section 901(a) or (c)(1) of this title shall be transmitted to the joint committee established under this subsection.''

Subsec. (f)(2), (3). Pub. L. 100–119, § 102(b)(9)(B), substituted ''Director of CBO'' for ''Directors'' wherever appearing.

Subsec. (f)(5). Pub. L. 100–119, § 102(b)(9)(C), substituted ''section 901(a)(2)(B) or (c)(2)'' for ''section 901(b) or (c)(2)''.

Subsec. (h). Pub. L. 100–119, § 102(b)(10), substituted ''and economic assumptions'' for '', assumptions, and methodologies'', ''Director of OMB'' for ''Comptroller General'' in two places, and ''section 901(a)(2)(B)'' for ''section 901(b)''.

CHAPTER 21—CIVIC ACHIEVEMENT AWARD PROGRAM IN HONOR OF OFFICE OF SPEAKER OF HOUSE OF REPRESENTATIVES

§§ 1001 to 1004. Repealed. Pub. L. 101–483, Oct. 31, 1990, 104 Stat. 1166

Section 1001, Pub. L. 100–158, § 1, Nov. 9, 1987, 101 Stat. 896, related to support for Civic Achievement Award Program in Honor of Office of Speaker of House of Representatives.

Section 1002, Pub. L. 100–158, § 2, Nov. 9, 1987, 101 Stat. 897; Pub. L. 101–118, §§ 2, 3, Oct. 17, 1989, 103 Stat. 698, related to a description of Civic Achievement Award Program conducted by Close Up Foundation, categories of awards, a national committee to advise Close Up Foundation, and participation by libraries.

Section 1003, Pub. L. 100–158, § 3, Nov. 9, 1987, 101 Stat. 897, related to audit and reporting requirements of Comptroller General and Close Up Foundation with regard to Civic Achievement Award Program.

Section 1004, Pub. L. 100–158, § 4, Nov. 9, 1987, 101 Stat. 898; Pub. L. 101–118, § 1, Oct. 17, 1989, 103 Stat. 698, related to authorization of appropriations to carry out Civic Achievement Award Program.

PREAMBLE

Preamble to Pub. L. 100–158 was repealed by Pub. L. 101–483, Oct. 31, 1990, 104 Stat. 1166.

CHAPTER 22—JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

Sec.
1101. Congressional findings.
1102. Definitions.
1103. Establishment of John C. Stennis Center for Public Service Training and Development.
1104. Purposes and authority of Center.
1105. John C. Stennis Center for Public Service Development Trust Fund.
1106. Expenditures and audit of trust fund.
1107. Executive Director of Center.
1108. Administrative provisions.
1109. Authorization for appropriations.
1110. Appropriations.

§ 1101. Congressional findings

The Congress makes the following findings:

(1) Senator John C. Stennis of the State of Mississippi has served his State and country with distinction for more than 60 years as a public servant, including service in the United States Senate for a period of 41 years.

(2) Senator Stennis has a distinguished record as a United States Senator, including service as the first Chairman of the Select Committee on Ethics, Chairman of the Committee on Armed Services, Chairman of the Committee on Appropriations, and President pro tempore of the Senate.

(3) Senator Stennis has long maintained a special interest in and devotion to the development of leadership and excellence in public service.

(4) There is a compelling need to encourage outstanding young people to pursue public service on a career basis and to provide public service leadership training opportunities for individuals serving in State and local governments and for individuals serving as employees of Members of Congress.

(5) It would be a fitting tribute to Senator Stennis and to his leadership, integrity, and years of devoted public service to establish in his name a center for the training and development of leadership and excellence in public service.

(Pub. L. 100–458, title I, § 112, Oct. 1, 1988, 102 Stat. 2172.)

SHORT TITLE

Section 111 of Pub. L. 100–458 provided that: ''This subtitle [subtitle B (§§ 111–121) of title I of Pub. L. 100–458, enacting this chapter] may be cited as the 'John C. Stennis Center for Public Service Training and Development Act'.''

§ 1102. Definitions

In this chapter:

(1) The term ''Center'' means the John C. Stennis Center for Public Service Training and Development established under section 1103(a) of this title.

(2) The term ''Board'' means the Board of Trustees of the John C. Stennis Center for Public Service Training and Development established under section 1103(b) of this title.

(3) The term ''fund'' means the John C. Stennis Center for Public Service Training and Development Trust Fund provided for under section 1105 of this title.

(Pub. L. 100–458, title I, § 113, Oct. 1, 1988, 102 Stat. 2172.)

§ 1103. Establishment of John C. Stennis Center for Public Service Training and Development

(a) Establishment

There is established in the legislative branch of the Government a center to be known as the ''John C. Stennis Center for Public Service Training and Development''.

(b) Board of Trustees

The Center shall be subject to the supervision and direction of a Board of Trustees. The Board shall be composed of seven members, as follows:

(1) Two members to be appointed by the majority leader of the Senate.

(2) One member to be appointed by the minority leader of the Senate.

(3) Two members to be appointed by the Speaker of the House of Representatives.

(4) One member to be appointed by the minority leader of the House of Representatives.

(5) The Executive Director of the Center, who shall serve as an ex officio member of the Board.

(c) Term of office

The term of office of each member of the Board appointed under paragraphs (1), (2), (3), and (4) of subsection (b) of this section shall be six years, except that—

(1) the members first appointed under paragraphs (1) and (2) shall serve, as designated by the majority leader of the Senate, one for a term of two years, one for a term of four years, and one for a term of six years;

(2) the members first appointed under paragraphs (3) and (4) shall serve, as designated by the Speaker of the House of Representatives, one for a term of two years, one for a term of four years, and one for a term of six years; and

(3) a member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made.

(d) Travel and subsistence pay

Members of the Board (other than the Executive Director) shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(e) Location of Center

The Center shall be located at or near Starkville, Mississippi, the location of Mississippi State University.

(Pub. L. 100–458, title I, § 114, Oct. 1, 1988, 102 Stat. 2173.)

§ 1104. Purposes and authority of Center

(a) Purposes of Center

The purposes of the Center shall be—

(1) to increase awareness of the importance of public service, to foster among the youth of the United States greater recognition and understanding of the role of public service in the development of the United States, and to promote public service as a career choice;

(2) to provide training and development opportunities for State and local elected government officials and employees of State and local governments in order to assist such officials and employees to become more effective and more efficient in performing their public duties and develop their potential for accepting increased public service opportunities; and

(3) to provide training and development opportunities for those employees of Members of the Congress who perform key roles in helping Members of Congress serve the people of the United States.

(b) Authority of Center

The Center is authorized, consistent with this chapter, to develop such programs, activities, and services as it considers appropriate to carry out the purpose of this chapter. Such authority shall include the following:

(1) The development and implementation of educational programs for secondary and post-secondary schools and colleges designed—

(A) to improve the attitude of students toward public service;

(B) to encourage students to consider public service as a career goal;

(C) to create a better understanding of the important role that people in public service have played in the growth and development of the United States; and

(D) to foster a sense of civic responsibility among the youth of the United States.

(2) The development and implementation of programs designed—

(A) to enhance skills and abilities of public service employees and elected officials at the State and local levels of government;

(B) to make such officials more productive and effective in the performance of their duties; and

(C) to help prepare such employees and officials to assume greater responsibilities in the field of public service.

(3) The development and implementation of congressional staff training programs designed to equip congressional staff personnel to perform their duties more effectively and efficiently.

(4) The development and implementation of media and telecommunications production capabilities to assist the Center in expanding the reach of its programs throughout the United States.

(5) The establishment of library and research facilities for the collection and compilation of research materials for use in carrying out the programs of the Center.

(c) Program priorities

The Board of Trustees shall determine the priority of the programs to be carried out under this chapter and the amount of funds to be allocated for such programs.

(Pub. L. 100–458, title I, § 115, Oct. 1, 1988, 102 Stat. 2173.)

§ 1105. John C. Stennis Center for Public Service Development Trust Fund

(a) Establishment of fund

There is established in the Treasury of the United States a trust fund to be known as the ''John C. Stennis Center for Public Service Development Trust Fund''. The fund shall consist of amounts appropriated to it pursuant to section 1110 of this title and amounts credited to it under subsection (d) of this section.

(b) Investment of fund assets

(1) At the request of the Center, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

(2) The purposes for which obligations of the United States may be issued under chapter 31 of title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Center to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary.

(c) Authority to sell obligations

At the request of the Center, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the

fund under subsection (b)(2) of this section shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.

(d) Proceeds from certain transactions credited to fund

In addition to the appropriations received pursuant to section 1110 of this title, the interest on, and the proceeds from the sale or redemption of, any obligations held in the fund pursuant to section 1108(a) of this title, shall be credited to and form a part of the fund.

(Pub. L. 100–458, title I, § 116, Oct. 1, 1988, 102 Stat. 2174; Pub. L. 101–520, title III, § 313(a), Nov. 5, 1990, 104 Stat. 2282; Pub. L. 108–7, div. J, title I, § 125, Feb. 20, 2003, 117 Stat. 439.)

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–7, § 125(1), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

''(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the marketplace.

''(2) The purposes for which obligations of the United States may be issued under chapter 31 of title 31 are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of one-eighth of one percent, the rate of interest of such special obligations shall be the multiple of one-eighth of one percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.''

Subsec. (c). Pub. L. 108–7, § 125(2), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: ''Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.''

1990—Subsec. (d). Pub. L. 101–520 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.''

§ 1106. Expenditures and audit of trust fund

(a) In general

The Secretary of the Treasury is authorized to pay to the Center from the interest and earnings of the fund, and moneys credited to the fund pursuant to section 1108(a) of this title, such sums as the Board determines are necessary and appropriate to enable the Center to carry out the provisions of this chapter.

(b) Audit by GAO

The activities of the Center under this chapter may be audited by the Government Accountability Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the Government Accountability Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Center, pertaining to such activities and necessary to facilitate the audit.

(Pub. L. 100–458, title I, § 117, Oct. 1, 1988, 102 Stat. 2175; Pub. L. 101–520, title III, § 313(b), Nov. 5, 1990, 104 Stat. 2282; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in two places.

1990—Subsec. (a). Pub. L. 101–520 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Secretary of the Treasury is authorized to pay to the Center from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Center to carry out the provisions of this chapter.''

§ 1107. Executive Director of Center

(a) Appointment by Board

(1) There shall be an Executive Director of the Center who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Center and shall carry out the functions of the Center subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this chapter as the Board shall prescribe.

(2) The Executive Director shall not be eligible to serve as Chairman of the Board.

(b) Compensation

The Executive Director of the Center shall be compensated at the rate specified for employees in grade GS–18 of the General Schedule under section 5332 of title 5.

(Pub. L. 100–458, title I, § 118, Oct. 1, 1988, 102 Stat. 2175.)

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§ 1108. Administrative provisions

(a) In general

In order to carry out the provisions of this chapter, the Center may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter, except that in no case shall employees other than the Executive Director be compensated at a rate to exceed the maximum rate for employees in grade GS–15 of the General Schedule under section 5332 of title 5;

(2) procure temporary and intermittent services of experts and consultants as are nec-

essary to the extent authorized by section 3109 of title 5, but at rates not to exceed the rate specified at the time of such service for grade GS–18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) solicit and receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 5 of title 41;

(7) make expenditures for official reception and representation expenses as well as expenditures for meals, entertainment and refreshments in connection with official training sessions or other authorized programs or activities;

(8) apply for, receive and use for the purposes of the Center grants or other assistance from Federal sources;

(9) establish, receive and use for the purposes of the Center fees or other charges for goods or services provided in fulfilling the Center's purposes to persons not enumerated in section 1104(b) of this title;

(10) invest, as specified in section 1105(b) of this title, moneys authorized to be received under this section; and

(11) make other necessary expenditures.

(b) Omitted

(Pub. L. 100–458, title I, § 119, Oct. 1, 1988, 102 Stat. 2176; Pub. L. 101–163, title III, § 320, Nov. 21, 1989, 103 Stat. 1068; Pub. L. 101–520, title III, § 313(c), Nov. 5, 1990, 104 Stat. 2282.)

CODIFICATION

Subsection (b), which required the Center to submit an annual report to Congress on its operations under this chapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 143 of House Document No. 103–7.

AMENDMENTS

1990—Subsec. (a)(6) to (11). Pub. L. 101–520 struck out ''and'' at end of par. (6), added pars. (7) to (11), and struck out former par. (7) which read as follows: ''To make other necessary expenditures including official reception and representation expenses.''

1989—Subsec. (a)(7). Pub. L. 101–163 substituted ''To make other necessary expenditures including official reception and representation expenses'' for ''make other necessary expenditures''.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§ 1109. Authorization for appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 100–458, title I, § 120, Oct. 1, 1988, 102 Stat. 2176.)

§ 1110. Appropriations

There is appropriated to the fund the sum of $7,500,000 to carry out this chapter.

(Pub. L. 100–458, title I, § 121, Oct. 1, 1988, 102 Stat. 2176.)

CHAPTER 22A—OPEN WORLD LEADERSHIP CENTER

Sec.
1151. Open World Leadership Center.

§ 1151. Open World Leadership Center

(a) Establishment

(1) In general

There is established in the legislative branch of the Government a center to be known as the ''Open World Leadership Center[1] (the ''Center'').

(2) Board of Trustees

The Center shall be subject to the supervision and direction of a Board of Trustees (the ''Board'') which shall be composed of 11 members as follows:

(A) Two members appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Majority Leader of the House of Representatives and one of whom shall be designated by the Minority Leader of the House of Representatives.

(B) Two members appointed by the President pro tempore of the Senate, one of whom shall be designated by the Majority Leader of the Senate and one of whom shall be designated by the Minority Leader of the Senate.

(C) The Librarian of Congress.

(D) Four private individuals with interests in improving relations between the United States and eligible foreign states, designated by the Librarian of Congress.

(E) The chair of the Committee on Appropriations of the House of Representatives (or another member of such Committee designated by the chair) and the chair of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate.

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the

[1] So in original. Probably should be followed by closing quotation marks.

term. Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) Purpose and authority of the Center

(1) Purpose

The purpose of the Center is to establish, in accordance with the provisions of paragraph (2), a program to enable emerging political leaders of eligible foreign states at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States and to establish and administer a program to enable cultural leaders of Russia to gain significant, firsthand exposure to the operation of American cultural institutions.

(2) Grant program

Subject to the provisions of paragraphs (3) and (4), the Center shall establish a program under which the Center annually awards grants to government or community organizations in the United States that seek to establish programs under which those organizations will host nationals of eligible foreign states who are emerging political leaders at any level of government.

(3) Restrictions

(A) Duration

The period of stay in the United States for any individual supported with grant funds under the program shall not exceed 30 days.

(B) Limitation

The number of individuals supported with grant funds under the program shall not exceed 3,500 in any fiscal year.

(C) Use of funds

Grant funds under the program shall be used to pay—

(i) the costs and expenses incurred by each program participant in traveling between an eligible foreign state and the United States and in traveling within the United States;

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe.

(4) Application

(A) In general

Each organization in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably require.

(B) Contents

Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought;

(ii) include the number of program participants to be supported;

(iii) describe the qualifications of the individuals who will be participating in the program; and

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.

(c) Establishment of Fund

(1) In general

There is established in the Treasury of the United States a trust fund to be known as the ''Open World Leadership Center Trust Fund'' (the ''Fund'') which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.

(2) Donations

Any money or other property donated, bequeathed, or devised to the Center under the authority of this section shall be credited to the Fund.

(3) Fund management

(A) In general

The provisions of subsections (b), (c), and (d) of section 1105 of this title, and the provisions of section 1106(b) of this title, shall apply to the Fund.

(B) Expenditures

The Secretary of the Treasury is authorized to pay to the Center from amounts in the Fund such sums as the Board determines are necessary and appropriate to enable the Center to carry out the provisions of this section.

(d) Executive Director

The Board shall appoint an Executive Director who shall be the chief executive officer of the Center and who shall carry out the functions of the Center subject to the supervision and direction of the Board of Trustees. The Executive Director of the Center shall be compensated at the annual rate specified by the Board, but in no event shall such rate exceed level III of the Executive Schedule under section 5314 of title 5.

(e) Administrative provisions

(1) In general

The provisions of section 1108 of this title shall apply to the Center.

(2) Support provided by Library of Congress

The Library of Congress may disburse funds appropriated to the Center, compute and disburse the basic pay for all personnel of the Center, provide administrative, legal, financial management, and other appropriate services to the Center, and collect from the Fund the full costs of providing services under this paragraph, as provided under an agreement for services ordered under sections 1535 and 1536 of title 31.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) Transfer of funds

Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(h) Effective dates

(1) In general

This section shall take effect on December 21, 2000.

(2) Transfer

Subsection (g) of this section shall only apply to amounts which remain unexpended on and after the date the Board certifies to the Librarian of Congress that grants are ready to be made under the program established under this section.

(j)[2] Eligible foreign state defined

In this section, the term ''eligible foreign state'' means—

(1) any country specified in section 5801 of title 22;

(2) Estonia, Latvia, and Lithuania; and

(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect.

(Pub. L. 106–554, §1(a)(2) [title III, §313], Dec. 21, 2000, 114 Stat. 2763, 2763A–120; Pub. L. 108–7, div. H, title I, §1401(a), Feb. 20, 2003, 117 Stat. 382; Pub. L. 108–447, div. G, title I, §§1501, 1502, Dec. 8, 2004, 118 Stat. 3192; Pub. L. 109–13, div. A, title III, §3402(b), May 11, 2005, 119 Stat. 272.)

REFERENCES IN TEXT

Section 3011 of the 1999 Emergency Supplemental Appropriations Act, referred to in subsec. (g), is section 3011 of Pub. L. 106–31, which is set out as a note below.

AMENDMENTS

2005—Subsec. (a)(2)(E). Pub. L. 109–13 substituted ''chair of the Committee on Appropriations of the House of Representatives (or another member of such Committee designated by the chair)'' for ''chair of the Subcommittee on Legislative Branch of the Committee on Appropriations of the House of Representatives''.

2004—Subsec. (a)(2). Pub. L. 108–447, §1502(1), substituted ''11 members'' for ''nine members'' in introductory provisions.

Subsec. (a)(2)(E). Pub. L. 108–447, §1502(2), added subpar. (E).

Subsec. (j)(3). Pub. L. 108–447, §1501, added par. (3).

2003—Pub. L. 108–7, §1401(a)(1), substituted ''Open World Leadership Center'' for ''Center for Russian Leadership Development'' in section catchline.

Subsec. (a)(1). Pub. L. 108–7, §1401(a)(2)(A), substituted ''a center to be known as the 'Open World Leadership Center (the 'Center')'' for ''a center to be known as the 'Center for Russian Leadership Development' (the 'Center')''.

Subsec. (a)(2). Pub. L. 108–7, §1401(a)(2)(B)(i), inserted ''(the 'Board')'' after ''Board of Trustees'' in introductory provisions.

Subsec. (a)(2)(D). Pub. L. 108–7, §1401(a)(2)(B)(ii), substituted ''relations between the United States and eligible foreign states'' for ''United States and Russian relations''.

Subsec. (b)(1). Pub. L. 108–7, §1401(a)(3)(A), substituted ''eligible foreign states'' for ''Russia'' and inserted ''and to establish and administer a program to enable cultural leaders of Russia to gain significant, firsthand exposure to the operation of American cultural institutions'' before period at end.

Subsec. (b)(2). Pub. L. 108–7, §1401(a)(3)(B), substituted ''nationals of eligible foreign states'' for ''Russian nationals''.

Subsec. (b)(3)(B). Pub. L. 108–7, §1401(a)(3)(C)(i), substituted ''3,500'' for ''3,000''.

Subsec. (b)(3)(C)(i). Pub. L. 108–7, §1401(a)(3)(C)(ii), substituted ''an eligible foreign state'' for ''Russia''.

Subsec. (c)(1). Pub. L. 108–7, §1401(a)(4)(A), substituted ''Open World Leadership Center Trust Fund'' for ''Russian Leadership Development Center Trust Fund''.

Subsec. (c)(3)(B). Pub. L. 108–7, §1401(a)(4)(B), struck out ''of Trustees of the Center'' after ''Board''.

Subsec. (h)(2). Pub. L. 108–7, §1401(a)(5), struck out ''of Trustees of the Center'' after ''Board''.

Subsec. (j). Pub. L. 108–7, §1401(a)(6), added subsec. (j).

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, §1401(b), Feb. 20, 2003, 117 Stat. 382, provided that: ''The amendments made by this section [amending this section] shall take effect 90 days after the date of enactment of this Act [Feb. 20, 2003].''

RUSSIAN LEADERSHIP PROGRAM

Pub. L. 106–31, title III, §3011, May 21, 1999, 113 Stat. 93, as amended by Pub. L. 106–113, div. B, §1000(a)(2) [title V, §585], Nov. 29, 1999, 113 Stat. 1535, 1501A–117; Pub. L. 106–554, §1(a)(2) [title III, §310], Dec. 21, 2000, 114 Stat. 2763, 2763A–119, provided that:

''(a) PURPOSE.—It is the purpose of this section to establish, in accordance with the provisions of this section—

''(1) a pilot program within the Library of Congress for fiscal years 2000 and 2001; and

''(2) a permanent program within the Executive agency designated by the President of the United States for fiscal years 2002 and thereafter,

to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

''(b) GRANTS.—

''(1) IN GENERAL.—The head of the administering agency shall annually award grants to government or community organizations in the United States that seek to establish programs under which those organizations will host eligible Russians for the purpose described in subsection (a).

''(2) DURATION.—The period of stay in the United States for any eligible Russian supported with grant funds under this section shall not exceed 30 days.

''(3) LIMITATION.—The number of eligible Russians supported with grant funds under this section shall not exceed 3,000 in any fiscal year.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the head of the administering agency—

''(i) may contract with nongovernmental organizations having expertise in carrying out the activities described in subsection (a) for the purpose of carrying out the administrative functions of the program (other than the awarding of grants); and

''(ii) may, without regard to the civil service laws and regulations (or, in the case of the Librarian of Congress, any requirement for competition in hiring), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the administering agency to perform its duties under this section.

[2] So in original. No subsec. (i) has been enacted.

''(B) WAIVER OF COMPETITIVE BIDDING.—The Librarian of Congress, after consultation with the Joint Committee on the Library of Congress, may enter into contracts under subparagraph (A)(i) to carry out the pilot program during fiscal years 2000 and 2001 without regard to section 3709 of the Revised Statutes [41 U.S.C. 5] or any other requirement for competitive contracting or the providing of notice of contracting opportunities.

''(c) USE OF FUNDS.—Grants awarded under subsection (b) shall be used to pay—

''(1) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

''(2) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

''(3) such additional administrative expenses incurred by organizations in carrying out the program as the head of the administering agency may prescribe.

''(d) APPLICATION.—

''(1) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the head of the administering agency at such time, in such manner, and accompanied by such information as such head may reasonably require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

''(A) describe the activities for which assistance under this section is sought;

''(B) include the number of program participants to be supported;

''(C) describe the qualifications of the individuals who will be participating in the program; and

''(D) provide such additional assurances as the head of the administering agency determines to be essential to ensure compliance with the requirements of this section.

''(3) WAIVER.—The Librarian of Congress may waive the requirement of this subsection in carrying out the pilot program during fiscal years 2000 and 2001.

''(e) ADVISORY BOARD.—

''(1) IN GENERAL.—There is established a Russian Leadership Program Advisory Board which shall advise the head of the administering agency as to the carrying out of the permanent program during fiscal years 2002 and thereafter.

''(2) MEMBERSHIP.—The Advisory Board under paragraph (1) shall consist of—

''(A) two members appointed by the Speaker of the House of Representatives, of whom one shall be designated by the Majority Leader of the House of Representatives and one shall be designated by the Minority Leader of the House of Representatives;

''(B) two members appointed by the President pro tempore of the Senate, of whom one shall be designated by the Majority Leader of the Senate and one shall be designated by the Minority Leader of the Senate;

''(C) the Librarian of Congress;

''(D) a private individual with expertise in international exchange programs, designated by the Librarian of Congress; and

''(E) an officer or employee of the administering agency, designated by the head of the administering agency.

''(3) TERMS.—Each member appointed under paragraph (2) shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term.

''(f) REPORTING.—The head of the administering agency shall, not later than 3 months following the close of each fiscal year for which such agency administered the program, report to Congress with respect to the conduct of such program during such fiscal year. Such report shall include information with respect to the number of participants in the program and the cost of the program, and any recommendations on improvements necessary to enable the program to carry out the purposes of this section.

''(g) FUNDING.—

''(1) FISCAL YEAR 1999.—

''(A) IN GENERAL.—Of funds made available under the heading 'SENATE' under title I of the Legislative [Branch] Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2430 et seq.) [see Tables for classification], $10,000,000 shall be made available, subject to the approval of the Committee on Appropriations of the Senate, to the administering agency to carry out the program.

''(B) USE OF FUNDS AT CLOSE OF FISCAL YEAR.—Funds made available under this paragraph which are unexpended and unobligated as of the close of fiscal year 1999 shall no longer be available for such purpose and shall be available for the purpose originally appropriated.

''(2) FISCAL YEAR 2000 AND SUBSEQUENT FISCAL YEARS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the administering agency for fiscal years 2000 and thereafter such sums as may be necessary to carry out the program.

''(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

''(h) DEFINITIONS.—In this section:

''(1) ADMINISTERING AGENCY.—The term 'administering agency' means—

''(A) for fiscal years 2000 and 2001, the Library of Congress; and

''(B) for fiscal year 2002, and subsequent fiscal years, the Executive agency designated by the President of the United States under subsection (a)(2).

''(2) ELIGIBLE RUSSIAN.—The term 'eligible Russian' means a Russian national who is an emerging political leader at any level of government.

''(3) PROGRAM.—The term 'program' means the grant program established under this section.

''(4) PROGRAM PARTICIPANT.—The term 'program participant' means an eligible Russian selected for participation in the program.''

CHAPTER 22B—HUNGER FELLOWSHIP PROGRAM

Sec.
1161. Hunger fellowship program.

§ 1161. Hunger fellowship program

(a) Short title; findings

(1) Short title

This section may be cited as the ''Congressional Hunger Fellows Act of 2002''.

(2) Findings

The Congress finds as follows:

(A) There is a critical need for compassionate individuals who are committed to assisting people who suffer from hunger as well as a need for such individuals to initiate and administer solutions to the hunger problem.

(B) Bill Emerson, the distinguished late Representative from the 8th District of Missouri, demonstrated his commitment to solving the problem of hunger in a bipartisan manner, his commitment to public service, and his great affection for the institution and the ideals of the United States Congress.

(C) George T. (Mickey) Leland, the distinguished late Representative from the 18th District of Texas, demonstrated his compassion for those in need, his high regard for public service, and his lively exercise of political talents.

(D) The special concern that Mr. Emerson and Mr. Leland demonstrated during their lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all.

(E) These two outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and provide service to others, and therefore it is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by creating a fellowship program to develop and train the future leaders of the United States to pursue careers in humanitarian service.

(b) Establishment

There is established as an independent entity of the legislative branch of the United States Government the Congressional Hunger Fellows Program (hereinafter in this section referred to as the ''Program'').

(c) Board of Trustees

(1) In general

The Program shall be subject to the supervision and direction of a Board of Trustees.

(2) Members of the Board of Trustees

(A) Appointment

The Board shall be composed of 6 voting members appointed under clause (i) and one nonvoting ex officio member designated in clause (ii) as follows:

(i) Voting members

(I) The Speaker of the House of Representatives shall appoint two members.

(II) The minority leader of the House of Representatives shall appoint one member.

(III) The majority leader of the Senate shall appoint two members.

(IV) The minority leader of the Senate shall appoint one member.

(ii) Nonvoting member

The Executive Director of the program shall serve as a nonvoting ex officio member of the Board.

(B) Terms

Members of the Board shall serve a term of 4 years.

(C) Vacancy

(i) Authority of Board

A vacancy in the membership of the Board does not affect the power of the remaining members to carry out this section.

(ii) Appointment of successors

A vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

(iii) Incomplete term

If a member of the Board does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(D) Chairperson

As the first order of business of the first meeting of the Board, the members shall elect a Chairperson.

(E) Compensation

(i) In general

Subject to clause (ii), members of the Board may not receive compensation for service on the Board.

(ii) Travel

Members of the Board may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the program.

(3) Duties

(A) Bylaws

(i) Establishment

The Board shall establish such bylaws and other regulations as may be appropriate to enable the Board to carry out this section, including the duties described in this paragraph.

(ii) Contents

Such bylaws and other regulations shall include provisions—

(I) for appropriate fiscal control, funds accountability, and operating principles;

(II) to prevent any conflict of interest, or the appearance of any conflict of interest, in the procurement and employment actions taken by the Board or by any officer or employee of the Board and in the selection and placement of individuals in the fellowships developed under the program;

(III) for the resolution of a tie vote of the members of the Board; and

(IV) for authorization of travel for members of the Board.

(iii) Transmittal to Congress

Not later than 90 days after the date of the first meeting of the Board, the Chairperson of the Board shall transmit to the appropriate congressional committees a copy of such bylaws.

(B) Budget

For each fiscal year the program is in operation, the Board shall determine a budget for the program for that fiscal year. All spending by the program shall be pursuant to such budget unless a change is approved by the Board.

(C) Process for selection and placement of fellows

The Board shall review and approve the process established by the Executive Director for the selection and placement of individuals in the fellowships developed under the program.

(D) Allocation of funds to fellowships

The Board of Trustees shall determine the priority of the programs to be carried out

under this section and the amount of funds to be allocated for the Emerson and Leland fellowships.

(d) Purposes; authority of program

(1) Purposes

The purposes of the program are—

(A) to encourage future leaders of the United States to pursue careers in humanitarian service, to recognize the needs of people who are hungry and poor, and to provide assistance and compassion for those in need;

(B) to increase awareness of the importance of public service; and

(C) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities.

(2) Authority

The program is authorized to develop such fellowships to carry out the purposes of this section, including the fellowships described in paragraph (3).

(3) Fellowships

(A) In general

The program shall establish and carry out the Bill Emerson Hunger Fellowship and the Mickey Leland Hunger Fellowship.

(B) Curriculum

(i) In general

The fellowships established under subparagraph (A) shall provide experience and training to develop the skills and understanding necessary to improve the humanitarian conditions and the lives of individuals who suffer from hunger, including—

(I) training in direct service to the hungry in conjunction with community-based organizations through a program of field placement; and

(II) experience in policy development through placement in a governmental entity or nonprofit organization.

(ii) Focus of Bill Emerson Hunger Fellowship

The Bill Emerson Hunger Fellowship shall address hunger and other humanitarian needs in the United States.

(iii) Focus of Mickey Leland Hunger Fellowship

The Mickey Leland Hunger Fellowship shall address international hunger and other humanitarian needs.

(iv) Workplan

To carry out clause (i) and to assist in the evaluation of the fellowships under paragraph (4), the program shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities related to those objectives.

(C) Period of fellowship

(i) Emerson Fellow

A Bill Emerson Hunger Fellowship awarded under this paragraph shall be for no more than 1 year.

(ii) Leland Fellow

A Mickey Leland Hunger Fellowship awarded under this paragraph shall be for no more than 2 years. Not less than 1 year of the fellowship shall be dedicated to fulfilling the requirement of subparagraph (B)(i)(I).

(D) Selection of fellows

(i) In general

A fellowship shall be awarded pursuant to a nationwide competition established by the program.

(ii) Qualification

A successful applicant shall be an individual who has demonstrated—

(I) an intent to pursue a career in humanitarian service and outstanding potential for such a career;

(II) leadership potential or actual leadership experience;

(III) diverse life experience;

(IV) proficient writing and speaking skills;

(V) an ability to live in poor or diverse communities; and

(VI) such other attributes as determined to be appropriate by the Board.

(iii) Amount of award

(I) In general

Each individual awarded a fellowship under this paragraph shall receive a living allowance and, subject to subclause (II), an end-of-service award as determined by the program.

(II) Requirement for successful completion of fellowship

Each individual awarded a fellowship under this paragraph shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service as determined by the Executive Director.

(iv) Recognition of fellowship award

(I) Emerson Fellow

An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an ''Emerson Fellow''.

(II) Leland Fellow

An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a ''Leland Fellow''.

(4) Evaluation

The program shall conduct periodic evaluations of the Bill Emerson and Mickey Leland Hunger Fellowships. Such evaluations shall include the following:

(A) An assessment of the successful completion of the work plan of the fellow.

(B) An assessment of the impact of the fellowship on the fellows.

(C) An assessment of the accomplishment of the purposes of the program.

(D) An assessment of the impact of the fellow on the community.

(e) Trust Fund

(1) Establishment

There is established the Congressional Hunger Fellows Trust Fund (hereinafter in this section referred to as the ''Fund'') in the Treasury of the United States, consisting of amounts appropriated to the Fund under subsection (i) of this section, amounts credited to it under paragraph (3), and amounts received under subsection (g)(3)(A) of this section.

(2) Investment of funds

The Secretary of the Treasury shall invest the full amount of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary in consultation with the Board, has a maturity suitable for the Fund.

(3) Return on investment

Except as provided in subsection (f)(2) of this section, the Secretary of the Treasury shall credit to the Fund the interest on, and the proceeds from the sale or redemption of, obligations held in the Fund.

(f) Expenditures; audits

(1) In general

The Secretary of the Treasury shall transfer to the program from the amounts described in subsection (e)(3) of this section and subsection (g)(3)(A) of this section such sums as the Board determines are necessary to enable the program to carry out the provisions of this section.

(2) Limitation

The Secretary may not transfer to the program the amounts appropriated to the Fund under subsection (i) of this section.

(3) Use of funds

Funds transferred to the program under paragraph (1) shall be used for the following purposes:

(A) Stipends for fellows

To provide for a living allowance for the fellows.

(B) Travel of fellows

To defray the costs of transportation of the fellows to the fellowship placement sites.

(C) Insurance

To defray the costs of appropriate insurance of the fellows, the program, and the Board.

(D) Training of fellows

To defray the costs of preservice and midservice education and training of fellows.

(E) Support staff

Staff described in subsection (g) of this section.

(F) Awards

End-of-service awards under subsection (d)(3)(D)(iii)(II) of this section.

(G) Additional approved uses

For such other purposes that the Board determines appropriate to carry out the program.

(4) Audit by GAO

(A) In general

The Comptroller General of the United States shall conduct an annual audit of the accounts of the program.

(B) Books

The program shall make available to the Comptroller General all books, accounts, financial records (including records of salaries of the Executive Director and other personnel), reports, files, and all other papers, things, or property belonging to or in use by the program and necessary to facilitate such audit.

(C) Report to Congress

The Comptroller General shall submit a copy of the results of each such audit to the appropriate congressional committees.

(g) Staff; powers of program

(1) Executive Director

(A) In general

The Board shall appoint an Executive Director of the program who shall administer the program. The Executive Director shall carry out such other functions consistent with the provisions of this section as the Board shall prescribe.

(B) Restriction

The Executive Director may not serve as Chairperson of the Board.

(C) Compensation

The Executive Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5.

(2) Staff

(A) In general

With the approval of a majority of the Board, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers necessary and appropriate to carry out the functions of the provisions of this section.

(B) Compensation

An individual appointed under subparagraph (A) shall be paid at a rate not to exceed the rate of basic pay payable for level GS–15 of the General Schedule.

(3) Powers

In order to carry out the provisions of this section, the program may perform the following functions:

(A) Gifts

The program may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the program. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Fund and shall be available for disbursement upon order of the Board.

(B) Experts and consultants

The program may procure temporary and intermittent services under section 3109 of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–15 of the General Schedule.

(C) Contract authority

The program may contract, with the approval of a majority of the members of the Board, with and compensate Government and private agencies or persons without regard to section 5 of title 41.

(D) Other necessary expenditures

The program shall make such other expenditures which the program considers necessary to carry out the provisions of this section, but excluding project development.

(h) Report

Not later than December 31 of each year, the Board shall submit to the appropriate congressional committees a report on the activities of the program carried out during the previous fiscal year, and shall include the following:

(1) An analysis of the evaluations conducted under subsection (d)(4) of this section (relating to evaluations of the Emerson and Leland fellowships and accomplishment of the program purposes) during that fiscal year.

(2) A statement of the total amount of funds attributable to gifts received by the program in that fiscal year (as authorized under subsection (g)(3)(A) of this section), and the total amount of such funds that were expended to carry out the program that fiscal year.

(i) Authorization of appropriations

There are authorized to be appropriated $18,000,000 to carry out the provisions of this section.

(j) Definition

In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Agriculture and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Foreign Relations of the Senate.

(Pub. L. 107–171, title IV, § 4404, May 13, 2002, 116 Stat. 335.)

REFERENCES IN TEXT

GS–15 of the General Schedule, referred to in subsec. (g)(2)(B), (3)(B), is set out under section 5332 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Pub. L. 107–171, title IV, § 4405, May 13, 2002, 116 Stat. 341, provided that: ''Except as otherwise provided in this title [see Short Title of 2002 Amendment note set out under section 2011 of Title 7, Agriculture], the amendments made by this title take effect on October 1, 2002.''

CHAPTER 23—GOVERNMENT EMPLOYEE RIGHTS

§§ 1201, 1202. Transferred

CODIFICATION

Section 1201, Pub. L. 102–166, title III, § 301, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 103–283, title III, § 312(f)(1), July 22, 1994, 108 Stat. 1446; Pub. L. 104–1, title V, § 504(a)(1), Jan. 23, 1995, 109 Stat. 40, which provided for short title of chapter as the ''Government Employee Rights Act of 1991'', provided purpose of chapter as establishing procedures to protect the rights of certain government employees with respect to their public employment, and defined ''violation'' for purposes of chapter, was transferred to section 2000e–16a of Title 42, The Public Health and Welfare.

Section 1202, Pub. L. 102–166, title III, § 302, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 104–1, title V, § 504(a)(1), Jan. 23, 1995, 109 Stat. 40, which prohibited certain discriminatory practices affecting State employees, and provided for remedies, was transferred to section 2000e–16b of Title 42, The Public Health and Welfare.

§§ 1203 to 1218. Repealed. Pub. L. 104–1, title V, § 504(a)(2), (5), Jan. 23, 1995, 109 Stat. 41

Section 1203, Pub. L. 102–166, title III, § 303, Nov. 21, 1991, 105 Stat. 1088, related to establishment of Office of Senate Fair Employment Practices.

Section 1204, Pub. L. 102–166, title III, § 304, Nov. 21, 1991, 105 Stat. 1090, related to Senate procedure for consideration of alleged violations of employee rights.

Section 1205, Pub. L. 102–166, title III, § 305, Nov. 21, 1991, 105 Stat. 1090; Pub. L. 103–283, title III, § 312(f)(2), July 22, 1994, 108 Stat. 1446, related to counseling of Senate employees alleging violations of rights.

Section 1206, Pub. L. 102–166, title III, § 306, Nov. 21, 1991, 105 Stat. 1091, related to mediation of disputes between Senate employees and employing offices.

Section 1207, Pub. L. 102–166, title III, § 307, Nov. 21, 1991, 105 Stat. 1091, related to formal complaints by Senate employees and hearings.

Section 1207a, Pub. L. 103–50, ch. XII, § 1205, July 2, 1993, 107 Stat. 269; Pub. L. 103–211, title II, § 2001(a)–(c), Feb. 12, 1994, 108 Stat. 22, related to Settlements and Awards Reserve appropriation account.

Section 1208, Pub. L. 102–166, title III, § 308, Nov. 21, 1991, 105 Stat. 1092, related to review by Select Committee on Ethics of decisions on violations of rights of Senate employees.

Section 1209, Pub. L. 102–166, title III, § 309, Nov. 21, 1991, 105 Stat. 1093; Pub. L. 102–392, title III, § 316(a), Oct. 6, 1992, 106 Stat. 1724; Pub. L. 103–50, ch. XII, § 1204(a), July 2, 1993, 107 Stat. 268, related to judicial review of decisions regarding violations of rights of Senate employees.

Section 1210, Pub. L. 102–166, title III, § 310, Nov. 21, 1991, 105 Stat. 1094, related to resolution of complaints for violations of rights of Senate employees.

Section 1211, Pub. L. 102–166, title III, § 311, Nov. 21, 1991, 105 Stat. 1094, related to costs of attending hearings on violations of Senate employee rights.

Section 1212, Pub. L. 102–166, title III, § 312, Nov. 21, 1991, 105 Stat. 1094; Pub. L. 103–283, title III, § 312(f)(3), July 22, 1994, 108 Stat. 1446, prohibited intimidation or reprisal against Senate employees for exercising rights under this chapter.

Section 1213, Pub. L. 102–166, title III, § 313, Nov. 21, 1991, 105 Stat. 1095, related to confidentiality of proceedings under this chapter.

Section 1214, Pub. L. 102–166, title III, § 314, Nov. 21, 1991, 105 Stat. 1095, provided that this chapter was enacted as an exercise of rulemaking power of Senate.

Section 1215, Pub. L. 102–166, title III, § 316, Nov. 21, 1991, 105 Stat. 1095, related to consideration of political affiliation and place of residence in Senate employment decisions.

Section 1216, Pub. L. 102–166, title III, § 317, Nov. 21, 1991, 105 Stat. 1096, related to exclusiveness of this chapter as remedy for discriminatory practices relative to Senate employment.

Section 1217, Pub. L. 102–166, title III, § 318, Nov. 21, 1991, 105 Stat. 1096, expressed sense of Senate that legislation be enacted giving employees of other instrumentalities of Congress rights comparable to those granted in this chapter.

Section 1218, Pub. L. 102–166, title III, § 319, Nov. 21, 1991, 105 Stat. 1096, reaffirmed Senate's commitment to

Rule XLII of Standing Rules of the Senate, relating to employment discrimination on basis of race, color, religion, sex, national origin, age, or state of physical handicap.

SAVINGS PROVISION

Section 504(a)(2), (5) of Pub. L. 104–1 provided in part that sections 1203 to 1218 of this title are repealed, except as provided in section 1435 of this title.

§ 1219. Repealed. Pub. L. 104–331, § 5(a), Oct. 26, 1996, 110 Stat. 4072

Section, Pub. L. 102–166, title III, § 303, formerly § 320, Nov. 21, 1991, 105 Stat. 1096; renumbered § 303 and amended Pub. L. 104–1, title V, § 504(a)(3), (4), Jan. 23, 1995, 109 Stat. 41, provided protection from discriminatory practices with respect to employment of Presidential appointees.

A prior section 303 of Pub. L. 102–166 was classified to section 1203 of this title prior to repeal by Pub. L. 104–1.

EFFECTIVE DATE OF REPEAL

Section 5(b) of Pub. L. 104–331 provided that: ''This section [repealing this section and enacting provisions set out as a note below] shall take effect on October 1, 1997.''

SAVINGS PROVISION

Section 5(c) of Pub. L. 104–331 provided that: ''The repeal under this section [repealing this section] shall not affect proceedings under such section 303 in which a complaint was filed before the effective date of this section [Oct. 1, 1997], and orders shall be issued in such proceedings and appeals shall be taken therefrom as if this section had not been enacted.''

§ 1220. Transferred

CODIFICATION

Section, Pub. L. 102–166, title III, § 304, formerly § 321, Nov. 21, 1991, 105 Stat. 1097; renumbered § 304 and amended Pub. L. 104–1, title V, § 504(a)(3), (4), Jan. 23, 1995, 109 Stat. 41, which provided for application of provisions of section 1202 to previously exempt State employees, enforcement by administrative action, judicial review, and attorney fees, was transferred to section 2000e–16c of Title 42, The Public Health and Welfare.

§ 1221. Repealed. Pub. L. 104–1, title V, § 504(a)(2), Jan. 23, 1995, 109 Stat. 41

Section, Pub. L. 102–166, title III, § 322, Nov. 21, 1991, 105 Stat. 1098, related to severability.

SAVINGS PROVISION

Section 504(a)(2) of Pub. L. 104–1 provided in part that section 1221 of this title is repealed, except as provided in section 1435 of this title.

§ 1222. Repealed. Pub. L. 102–392, title III, § 316(b), Oct. 6, 1992, 106 Stat. 1724

Section, Pub. L. 102–166, title III, § 323, Nov. 21, 1991, 105 Stat. 1098, required President or Member of Senate to reimburse appropriate Federal account for payment made on his or her behalf for violation of this chapter.

§§ 1223, 1224. Repealed. Pub. L. 104–1, title V, § 504(a)(2), Jan. 23, 1995, 109 Stat. 41

Section 1223, Pub. L. 102–166, title III, § 324, Nov. 21, 1991, 105 Stat. 1099, related to reports of Senate committees.

Section 1224, Pub. L. 102–166, title III, § 325, Nov. 21, 1991, 105 Stat. 1099, related to intervention and expedited reviews of certain appeals based on constitutionality of sections 1209 and 1219 of this title.

SAVINGS PROVISION

Section 504(a)(2) of Pub. L. 104–1 provided in part that sections 1223 and 1224 of this title are repealed, except as provided in section 1435 of this title.

CHAPTER 24—CONGRESSIONAL ACCOUNTABILITY

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SUBCHAPTER I—GENERAL

§ 1301. Definitions

Except as otherwise specifically provided in this chapter, as used in this chapter:

(1) Board

The term ''Board'' means the Board of Directors of the Office of Compliance.

(2) Chair

The term ''Chair'' means the Chair of the Board of Directors of the Office of Compliance.

(3) Covered employee

The term ''covered employee'' means any employee of—

(A) the House of Representatives;
(B) the Senate;
(C) the Capitol Guide Service;
(D) the Capitol Police;
(E) the Congressional Budget Office;
(F) the Office of the Architect of the Capitol;
(G) the Office of the Attending Physician;
(H) the Office of Compliance; or
(I) the Office of Technology Assessment.

(4) Employee

The term ''employee'' includes an applicant for employment and a former employee.

(5) Employee of the Office of the Architect of the Capitol

The term ''employee of the Office of the Architect of the Capitol'' includes any employee of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants.

(6) Employee of the Capitol Police

The term ''employee of the Capitol Police'' includes any member or officer of the Capitol Police.

(7) Employee of the House of Representatives

The term ''employee of the House of Representatives'' includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(8) Employee of the Senate

The term ''employee of the Senate'' includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(9) Employing office

The term ''employing office'' means—

(A) the personal office of a Member of the House of Representatives or of a Senator;
(B) a committee of the House of Representatives or the Senate or a joint committee;
(C) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or
(D) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(10) Executive Director

The term ''Executive Director'' means the Executive Director of the Office of Compliance.

(11) General Counsel

The term ''General Counsel'' means the General Counsel of the Office of Compliance.

(12) Office

The term ''Office'' means the Office of Compliance.

(Pub. L. 104–1, title I, § 101, Jan. 23, 1995, 109 Stat. 4.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 1(a) of Pub. L. 104–1 provided that: ''This Act [enacting this chapter, amending sections 1201, 1202, 1219, 1220, and 1831 of this title, section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare, repealing sections 60m, 60n, 1203 to 1218, 1221, 1223, and 1224 of this title, and enacting provisions set out as a note under section 751 of Title 31, Money and Finance] may be cited as the 'Congressional Accountability Act of 1995'.''

§ 1302. Application of laws

(a) Laws made applicable

The following laws shall apply, as prescribed by this chapter, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

(5) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(7) Chapter 71 (relating to Federal service labor-management relations) of title 5.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(10) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(11) Chapter 43 (relating to veterans' employment and reemployment) of title 38.

(b) Laws which may be made applicable

(1) In general

The Board shall review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations.

(2) Board report

Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(3) Reports of congressional committees

Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

(B) in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply.

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House.

(Pub. L. 104–1, title I, § 102, Jan. 23, 1995, 109 Stat. 5.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (a)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (a)(2), is Pub. L. 88–352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§ 2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(3), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§ 12101 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in subsec. (a)(4), is Pub. L. 90–202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§ 621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(5), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§ 2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

The Occupational Safety and Health Act of 1970, referred to in subsec. (a)(6), is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§ 651 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Employee Polygraph Protection Act of 1988, referred to in subsec. (a)(8), is Pub. L. 100–347, June 27, 1988, 102 Stat. 646, as amended, which is classified generally to chapter 22 (§ 2001 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 29 and Tables.

The Worker Adjustment and Retraining Notification Act, referred to in subsec. (a)(9), is Pub. L. 100–379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§ 2101 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a)(10), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

SUBCHAPTER II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

§ 1311. Rights and protections under title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973, and title I of Americans with Disabilities Act of 1990

(a) Discriminatory practices prohibited

All personnel actions affecting covered employees shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(b) Remedy

(1) Civil rights

The remedy for a violation of subsection (a)(1) of this section shall be—

(A) such remedy as would be appropriate if awarded under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)); and

(B) such compensatory damages as would be appropriate if awarded under section 1981 of title 42, or as would be appropriate if awarded under sections 1981a(a)(1), 1981a(b)(2), and, irrespective of the size of the employing office, 1981a(b)(3)(D) of title 42.

(2) Age discrimination

The remedy for a violation of subsection (a)(2) of this section shall be—

(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

(B) such liquidated damages as would be appropriate if awarded under section 7(b) of such Act (29 U.S.C. 626(b)).

In addition, the waiver provisions of section 7(f) of such Act (29 U.S.C. 626(f)) shall apply to covered employees.

(3) Disabilities discrimination

The remedy for a violation of subsection (a)(3) of this section shall be—

(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

(B) such compensatory damages as would be appropriate if awarded under sections 1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and, irrespective of the size of the employing office, 1981a(b)(3)(D) of title 42.

(c) Omitted

(d) Effective date

This section shall take effect 1 year after January 23, 1995.

(Pub. L. 104–1, title II, § 201, Jan. 23, 1995, 109 Stat. 7.)

CODIFICATION

Section is comprised of section 201 of Pub. L. 104–1. Subsec. (c) of section 201 of Pub. L. 104–1 amended section 633a of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare.

§ 1312. Rights and protections under Family and Medical Leave Act of 1993

(a) Family and medical leave rights and protections provided

(1) In general

The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 through 2615) shall apply to covered employees.

(2) Definitions

For purposes of the application described in paragraph (1)—

(A) the term ''employer'' as used in the Family and Medical Leave Act of 1993 means any employing office, and

(B) the term ''eligible employee'' as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

(b) Remedy

The remedy for a violation of subsection (a) of this section shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)(1)).

(c) Omitted

(d) Regulations

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement the rights and protections under this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) Effective date

(1) In general

Subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

(2) Government Accountability Office and Library of Congress

Subsection (c) of this section shall be effective 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 202, Jan. 23, 1995, 109 Stat. 9; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(2), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§ 2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

Subsection (c) of this section, referred to in subsec. (e)(2), amended section 6381 of Title 5, Government Organization and Employees, and sections 2611 and 2617 of Title 29, Labor.

CODIFICATION

Section is comprised of section 202 of Pub. L. 104–1. Subsec. (c) of section 202 of Pub. L. 104–1 amended section 6381 of Title 5, Government Organization and Employees, and sections 2611 and 2617 of Title 29, Labor.

AMENDMENTS

2004—Subsec. (e)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in heading.

§ 1313. Rights and protections under Fair Labor Standards Act of 1938

(a) Fair labor standards

(1) In general

The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)) shall apply to covered employees.

(2) Interns

For the purposes of this section, the term ''covered employee'' does not include an intern as defined in regulations under subsection (c) of this section.

(3) Compensatory time

Except as provided in regulations under subsection (c)(3) of this section and in subsection (c)(4) of this section, covered employees may not receive compensatory time in lieu of overtime compensation.

(b) Remedy

The remedy for a violation of subsection (a) of this section shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) Irregular work schedules

The Board shall issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 [29 U.S.C. 201 et seq.] that apply to employees who have irregular work schedules.

(4) Law enforcement

Law enforcement personnel of the Capitol Police who are subject to the exemption under section 7(k) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(k)) may elect to receive compensatory time off in lieu of overtime compensation for hours worked in excess of the maximum for their work period.

(d) Omitted

(e) Effective date

Subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

(Pub. L. 104–1, title II, § 203, Jan. 23, 1995, 109 Stat. 10; Pub. L. 104–197, title III, § 312, Sept. 16, 1996, 110 Stat. 2415.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (c)(3), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

CODIFICATION

Section is comprised of section 203 of Pub. L. 104–1. Subsec. (d) of section 203 of Pub. L. 104–1 amended section 203 of Title 29, Labor.

AMENDMENTS

1996—Subsec. (a)(3). Pub. L. 104–197, § 312(a), inserted ''and in subsection (c)(4) of this section'' after ''subsection (c)(3) of this section''.

Subsec. (c)(4). Pub. L. 104–197, § 312(b), added par. (4).

§ 1314. Rights and protections under Employee Polygraph Protection Act of 1988

(a) Polygraph practices prohibited

(1) In general

No employing office, irrespective of whether a covered employee works in that employing office, may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2002(1), (2), or (3)). In addition, the waiver provisions of section 6(d) of such Act (29 U.S.C. 2005(d)) shall apply to covered employees.

(2) Definitions

For purposes of this section, the term ''covered employee'' shall include employees of the Government Accountability Office and the Library of Congress and the term ''employing office'' shall include the Government Accountability Office and the Library of Congress.

(3) Capitol Police

Nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations under subsection (c) of this section.

(b) Remedy

The remedy for a violation of subsection (a) of this section shall be such remedy as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

(c) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) of this section except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective date

(1) In general

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

(2) Government Accountability Office and Library of Congress

This section shall be effective with respect to the Government Accountability Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 204, Jan. 23, 1995, 109 Stat. 10; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Subsec. (a)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in two places.

Subsec. (d)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in heading and text.

§ 1315. Rights and protections under Worker Adjustment and Retraining Notification Act

(a) Worker adjustment and retraining notification rights

(1) In general

No employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) Definitions

For purposes of this section, the term ''covered employee'' shall include employees of the Government Accountability Office and the Library of Congress and the term ''employing office'' shall include the Government Accountability Office and the Library of Congress.

(b) Remedy

The remedy for a violation of subsection (a) of this section shall be such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a)(1), (2), and (4)).

(c) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective date

(1) In general

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

(2) Government Accountability Office and Library of Congress

This section shall be effective with respect to the Government Accountability Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 205, Jan. 23, 1995, 109 Stat. 11; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Subsec. (a)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in two places.

Subsec. (d)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in heading and text.

§ 1316. Rights and protections relating to veterans' employment and reemployment

(a) Employment and reemployment rights of members of uniformed services

(1) In general

It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38.

(2) Definitions

For purposes of this section—

(A) the term ''eligible employee'' means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38,

(B) the term ''covered employee'' includes employees of the Government Accountability Office and the Library of Congress, and

(C) the term ''employing office'' includes the Government Accountability Office and the Library of Congress.

(b) Remedy

The remedy for a violation of subsection (a) of this section shall be such remedy as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38.

(c) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective date

(1) In general

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

(2) Government Accountability Office and Library of Congress

This section shall be effective with respect to the Government Accountability Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 206, Jan. 23, 1995, 109 Stat. 12; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Subsec. (a)(2)(B), (C). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

Subsec. (d)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in heading and text.

§ 1316a. Legislative branch appointments

(1) Definitions

For the purposes of this section, the terms ''covered employee'' and ''Board'' shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) Rights and protections

The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, shall apply to covered employees.

(3) Remedies

(A) In general

The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5 in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

(B) Procedure

The procedure for consideration of alleged violations of paragraph (2) shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 [2 U.S.C. 1401] (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act [2 U.S.C. 1311 et seq.].

(4) Regulations to implement section

(A) In general

The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this section.

(B) Agency regulations

The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(C) Coordination

The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

(5) Applicability

Notwithstanding any other provision of this section, the term ''covered employee'' shall not, for purposes of this section, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5).

(6) Effective date

Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(Pub. L. 105–339, § 4(c), Oct. 31, 1998, 112 Stat. 3185.)

REFERENCES IN TEXT

The Congressional Accountability Act of 1995, referred to in par. (3)(B), is Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended. Part A of title II of the Act enacted this part and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of part A to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Veterans Employment Opportunities Act of 1998, and not as part of the Congressional Accountability Act of 1995 which comprises this chapter.

§ 1317. Prohibition of intimidation or reprisal

(a) In general

It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this chapter, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this chapter.

(b) Remedy

The remedy available for a violation of subsection (a) of this section shall be such legal or equitable remedy as may be appropriate to redress a violation of subsection (a) of this section.

(Pub. L. 104–1, title II, § 207, Jan. 23, 1995, 109 Stat. 13.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER AMERICANS WITH DISABILITIES ACT OF 1990

§ 1331. Rights and protections under Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations

(a) Entities subject to this section

The requirements of this section shall apply to—

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician;

(9) the Office of Compliance; and

(10) the Office of Technology Assessment.

(b) Discrimination in public services and accommodations

(1) Rights and protections

The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a) of this section.

(2) Definitions

For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term ''public entity'' means any entity listed in subsection (a) of this section that provides public services, programs, or activities.

(c) Remedy

The remedy for a violation of subsection (b) of this section shall be such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 1311 of this title.

(d) Available procedures

(1) Charge filed with General Counsel

A qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), who alleges a violation of subsection (b) of this section by an entity listed in subsection (a) of this section, may file a charge against any entity responsible for correcting the violation with the General Counsel within 180 days of the occurrence of the alleged violation. The General Counsel shall investigate the charge.

(2) Mediation

If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) of this section may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of section 1403 of this title between the charging individual and any entity responsible for correcting the alleged violation.

(3) Complaint, hearing, Board review

If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) of this section may have occurred,

the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title and any person who has filed a charge under paragraph (1) may intervene as of right, with the full rights of a party. The decision of the hearing officer shall be subject to review by the Board pursuant to section 1406 of this title.

(4) Judicial review

A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 1407 of this title.

(5) Compliance date

If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b) of this section, compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

(e) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) Entity responsible for correction

The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b) of this section, the entity responsible for correction of a particular violation.

(f) Periodic inspections; report to Congress; initial study

(1) Periodic inspections

On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the entities listed in subsection (a) of this section to ensure compliance with subsection (b) of this section.

(2) Report

On the basis of each periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol, or other entity responsible,[1] for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, describing any steps necessary to correct any violation of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) Initial period for study and corrective action

The period from January 23, 1995, until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section to identify any violations of subsection (b) of this section, to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other entities listed in subsection (a) of this section by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit the report under paragraph (2) for the One Hundred Fourth Congress.

(4) Detailed personnel

The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(g) Omitted

(h) Effective date

(1) In general

Subsections (b), (c), and (d) of this section shall be effective on January 1, 1997.

(2) Government Accountability Office, Government Printing Office, and Library of Congress

Subsection (g) of this section shall be effective 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 210, Jan. 23, 1995, 109 Stat. 13; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(2), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, as amended. Title II of the Act is classified generally to subchapter II (§ 12131 et seq.) of chapter 126 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

Subsection (g) of this section, referred to in subsec. (h)(2), amended section 12209 of Title 42.

CODIFICATION

Section is comprised of section 210 of Pub. L. 104–1. Subsec. (g) of section 210 of Pub. L. 104–1 amended section 12209 of Title 42, The Public Health and Welfare.

[1] So in original. The comma probably should not appear.

AMENDMENTS

2004—Subsec. (h)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in heading.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

§ 1341. Rights and protections under Occupational Safety and Health Act of 1970; procedures for remedy of violations

(a) Occupational safety and health protections

(1) In general

Each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(2) Definitions

For purposes of the application under this section of the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.]—

(A) the term ''employer'' as used in such Act means an employing office;

(B) the term ''employee'' as used in such Act means a covered employee;

(C) the term ''employing office'' includes the Government Accountability Office, the Library of Congress, and any entity listed in subsection (a) of section 1331 of this title that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs; and

(D) the term ''employee'' includes employees of the Government Accountability Office and the Library of Congress.

(b) Remedy

The remedy for a violation of subsection (a) of this section shall be an order to correct the violation, including such order as would be appropriate if issued under section 13(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 662(a)).

(c) Procedures

(1) Requests for inspections

Upon written request of any employing office or covered employee, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(a), (d), (e), and (f)) to inspect and investigate places of employment under the jurisdiction of employing offices.

(2) Citations, notices, and notifications

For purposes of this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue—

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a) of this section; or

(B) a notification to any employing office that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(3) Hearings and review

If after issuing a citation or notification, the General Counsel determines that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

(4) Variance procedures

An employing office may request from the Board an order granting a variance from a standard made applicable by this section. For the purposes of this section, the Board shall exercise the authorities granted to the Secretary of Labor in sections 6(b)(6) and 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6) and 655(d)) to act on any employing office's request for a variance. The Board shall refer the matter to a hearing officer pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

(5) Judicial review

The General Counsel or employing office aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 1407 of this title.

(6) Compliance date

If new appropriated funds are necessary to correct a violation of subsection (a) of this section for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

(d) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) Employing office responsible for correction

The regulations issued under paragraph (1) shall include a method of identifying, for pur-

poses of this section and for different categories of violations of subsection (a) of this section, the employing office responsible for correction of a particular violation.

(e) Periodic inspections; report to Congress

(1) Periodic inspections

On a regular basis, and at least once each Congress, the General Counsel, exercising the same authorities of the Secretary of Labor as under subsection (c)(1) of this section, shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, the Office of Technology Assessment, the Library of Congress, and the Government Accountability Office to report on compliance with subsection (a) of this section.

(2) Report

On the basis of each periodic inspection, the General Counsel shall prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol or other employing office responsible for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, identifying the employing office responsible for correcting the violation of this section uncovered by such inspection, describing any steps necessary to correct any violation of this section, and assessing any risks to employee health and safety associated with any violation.

(3) Action after report

If a report identifies any violation of this section, the General Counsel shall issue a citation or notice in accordance with subsection (c)(2)(A) of this section.

(4) Detailed personnel

The Secretary of Labor may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(f) Initial period for study and corrective action

The period from January 23, 1995, until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other employing offices to identify any violations of subsection (a) of this section, to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other employing offices by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under subsection (e)(1) of this section and shall submit the report under subsection (e)(2) of this section for the One Hundred Fourth Congress.

(g) Effective date

(1) In general

Except as provided in paragraph (2), subsections (a), (b), (c), and (e)(3) of this section shall be effective on January 1, 1997.

(2) Government Accountability Office and Library of Congress

This section shall be effective with respect to the Government Accountability Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 215, Jan. 23, 1995, 109 Stat. 16; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (a)(2), is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§ 651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

AMENDMENTS

2004—Subsecs. (a)(2)(C), (D), (e)(1) . Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

Subsec. (g)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in heading and text.

PART D—LABOR-MANAGEMENT RELATIONS

§ 1351. Application of chapter 71 of title 5 relating to Federal service labor-management relations; procedures for remedy of violations

(a) Labor-management rights

(1) In general

The rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of title 5 shall apply to employing offices and to covered employees and representatives of those employees.

(2) "Agency" defined

For purposes of the application under this section of the sections referred to in paragraph (1), the term ''agency'' shall be deemed to include an employing office.

(b) Remedy

The remedy for a violation of subsection (a) of this section shall be such remedy, including a remedy under section 7118(a)(7) of title 5, as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a) of this section.

(c) Authorities and procedures for implementation and enforcement

(1) General authorities of Board; petitions

For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111, 7112, 7113, 7115, 7117, 7118, and 7122 of title 5 and of the President under section 7103(b) of

title 5. For purposes of this section, any petition or other submission that, under chapter 71 of title 5, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board shall refer any matter under this paragraph to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

(2) General authorities of the General Counsel; charges of unfair labor practice

For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5. For purposes of this section, any charge or other submission that, under chapter 71 of title 5, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice and makes such charge within 180 days of the occurrence of the alleged unfair labor practice, the General Counsel shall investigate the charge and may file a complaint with the Office. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

(3) Judicial review

Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (1) or (2) of this subsection, may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 1407 of this title.

(4) Exercise of impasses panel authority; requests

For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5. For purposes of this section, any request that, under chapter 71 of title 5, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Executive Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5.

(d) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

Except as provided in subsection (e) of this section, the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) of this section except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.

(e) Specific regulations regarding application to certain offices of Congress

(1) Regulations required

The Board shall issue regulations pursuant to section 1384 of this title on the manner and extent to which the requirements and exemptions of chapter 71 of title 5 should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5 and of this chapter, and shall be the same as substantive regulations issued by the Federal Labor Relations Authority under chapter 71 of title 5, except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) that the Board shall exclude from coverage under this section any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities.

(2) Offices referred to

The offices referred to in paragraph (1) include—

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Con-

ference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

(f) Effective date

(1) In general

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective on October 1, 1996.

(2) Certain offices

With respect to the offices listed in subsection (e)(2) of this section, to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) of this section shall be effective on the effective date of regulations under subsection (e) of this section.

(Pub. L. 104–1, title II, § 220, Jan. 23, 1995, 109 Stat. 19.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(1), was in the original ''this Act'', meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

PART E—GENERAL

§ 1361. Generally applicable remedies and limitations

(a) Attorney's fees

If a covered employee, with respect to any claim under this chapter, or a qualified person with a disability, with respect to any claim under section 1331 of this title, is a prevailing party in any proceeding under section 1405, 1406, 1407, or 1408 of this title, the hearing officer, Board, or court, as the case may be, may award attorney's fees, expert fees, and any other costs as would be appropriate if awarded under section 2000e–5(k) of title 42.

(b) Interest

In any proceeding under section 1405, 1406, 1407, or 1408 of this title, the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 2000e–16(d) of title 42.

(c) Civil penalties and punitive damages

No civil penalty or punitive damages may be awarded with respect to any claim under this chapter.

(d) Exclusive procedure

(1) In general

Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this chapter except as provided in this chapter.

(2) Veterans

A covered employee under section 1316 of this title may also utilize any provisions of chapter 43 of title 38 that are applicable to that employee.

(e) Scope of remedy

Only a covered employee who has undertaken and completed the procedures described in sections 1402 and 1403 of this title may be granted a remedy under part A of this subchapter.

(f) Construction

(1) Definitions and exemptions

Except where inconsistent with definitions and exemptions provided in this chapter, the definitions and exemptions in the laws made applicable by this chapter shall apply under this chapter.

(2) Size limitations

Notwithstanding paragraph (1), provisions in the laws made applicable under this chapter (other than the Worker Adjustment and Retraining Notification Act [29 U.S.C. 2101 et seq.]) determining coverage based on size, whether expressed in terms of numbers of employees, amount of business transacted, or other measure, shall not apply in determining coverage under this chapter.

(3) Executive branch enforcement

This chapter shall not be construed to authorize enforcement by the executive branch of this chapter.

(Pub. L. 104–1, title II, § 225, Jan. 23, 1995, 109 Stat. 22.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (c), (d)(1), and (f), was in the original ''this Act'', meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

Part A of this subchapter, referred to in subsec. (e), was in the original ''part A of this title'', meaning part A (§§ 201–207) of title II of Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 7, which enacted part A of this subchapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of part A to the Code, see Tables.

The Worker Adjustment and Retraining Notification Act, referred to in subsec. (f)(2), is Pub. L. 100–379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§ 2101 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

PART F—STUDY

§ 1371. Study and recommendations regarding Government Accountability Office, Government Printing Office, and Library of Congress

(a) In general

The Board shall undertake a study of—

(1) the application of the laws listed in subsection (b) of this section to—

(A) the Government Accountability Office;

(B) the Government Printing Office; and

(C) the Library of Congress; and

(2) the regulations and procedures used by the entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) Applicable statutes

The study under this section shall consider the application of the following laws:

(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and related provisions of section 2302 of title 5.

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5.

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and related provisions of section 2302 of title 5.

(4) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), and related provisions of sections 6381 through 6387 of title 5.

(5) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and related provisions of sections 5541 through 5550a of title 5.

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and related provisions of section 7902 of title 5.

(7) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(8) Chapter 71 (relating to Federal service labor-management relations) of title 5.

(9) The General Accounting Office Personnel Act of 1980 (31 U.S.C. 731 et seq.).

(10) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(12) Chapter 43 (relating to veterans' employment and reemployment) of title 38.

(c) Contents of study and recommendations

The study under this section shall evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to the entities listed in paragraph (1) of subsection (a) of this section and their employees are comprehensive and effective and shall include recommendations for any improvements in regulations or legislation, including proposed regulatory or legislative language.

(d) Deadline and delivery of study

Not later than December 31, 1996—

(1) the Board shall prepare and complete the study and recommendations required under this section; and

(2) the Board shall transmit such study and recommendations (with the Board's comments) to the head of each entity considered in the study, and to the Congress by delivery to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

(Pub. L. 104–1, title II, § 230, Jan. 23, 1995, 109 Stat. 23; Pub. L. 104–53, title III, § 309(a), (b), Nov. 19, 1995, 109 Stat. 538; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (b)(1), is Pub. L. 88–352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§ 2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in subsec. (b)(2), is Pub. L. 90–202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§ 621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(3), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§ 12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Family and Medical Leave Act of 1993, referred to in subsec. (b)(4), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§ 2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

The Fair Labor Standards Act of 1938, referred to in subsec. (b)(5), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Occupational Safety and Health Act of 1970, referred to in subsec. (b)(6), is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§ 651 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(7), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The General Accounting Office Personnel Act of 1980, referred to in subsec. (b)(9), is Pub. L. 96–191, Feb. 15, 1980, 94 Stat. 27, which was classified principally to section 52–1 et seq. of former Title 31, Money and Finance, and which was substantially repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, and reenacted by the first section thereof principally in subchapters III (§ 731 et seq.) and IV (§ 751 et seq.) of chapter 7 of Title 31, Money and Finance.

The Employee Polygraph Protection Act of 1988, referred to in subsec. (b)(10), is Pub. L. 100–347, June 27, 1988, 102 Stat. 646, as amended, which is classified generally to chapter 22 (§ 2001 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 29 and Tables.

The Worker Adjustment and Retraining Notification Act, referred to in subsec. (b)(11), is Pub. L. 100–379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§ 2101 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

AMENDMENTS

2004—Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in section catchline.

Subsec. (a)(1)(A). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

1995—Subsec. (a). Pub. L. 104–53, § 309(a), substituted ''Board'' for ''Administrative Conference of the United States'' in introductory provisions.

Subsec. (d)(1). Pub. L. 104–53, § 309(b), substituted ''Board'' for ''Administrative Conference of the United States'' and struck out ''and shall submit the study and recommendations to the Board'' before semicolon.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 309(c) of Pub. L. 104–53 provided that: ''The amendments made by this section [amending this section] shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371). [See provision of title II of Pub. L. 104–52, set out as a note preceding section 591 of Title 5, Government Organization and Employees.]''

SUBCHAPTER III—OFFICE OF COMPLIANCE

§ 1381. Establishment of Office of Compliance

(a) Establishment

There is established, as an independent office within the legislative branch of the Federal Government, the Office of Compliance.

(b) Board of Directors

The Office shall have a Board of Directors. The Board shall consist of 5 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 5 members of the Board shall be completed not later than 90 days after January 23, 1995.

(c) Chair

The Chair shall be appointed from members of the Board jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

(d) Board of Directors qualifications

(1) Specific qualifications

Selection and appointment of members of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. Members of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable under section 1302 of this title.

(2) Disqualifications for appointments

(A) Lobbying

No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act[1] to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be eligible for appointment to, or service on, the Board.

(B) Incompatible office

No member of the Board appointed under subsection (b) of this section may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch, or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board,[2] an officer or employee of the Office of Fair Employment Practices of the House of Representatives, or officer or employee of the Office of Senate Fair Employment Practices) within 4 years of the date of appointment.

(3) Vacancies

A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(e) Term of office

(1) In general

Except as provided in paragraph (2), membership on the Board shall be for 5 years. A member of the Board may be reappointed, but no individual may serve as a member for more than 2 terms.

(2) First appointments

Of the members first appointed to the Board—

(A) 1 shall have a term of office of 3 years,

(B) 2 shall have a term of office of 4 years, and

(C) 2 shall have a term of office of 5 years, 1 of whom shall be the Chair,

as designated at the time of appointment by the persons specified in subsection (b) of this section.

(f) Removal

(1) Authority

Any member of the Board may be removed from office by a majority decision of the ap-

[1] See References in Text note below.

[2] See Change of Name note below.

pointing authorities described in subsection (b) of this section, but only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, including a felony or conduct involving moral turpitude, or

(E) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (d)(2) of this section.

(2) Statement of reasons for removal

In removing a member of the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member of the Board being removed the specific reasons for the removal.

(g) Compensation

(1) Per diem

Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5 for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay of a member may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties.

(2) Travel expenses

Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) Duties

The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government;

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under subchapter IV of this chapter, and any other information appropriate for distribution, distribute such information to employing offices in a manner suitable for posting, provide such information to new employees of employing offices, distribute such information to the residences of covered employees, and conduct seminars and other activities designed to educate employing offices and covered employees; and

(3) compile and publish statistics on the use of the Office by covered employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office under this chapter and the result of such proceedings, and on the number of covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint.

(i) Congressional oversight

The Board and the Office shall be subject to oversight (except with respect to the disposition of individual cases) by the Committee on Rules and Administration and the Committee on Governmental Affairs[2] of the Senate and the Committee on House Oversight[2] of the House of Representatives.

(j) Opening of Office

The Office shall be open for business, including receipt of requests for counseling under section 1402 of this title, not later than 1 year after January 23, 1995.

(k) Financial disclosure reports

Members of the Board and officers and employees of the Office shall file the financial disclosure reports required under title I of the Ethics in Government Act of 1978 with the Clerk of the House of Representatives.

(Pub. L. 104–1, title III, §301, Jan. 23, 1995, 109 Stat. 24; Pub. L. 108–349, §1(a), Oct. 21, 2004, 118 Stat. 1389.)

REFERENCES IN TEXT

The Federal Regulation of Lobbying Act, referred to in subsec. (d)(2)(A), is title III of act Aug. 2, 1946, ch. 753, 60 Stat. 839, which was classified generally to chapter 8A (§261 et seq.) of this title prior to repeal by Pub. L. 104–65, §11(a), Dec. 19, 1995, 109 Stat. 701. See section 1601 et seq. of this title.

This chapter, referred to in subsec. (h)(3), was in the original ''this Act'', meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

The Ethics in Government Act of 1978, referred to in subsec. (k), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824, as amended. Title I of the Act is set out in the Appendix to Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95–521 in the Appendix to Title 5 and Tables.

AMENDMENTS

2004—Subsec. (e)(1). Pub. L. 108–349 amended second sentence generally. Prior to amendment, second sentence read as follows: ''A member of the Board who is appointed to a term of office of more than 3 years shall only be eligible for appointment for a single term of office.''

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office. See section 8 of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance.

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–349, §1(b), Oct. 21, 2004, 118 Stat. 1389, provided that: ''The amendment made by subsection (a)

[amending this section] shall apply with respect to individuals serving on the Board of Directors of the Office of Compliance on or after September 30, 2004.''

§ 1382. Officers, staff, and other personnel

(a) Executive Director

(1) Appointment and removal

(A) In general

The Chair, subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The first Executive Director shall be appointed no later than 90 days after the initial appointment of the Board of Directors.

(B) Qualifications

The Executive Director shall be an individual with training or expertise in the application of laws referred to in section 1302(a) of this title.

(C) Disqualifications

The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of the Executive Director.

(2) Compensation

The Chair may fix the compensation of the Executive Director. The rate of pay for the Executive Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

(3) Term

The term of office of the Executive Director shall be a single term of 5 years, except that the first Executive Director shall have a single term of 7 years.

(4) Duties

The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this chapter, the Executive Director shall carry out all of the responsibilities of the Office under this chapter.

(b) Deputy Executive Directors

(1) In general

The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Executive Director for the Senate and a Deputy Executive Director for the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of a Deputy Executive Director.

(2) Term

The term of office of a Deputy Executive Director shall be a single term of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) Compensation

The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

(4) Duties

The Deputy Executive Director for the Senate shall recommend to the Board regulations under section 1384(a)(2)(B)(i) of this title, maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director. The Deputy Executive Director for the House of Representatives shall recommend to the Board the regulations under section 1384(a)(2)(B)(ii) of this title, maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director.

(c) General Counsel

(1) In general

The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of a General Counsel.

(2) Compensation

The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

(3) Duties

The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this chapter; and

(B) otherwise assist the Board and the Executive Director in carrying out their duties and powers, including representing the Office in any judicial proceeding under this chapter.

(4) Attorneys in the office of the General Counsel

The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.

(5) Term

The term of office of the General Counsel shall be a single term of 5 years.

(6) Removal

(A) Authority

The General Counsel may be removed from office by the Chair but only for—

(i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel,

(ii) incompetence,

(iii) neglect of duty,

(iv) malfeasance, including a felony or conduct involving moral turpitude, or

(v) holding an office or employment or engaging in an activity that disqualifies the individual from service as the General Counsel under paragraph (1).

(B) Statement of reasons for removal

In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

(d) Other staff

The Executive Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) Detailed personnel

The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.[1]

(f) Consultants

In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

(Pub. L. 104–1, title III, § 302, Jan. 23, 1995, 109 Stat. 26.)

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office. See section 8 of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance.

PERMITTING CURRENT EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTORS, AND GENERAL COUNSEL OF OFFICE OF COMPLIANCE TO SERVE ONE ADDITIONAL TERM

Pub. L. 109–38, § 1, July 27, 2005, 119 Stat. 408, provided that:

''(a) EXECUTIVE DIRECTOR.—Notwithstanding section 302(a)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1382(a)(3)), the individual serving as Executive Director of the Office of Compliance as of the date of the enactment of this Act [July 27, 2005] may serve one additional term.

''(b) DEPUTY EXECUTIVE DIRECTORS.—Notwithstanding section 302(b)(2) of such Act (2 U.S.C. 1382(b)(2)), any individual serving as a Deputy Executive Director of the Office of Compliance as of the date of the enactment of this Act may serve one additional term.

''(c) GENERAL COUNSEL.—Notwithstanding section 302(c)(5) of such Act (2 U.S.C. 1382(c)(5)), the individual serving as General Counsel of the Office of Compliance as of the date of the enactment of this Act may serve one additional term.''

§ 1383. Procedural rules

(a) In general

The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

(b) Procedure

The Executive Director shall adopt rules referred to in subsection (a) of this section in accordance with the principles and procedures set forth in section 553 of title 5. The Executive Director shall publish a general notice of proposed rulemaking under section 553(b) of title 5, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Executive Director shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Before adopting rules, the Executive Director shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon adopting rules, the Executive Director shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.

(Pub. L. 104–1, title III, § 303, Jan. 23, 1995, 109 Stat. 28.)

§ 1384. Substantive regulations

(a) Regulations

(1) In general

The procedures applicable to the regulations of the Board issued for the implementation of this chapter, which shall include regulations the Board is required to issue under subchapter II of this chapter (including regulations on the appropriate application of exemptions under the laws made applicable in subchapter II of this chapter) are as prescribed in this section.

(2) Rulemaking procedure

Such regulations of the Board—

(A) shall be adopted, approved, and issued in accordance with subsection (b) of this section; and

(B) shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—

(i) the Senate and employees of the Senate;

(ii) the House of Representatives and employees of the House of Representatives; and

(iii) all other covered employees and employing offices.

(b) Adoption by Board

The Board shall adopt the regulations referred to in subsection (a)(1) of this section in accordance with the principles and procedures set forth in section 553 of title 5 and as provided in the following provisions of this subsection:

[1] See Change of Name note below.

(1) Proposal

The Board shall publish a general notice of proposed rulemaking under section 553(b) of title 5, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Such notice shall set forth the recommendations of the Deputy Director for the Senate in regard to regulations under subsection (a)(2)(B)(i) of this section, the recommendations of the Deputy Director for the House of Representatives in regard to regulations under subsection (a)(2)(B)(ii) of this section, and the recommendations of the Executive Director for regulations under subsection (a)(2)(B)(iii) of this section.

(2) Comment

Before adopting regulations, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking.

(3) Adoption

After considering comments, the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(4) Recommendation as to method of approval

The Board shall include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.

(c) Approval of regulations

(1) In general

Regulations referred to in paragraph (2)(B)(i) of subsection (a) of this section may be approved by the Senate by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) of this section may be approved by the House of Representatives by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution.

(2) Referral

Upon receipt of a notice of adoption of regulations under subsection (b)(3) of this section, the presiding officers of the House of Representatives and the Senate shall refer such notice, together with a copy of such regulations, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution or by joint resolution.

(3) Joint referral and discharge in the Senate

The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) One-House resolution or concurrent resolution

In the case of a resolution of the House of Representatives or the Senate or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: ''The following regulations issued by the Office of Compliance on _____ are hereby approved:'' (the blank space being appropriately filled in, and the text of the regulations being set forth).

(5) Joint resolution

In the case of a joint resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: ''The following regulations issued by the Office of Compliance on _____ are hereby approved and shall have the force and effect of law:'' (the blank space being appropriately filled in, and the text of the regulations being set forth).

(d) Issuance and effective date

(1) Publication

After approval of regulations under subsection (c) of this section, the Board shall submit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(2) Date of issuance

The date of issuance of regulations shall be the date on which they are published in the Congressional Record under paragraph (1).

(3) Effective date

Regulations shall become effective not less than 60 days after the regulations are issued, except that the Board may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5) and published with the regulation.

(e) Amendment of regulations

Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5.

(f) Right to petition for rulemaking

Any interested party may petition to the Board for the issuance, amendment, or repeal of a regulation.

(g) Consultation

The Executive Director, the Deputy Directors, and the Board—

(1) shall consult, with regard to the development of regulations, with—

(A) the Chair of the Administrative Conference of the United States;

(B) the Secretary of Labor;

(C) the Federal Labor Relations Authority; and

(D) the Director of the Office of Personnel Management; and

(2) may consult with any other persons with whom consultation, in the opinion of the Board, the Executive Director, or Deputy Directors, may be helpful.

(Pub. L. 104–1, title III, § 304, Jan. 23, 1995, 109 Stat. 29.)

REFERENCES IN TEXT

Subchapter II of this chapter, referred to in subsec. (a)(1), was in the original ''title II'', meaning title II of Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 7, as amended, which enacted subchapter II of this chapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of title II to the Code, see Tables.

§ 1385. Expenses

(a) Authorization of appropriations

Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following January 23, 1995—

(1) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the House of Representatives, and

(2) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the Senate,

upon vouchers approved by the Executive Director, except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate. The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.

(b) Financial and administrative services

The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31 to place orders and enter into agreements.

(c) Witness fees and allowances

Except for covered employees, witnesses before a hearing officer or the Board in any proceeding under this chapter other than rulemaking shall be paid the same fee and mileage allowances as are paid subpoenaed witnesses in the courts of the United States. Covered employees who are summoned, or are assigned by their employer, to testify in their official capacity or to produce official records in any proceeding under this chapter shall be entitled to travel expenses under subchapter I and section 5751 of chapter 57 of title 5.

(Pub. L. 104–1, title III, § 305, Jan. 23, 1995, 109 Stat. 31.)

SUBCHAPTER IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

§ 1401. Procedure for consideration of alleged violations

Except as otherwise provided, the procedure for consideration of alleged violations of part A of subchapter II of this chapter consists of—

(1) counseling as provided in section 1402 of this title;

(2) mediation as provided in section 1403 of this title; and

(3) election, as provided in section 1404 of this title, of either—

(A) a formal complaint and hearing as provided in section 1405 of this title, subject to Board review as provided in section 1406 of this title, and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 1407 of this title, or

(B) a civil action in a district court of the United States as provided in section 1408 of this title.

In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Executive Director, after receiving a request for counseling under section 1402 of this title, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation.

(Pub. L. 104–1, title IV, § 401, Jan. 23, 1995, 109 Stat. 32.)

REFERENCES IN TEXT

Part A of subchapter II of this chapter, referred to in text, was in the original ''part A of title II'', meaning part A (§§ 201–207) of title II of Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 7, as amended, which enacted part A of subchapter II of this chapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of part A to the Code, see Tables.

§ 1402. Counseling

(a) In general

To commence a proceeding, a covered employee alleging a violation of a law made applicable under part A of subchapter II of this chapter shall request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the date of the alleged violation.

(b) Period of counseling

The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) Notification of end of counseling period

The Office shall notify the employee in writing when the counseling period has ended.

(Pub. L. 104–1, title IV, § 402, Jan. 23, 1995, 109 Stat. 32.)

§ 1403. Mediation

(a) Initiation

Not later than 15 days after receipt by the employee of notice of the end of the counseling period under section 1402 of this title, but prior to and as a condition of making an election under section 1404 of this title, the covered employee who alleged a violation of a law shall file a request for mediation with the Office.

(b) Process

Mediation under this section—

(1) may include the Office, the covered employee, the employing office, and one or more individuals appointed by the Executive Director after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall involve meetings with the parties separately or jointly for the purpose of resolving the dispute between the covered employee and the employing office.

(c) Mediation period

The mediation period shall be 30 days beginning on the date the request for mediation is received. The mediation period may be extended for additional periods at the joint request of the covered employee and the employing office. The Office shall notify in writing the covered employee and the employing office when the mediation period has ended.

(d) Independence of mediation process

No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 1405 of this title with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

(Pub. L. 104–1, title IV, § 403, Jan. 23, 1995, 109 Stat. 32.)

§ 1404. Election of proceeding

Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee may either—

(1) file a complaint with the Office in accordance with section 1405 of this title, or

(2) file a civil action in accordance with section 1408 of this title in the United States district court for the district in which the employee is employed or for the District of Columbia.

(Pub. L. 104–1, title IV, § 404, Jan. 23, 1995, 109 Stat. 33.)

§ 1405. Complaint and hearing

(a) In general

A covered employee may, upon the completion of mediation under section 1403 of this title, file a complaint with the Office. The respondent to the complaint shall be the employing office—

(1) involved in the violation, or

(2) in which the violation is alleged to have occurred,

and about which mediation was conducted.

(b) Dismissal

A hearing officer may dismiss any claim that the hearing officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(c) Hearing officer

(1) Appointment

Upon the filing of a complaint, the Executive Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer. The Executive Director shall select hearing officers on a rotational or random basis from the lists developed under paragraph (2). Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(2) Lists

The Executive Director shall develop master lists, composed of—

(A) members of the bar of a State or the District of Columbia and retired judges of the United States courts who are experienced in adjudicating or arbitrating the kinds of personnel and other matters for which hearings may be held under this chapter, and

(B) individuals expert in technical matters relating to accessibility and usability by persons with disabilities or technical matters relating to occupational safety and health.

In developing lists, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

(d) Hearing

Unless a complaint is dismissed before a hearing, a hearing shall be—

(1) conducted in closed session on the record by the hearing officer;

(2) commenced no later than 60 days after filing of the complaint under subsection (a) of this section, except that the Office may, for good cause, extend up to an additional 30 days the time for commencing a hearing; and

(3) conducted, except as specifically provided in this chapter and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5.

(e) Discovery

Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) Subpoenas

(1) In general

At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

(2) Objections

If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(3) Enforcement

(A) In general

If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

(B) Service of process

Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) Decision

The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 90 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to subchapter II of this chapter. The decision shall be entered in the records of the Office. If a decision is not appealed under section 1406 of this title to the Board, the decision shall be considered the final decision of the Office.

(h) Precedents

A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the laws made applicable by section 1302 of this title and by Board decisions under this chapter.

(Pub. L. 104–1, title IV, § 405, Jan. 23, 1995, 109 Stat. 33.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c)(2)(A), (d)(3), and (h), was in the original ''this Act'', meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

Rule 45(b) of the Federal Rules of Civil Procedure, referred to in subsec. (f)(1), is set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

Subchapter II of this chapter, referred to in subsec. (g), was in the original ''title II'', meaning title II of Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 7, as amended, which enacted subchapter II of this chapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of title II to the Code, see Tables.

§ 1406. Appeal to Board

(a) In general

Any party aggrieved by the decision of a hearing officer under section 1405(g) of this title may file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office.

(b) Parties' opportunity to submit argument

The parties to the hearing upon which the decision of the hearing officer was made shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) Standard of review

The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) Record

In making determinations under subsection (c) of this section, the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) Decision

The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

(Pub. L. 104–1, title IV, § 406, Jan. 23, 1995, 109 Stat. 35.)

§ 1407. Judicial review of Board decisions and enforcement

(a) Jurisdiction

(1) Judicial review

The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of—

(A) a party aggrieved by a final decision of the Board under section 1406(e) of this title in cases arising under part A of subchapter II of this chapter,

(B) a charging individual or a respondent before the Board who files a petition under section 1331(d)(4) of this title,

(C) the General Counsel or a respondent before the Board who files a petition under section 1341(c)(5) of this title, or

(D) the General Counsel or a respondent before the Board who files a petition under section 1351(c)(3) of this title.

The court of appeals shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) Enforcement

The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 1405(g) or 1406(e) of this title with respect to a violation of part A, B, C, or D of subchapter II of this chapter.

(b) Procedures

(1) Respondents

(A) In any proceeding commenced by a petition filed under subsection (a)(1)(A) or (B) of this section, or filed by a party other than the General Counsel under subsection (a)(1)(C) or (D) of this section, the Office shall be named respondent and any party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(B) In any proceeding commenced by a petition filed by the General Counsel under subsection (a)(1)(C) or (D) of this section, the prevailing party in the final decision entered under section 1406(e) of this title shall be named respondent, and any other party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(C) In any proceeding commenced by a petition filed under subsection (a)(2) of this section, the party under section 1405 or 1406 of this title that the General Counsel determines has failed to comply with a final decision under section 1405(g) or 1406(e) of this title shall be named respondent.

(2) Intervention

Any party that participated in the proceedings before the Board under section 1406 of this title and that was not made respondent under paragraph (1) may intervene as of right.

(c) Law applicable

Chapter 158 of title 28 shall apply to judicial review under paragraph (1) of subsection (a) of this section, except that—

(1) with respect to section 2344 of title 28, service of a petition in any proceeding in which the Office is a respondent shall be on the General Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 1406(e) of this title; and

(4) the Office shall be an ''agency'' as that term is used in chapter 158 of title 28.

(d) Standard of review

To the extent necessary for decision in a proceeding commenced under subsection (a)(1) of this section and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(e) Record

In making determinations under subsection (d) of this section, the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(Pub. L. 104–1, title IV, § 407, Jan. 23, 1995, 109 Stat. 35.)

§ 1408. Civil action

(a) Jurisdiction

The district courts of the United States shall have jurisdiction over any civil action commenced under section 1404 of this title and this section by a covered employee who has completed counseling under section 1402 of this title and mediation under section 1403 of this title. A civil action may be commenced by a covered employee only to seek redress for a violation for which the employee has completed counseling and mediation.

(b) Parties

The defendant shall be the employing office alleged to have committed the violation, or in which the violation is alleged to have occurred.

(c) Jury trial

Any party may demand a jury trial where a jury trial would be available in an action

against a private defendant under the relevant law made applicable by this chapter. In any case in which a violation of section 1311 of this title is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 1311(b)(1) or 1311(b)(3) of this title.

(d) Appearances by House Employment Counsel

(1) In general

The House Employment Counsel of the House of Representatives and any other counsel in the Office of House Employment Counsel of the House of Representatives, including any counsel specially retained by the Office of House Employment Counsel, shall be entitled, for the purpose of providing legal assistance and representation to employing offices of the House of Representatives under this chapter, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court, except that the authorization conferred by this paragraph shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(2) House Employment Counsel defined

In this subsection, the term ''Office of House Employment Counsel of the House of Representatives'' means—

(A) the Office of House Employment Counsel established and operating under the authority of the Clerk of the House of Representatives as of November 12, 2001;

(B) any successor office to the Office of House Employment Counsel which is established after November 12, 2001; and

(C) any other person authorized and directed in accordance with the Rules of the House of Representatives to provide legal assistance and representation to employing offices of the House of Representatives in connection with actions brought under this subchapter.

(Pub. L. 104–1, title IV, § 408, Jan. 23, 1995, 109 Stat. 37; Pub. L. 107–68, title I, § 119(a), Nov. 12, 2001, 115 Stat. 573.)

AMENDMENTS

2001—Subsec. (d). Pub. L. 107–68 added subsec. (d).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, § 119(b), Nov. 12, 2001, 115 Stat. 574, provided that: ''The amendment made by this section [amending this section] shall apply with respect to proceedings occurring on or after the date of the enactment of this Act [Nov. 12, 2001].''

§ 1409. Judicial review of regulations

In any proceeding brought under section 1407 or 1408 of this title in which the application of a regulation issued under this chapter is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, except that with respect to regulations approved by a joint resolution under section 1384(c) of this title, only the provisions of section 706(2)(B) of title 5 shall apply. If the court determines that the regulation is invalid, the court shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this chapter is not subject to judicial review.

(Pub. L. 104–1, title IV, § 409, Jan. 23, 1995, 109 Stat. 37.)

§ 1410. Other judicial review prohibited

Except as expressly authorized by sections 1407, 1408, and 1409 of this title, the compliance or noncompliance with the provisions of this chapter and any action taken pursuant to this chapter shall not be subject to judicial review.

(Pub. L. 104–1, title IV, § 410, Jan. 23, 1995, 109 Stat. 37.)

§ 1411. Effect of failure to issue regulations

In any proceeding under section 1405, 1406, 1407, or 1408 of this title, except a proceeding to enforce section 1351 of this title with respect to offices listed under section 1351(e)(2) of this title, if the Board has not issued a regulation on a matter for which this chapter requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

(Pub. L. 104–1, title IV, § 411, Jan. 23, 1995, 109 Stat. 37.)

§ 1412. Expedited review of certain appeals

(a) In general

An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this chapter.

(b) Jurisdiction

The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in subsection (a) of this section, advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

(Pub. L. 104–1, title IV, § 412, Jan. 23, 1995, 109 Stat. 38.)

§ 1413. Privileges and immunities

The authorization to bring judicial proceedings under sections 1405(f)(3), 1407, and 1408 of this title shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution, including under article I, section 5, clause 3, or under the rules of either House relating to records and information within its jurisdiction.

(Pub. L. 104–1, title IV, § 413, Jan. 23, 1995, 109 Stat. 38.)

§ 1414. Settlement of complaints

Any settlement entered into by the parties to a process described in section 1331, 1341, 1351, or 1401 of this title shall be in writing and not become effective unless it is approved by the Executive Director. Nothing in this chapter shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

(Pub. L. 104–1, title IV, § 414, Jan. 23, 1995, 109 Stat. 38.)

§ 1415. Payments

(a) Awards and settlements

Except as provided in subsection (c) of this section, only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this chapter. There are authorized to be appropriated for such account such sums as may be necessary to pay such awards and settlements. Funds in the account are not available for awards and settlements involving the Government Accountability Office, the Government Printing Office, or the Library of Congress.

(b) Compliance

Except as provided in subsection (c) of this section, there are authorized to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this chapter.

(c) OSHA, accommodation, and access requirements

Funds to correct violations of section 1311(a)(3), 1331, or 1341 of this title may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations. There are authorized to be appropriated such sums as may be necessary for such funds.

(Pub. L. 104–1, title IV, § 415, Jan. 23, 1995, 109 Stat. 38; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

§ 1416. Confidentiality

(a) Counseling

All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) Mediation

All mediation shall be strictly confidential.

(c) Hearings and deliberations

Except as provided in subsections (d), (e), and (f) of this section, all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 1341 of this title, but shall apply to the deliberations of hearing officers and the Board under that section.

(d) Release of records for judicial action

The records of hearing officers and the Board may be made public if required for the purpose of judicial review under section 1407 of this title.

(e) Access by committees of Congress

At the discretion of the Executive Director, the Executive Director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing officers and the Board, including all written and oral testimony in the possession of the Office. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 1405(g) or 1406(e) of this title.

(f) Final decisions

A final decision entered under section 1405(g) or 1406(e) of this title shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 1331 of this title, or if the decision reverses a decision of a hearing officer which had been in favor of the covered employee or charging party. The Board may make public any other decision at its discretion.

(Pub. L. 104–1, title IV, § 416, Jan. 23, 1995, 109 Stat. 38.)

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

§ 1431. Exercise of rulemaking powers

The provisions of sections 1302(b)(3) and 1384(c) of this title are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

(Pub. L. 104–1, title V, § 501, Jan. 23, 1995, 109 Stat. 39.)

§ 1432. Political affiliation and place of residence

(a) In general

It shall not be a violation of any provision of section 1311 of this title to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office;

of an employee referred to in subsection (b) of this section with respect to employment decisions.

(b) "Employee" defined

For purposes of subsection (a) of this section, the term ''employee'' means—

(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) an employee on the staff of a committee or subcommittee of—

(A) the House of Representatives;

(B) the Senate; or

(C) a joint committee of the Congress;

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

(Pub. L. 104–1, title V, § 502, Jan. 23, 1995, 109 Stat. 39.)

§ 1433. Nondiscrimination rules of House and Senate

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

(Pub. L. 104–1, title V, § 503, Jan. 23, 1995, 109 Stat. 40.)

§ 1434. Judicial branch coverage study

The Judicial Conference of the United States shall prepare a report for submission by the Chief Justice of the United States to the Congress on the application to the judicial branch of the Federal Government of—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(2) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(3) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(4) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(5) the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.);

(6) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(7) chapter 71 (relating to Federal service labor-management relations) of title 5;

(8) the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.);

(9) the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.);

(10) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(11) chapter 43 (relating to veterans' employment and reemployment) of title 38.

The report shall be submitted to Congress not later than December 31, 1996, and shall include any recommendations the Judicial Conference may have for legislation to provide to employees of the judicial branch the rights, protections, and procedures under the listed laws, including administrative and judicial relief, that are comparable to those available to employees of the legislative branch under subchapters I through IV of this chapter.

(Pub. L. 104–1, title V, § 505, Jan. 23, 1995, 109 Stat. 41.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in par. (1), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Civil Rights Act of 1964, referred to in par. (2), is Pub. L. 88–352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§ 2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Americans with Disabilities Act of 1990, referred to in par. (3), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§ 12101 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in par. (4), is Pub. L. 90–202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§ 621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

The Family and Medical Leave Act of 1993, referred to in par. (5), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§ 2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

The Occupational Safety and Health Act of 1970, referred to in par. (6), is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§ 651 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Employee Polygraph Protection Act of 1988, referred to in par. (8), is Pub. L. 100–347, June 27, 1988, 102 Stat. 646, as amended, which is classified generally to chapter 22 (§ 2001 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 29 and Tables.

The Worker Adjustment and Retraining Notification Act, referred to in par. (9), is Pub. L. 100–379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§ 2101 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in par. (10), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

Subchapter II of this chapter, referred to in text, was in the original a reference to title II of this Act, meaning title II of Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 7, as amended, which enacted subchapter II of this chapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of title II to the Code, see Tables.

§ 1435. Savings provisions

(a) Transition provisions for employees of House of Representatives and of Senate

(1) Claims arising before effective date

If, as of the date on which section 1311 of this title takes effect, an employee of the Senate or the House of Representatives has or could have requested counseling under section 305[1] of the Government Employees Rights Act of 1991 or Rule LI of the House of Representatives, including counseling for alleged violations of family and medical leave rights under title V of the Family and Medical Leave Act of 1993, the employee may complete, or initiate and complete, all procedures under the Government Employees Rights Act of 1991 and Rule LI, and the provisions of that Act and Rule shall remain in effect with respect to, and provide the exclusive procedures for, those claims until the completion of all such procedures.

(2) Claims arising between effective date and opening of Office

If a claim by an employee of the Senate or House of Representatives arises under section 1311 or 1312 of this title after the effective date of such sections, but before the opening of the Office for receipt of requests for counseling or mediation under sections 1402 and 1403 of this title, the provisions of the Government Employees Rights Act of 1991 and Rule LI of the House of Representatives relating to counseling and mediation shall remain in effect, and the employee may complete under that Act or Rule the requirements for counseling and mediation under sections 1402 and 1403 of this title. If, after counseling and mediation is completed, the Office has not yet opened for the filing of a timely complaint under section 1405 of this title, the employee may elect—

(A) to file a complaint under section 307 of the Government Employees Rights Act of 1991[1] or Rule LI of the House of Representatives, and thereafter proceed exclusively under that Act or Rule, the provisions of which shall remain in effect until the completion of all proceedings in relation to the complaint, or

(B) to commence a civil action under section 1408 of this title.

(3) Section 1207a of this title

With respect to payments of awards and settlements relating to Senate employees under paragraph (1) of this subsection, section 1207a[1] of this title remains in effect.

(b) Transition provisions for employees of Architect of Capitol

(1) Claims arising before effective date

If, as of the date on which section 1311 of this title takes effect, an employee of the Architect of the Capitol has or could have filed a charge or complaint regarding an alleged violation of section 1831(e)(2)[1] of this title, the employee may complete, or initiate and complete, all procedures under section 1831(e)[1] of this title, the provisions of which shall remain in effect with respect to, and provide the exclusive procedures for, that claim until the completion of all such procedures.

(2) Claims arising between effective date and opening of Office

If a claim by an employee of the Architect of the Capitol arises under section 1311 or 1312 of this title after the effective date of those provisions, but before the opening of the Office for receipt of requests for counseling or mediation under sections 1402 and 1403 of this title, the employee may satisfy the requirements for counseling and mediation by exhausting the requirements prescribed by the Architect of the Capitol in accordance with section 1831(e)(3)[1] of this title. If, after exhaustion of those requirements the Office has not yet opened for the filing of a timely complaint under section 1405 of this title, the employee may elect—

(A) to file a charge with the General Accounting Office Personnel Appeals Board[2] pursuant to section 1831(e)(3)[1] of this title, and thereafter proceed exclusively under section 1831(e)[1] of this title, the provisions of which shall remain in effect until the completion of all proceedings in relation to the charge, or

(B) to commence a civil action under section 1408 of this title.

(c) Transition provision relating to matters other than employment under section 12209 of title 42

With respect to matters other than employment under section 12209 of title 42, the rights, protections, remedies, and procedures of section 12209 of title 42 shall remain in effect until section 1331 of this title takes effect with respect to each of the entities covered by section 12209 of title 42.

(Pub. L. 104–1, title V, § 506, Jan. 23, 1995, 109 Stat. 42.)

REFERENCES IN TEXT

For the effective dates of sections 1311, 1312, and 1331 of this title, referred to in text, see sections 1311(d), 1312(e), and 1331(h), respectively, of this title.

Rule LI of the Rules of the House of Representatives, referred to in subsec. (a)(1), (2), was repealed by H. Res. No. 5, § 23(a), One Hundred Fifth Congress, Jan. 7, 1997.

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(1), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6. Title V of the Act was classified generally to sections 60m and 60n of this title prior to repeal, except as provided by this section, by Pub. L. 104–1, title V, § 504(b), Jan. 23, 1995, 109 Stat. 41. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29, Labor, and Tables.

[1] See References in Text note below.

[2] See Change of Name note below.

The Government Employees Rights Act of 1991, referred to in subsec. (a)(1), (2), probably means the Government Employee Rights Act of 1991, which is title III of Pub. L. 102–166, Nov. 21, 1991, 105 Stat. 1088, as amended, and is classified generally to sections 2000e–16a to 2000e–16c of Title 42, The Public Health and Welfare. Sections 305 and 307 of the Act were classified to sections 1205 and 1207, respectively, of this title prior to repeal, except as provided in this section, by Pub. L. 104–1, title V, § 504(a)(2), Jan. 23, 1995, 109 Stat. 41. For complete classification of this Act to the Code, see section 2000e–16a(a) of Title 42 and Tables.

Section 1207a of this title, referred to in subsec. (a)(3), was repealed, except as provided in this section, by Pub. L. 104–1, title V, § 504(a)(5), Jan. 23, 1995, 109 Stat. 41.

Section 1831(e) of this title, referred to in subsec. (b), was repealed, except as provided in this section, by Pub. L. 104–1, title V, § 504(c)(1), Jan. 23, 1995, 109 Stat. 41.

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office. See section 8 of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance.

§ 1436. Repealed. Pub. L. 106–57, title III, § 313, Sept. 29, 1999, 113 Stat. 428

Section, Pub. L. 104–1, title V, § 507, Jan. 23, 1995, 109 Stat. 43; Pub. L. 105–275, title I, § 12, Oct. 21, 1998, 112 Stat. 2436, related to use of frequent flyer miles.

§ 1437. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

(Pub. L. 104–1, title V, § 508, Jan. 23, 1995, 109 Stat. 44.)

REFERENCES IN TEXT

The Federal Acquisition Streamlining Act of 1994, referred to in text, is Pub. L. 103–355, Oct. 13, 1994, 108 Stat. 3243. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 251 of Title 41, Public Contracts, and Tables.

§ 1438. Severability

If any provision of this chapter or the application of such provision to any person or circumstance is held to be invalid, the remainder of this chapter and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

(Pub. L. 104–1, title V, § 509, Jan. 23, 1995, 109 Stat. 44.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

CHAPTER 25—UNFUNDED MANDATES REFORM

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SUBCHAPTER IV—JUDICIAL REVIEW

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§ 1501. Purposes

The purposes of this chapter are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates;

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments and the private sector before adopting such regulations, and ensuring that small governments are given special consideration in that process; and

(8) to begin consideration of the effect of previously imposed Federal mandates, including the impact on State, local, and tribal governments of Federal court interpretations of Federal statutes and regulations that impose Federal intergovernmental mandates.

(Pub. L. 104–4, § 2, Mar. 22, 1995, 109 Stat. 48.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 104–4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 1 of Pub. L. 104–4 provided that: ''This Act [enacting this chapter and sections 658 to 658g of this title, amending sections 602, 632, and 653 of this title, and enacting provisions set out as notes under sections 1511 and 1531 of this title] may be cited as the 'Unfunded Mandates Reform Act of 1995'.''

§ 1502. Definitions

For purposes of this chapter—

(1) except as provided in section 1555 of this title, the terms defined under section 658 of this title shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

(Pub. L. 104–4, § 3, Mar. 22, 1995, 109 Stat. 49.)

§ 1503. Exclusions

This chapter shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

(6) the President designates as emergency legislation and that the Congress so designates in statute; or

(7) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act [42 U.S.C. 401 et seq.] (including taxes imposed by sections 3101(a) and 3111(a) of title 26 (relating to old-age, survivors, and disability insurance)).

(Pub. L. 104–4, § 4, Mar. 22, 1995, 109 Stat. 49.)

REFERENCES IN TEXT

The Social Security Act, referred to in par. (7), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 1504. Agency assistance

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this chapter.

(Pub. L. 104–4, § 5, Mar. 22, 1995, 109 Stat. 50.)

SUBCHAPTER I—LEGISLATIVE ACCOUNTABILITY AND REFORM

§ 1511. Cost of regulations

(a) Sense of Congress

It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) Statement of cost

At the request of a committee chairman or ranking minority member, the Director shall, to the extent practicable, prepare a comparison between—

(1) an estimate by the relevant agency, prepared under section 1532 of this title, of the costs of regulations implementing an Act containing a Federal mandate; and

(2) the cost estimate prepared by the Congressional Budget Office for such Act when it was enacted by the Congress.

(c) Cooperation of Office of Management and Budget

At the request of the Director of the Congressional Budget Office, the Director of the Office

of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by part B of title IV of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 658 et seq.].

(Pub. L. 104–4, title I, § 103, Mar. 22, 1995, 109 Stat. 62.)

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (c), is Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. Part B of title IV of the Act is classified generally to part B (§ 658 et seq.) of subchapter II of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

EFFECTIVE DATE

Section 110 of title I of Pub. L. 104–4 provided that: ''This title [enacting this subchapter and sections 658 to 658g of this title and amending sections 602, 632, and 653 of this title] shall take effect on January 1, 1996 or on the date 90 days after appropriations are made available as authorized under section 109 [section 1516 of this title], whichever is earlier and shall apply to legislation considered on and after such date.''

§ 1512. Consideration for Federal funding

Nothing in this chapter shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding under section 658d(a)(2) of this title for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

(Pub. L. 104–4, title I, § 105, Mar. 22, 1995, 109 Stat. 62.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 104–4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

§ 1513. Impact on local governments

(a) Findings

The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) Sense of Senate

It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this chapter and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

(Pub. L. 104–4, title I, § 106, Mar. 22, 1995, 109 Stat. 63.)

§ 1514. Enforcement in House of Representatives

(a) Omitted

(b) Committee on Rules reports on waived points of order

The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

(Pub. L. 104–4, title I, § 107, Mar. 22, 1995, 109 Stat. 63.)

CODIFICATION

Section is comprised of section 107 of Pub. L. 104–4. Subsec. (a) of section 107 of Pub. L. 104–4 amended the Rules of the House of Representatives, which are not classified to the Code.

§ 1515. Exercise of rulemaking powers

The provisions of sections 658 to 658g and 1514 of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

(Pub. L. 104–4, title I, § 108, Mar. 22, 1995, 109 Stat. 63.)

§ 1516. Authorization of appropriations

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this subchapter.

(Pub. L. 104–4, title I, § 109, Mar. 22, 1995, 109 Stat. 64.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this title'', meaning title I of Pub. L. 104–4, Mar. 22, 1995, 109 Stat. 50, which enacted this subchapter and sections 658 to 658g of this title, amended sections 602, 632, and 653 of this title, and enacted provisions set out as a note under section 1511 of this title.

SUBCHAPTER II—REGULATORY ACCOUNTABILITY AND REFORM

§ 1531. Regulatory process

Each agency shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).

(Pub. L. 104–4, title II, § 201, Mar. 22, 1995, 109 Stat. 64.)

EFFECTIVE DATE

Section 209 of title II of Pub. L. 104–4 provided that: ''This title [enacting this subchapter] and the amendments made by this title shall take effect on the date of the enactment of this Act [Mar. 22, 1995].''

REGULATORY PLANNING AND REVIEW

For provisions stating regulatory philosophy and principles and setting forth regulatory organization, procedures, and guidelines for centralized review of new and existing regulations to make the regulatory process more efficient, see Ex. Ord. No. 12866, Sept. 30, 1993, 58 F.R. 51735, set out as a note under section 601 of Title 5, Government Organization and Employees.

§ 1532. Statements to accompany significant regulatory actions

(a) In general

Unless otherwise prohibited by law, before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement containing—

(1) an identification of the provision of Federal law under which the rule is being promulgated;

(2) a qualitative and quantitative assessment of the anticipated costs and benefits of the Federal mandate, including the costs and benefits to State, local, and tribal governments or the private sector, as well as the effect of the Federal mandate on health, safety, and the natural environment and such an assessment shall include—

(A) an analysis of the extent to which such costs to State, local, and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

(B) the extent to which there are available Federal resources to carry out the intergovernmental mandate;

(3) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future compliance costs of the Federal mandate; and

(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector;

(4) estimates by the agency of the effect on the national economy, such as the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services, if and to the extent that the agency in its sole discretion determines that accurate estimates are reasonably feasible and that such effect is relevant and material; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 1534 of this title) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

(C) a summary of the agency's evaluation of those comments and concerns.

(b) Promulgation

In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) of this section is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) Preparation in conjunction with other statement

Any agency may prepare any statement required under subsection (a) of this section in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a) of this section.

(Pub. L. 104–4, title II, § 202, Mar. 22, 1995, 109 Stat. 64.)

§ 1533. Small government agency plan

(a) Effects on small governments

Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(1) provide notice of the requirements to potentially affected small governments, if any;

(2) enable officials of affected small governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates; and

(3) inform, educate, and advise small governments on compliance with the requirements.

(b) Authorization of appropriations

There are authorized to be appropriated to each agency to carry out the provisions of this section and for no other purpose, such sums as are necessary.

(Pub. L. 104–4, title II, § 203, Mar. 22, 1995, 109 Stat. 65.)

§ 1534. State, local, and tribal government input

(a) In general

Each agency shall, to the extent permitted in law, develop an effective process to permit elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates.

(b) Meetings between State, local, tribal and Federal officers

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to actions in support of intergovernmental communications where—

(1) meetings are held exclusively between Federal officials and elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and

(2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

(c) Implementing guidelines

No later than 6 months after March 22, 1995, the President shall issue guidelines and instructions to Federal agencies for appropriate implementation of subsections (a) and (b) of this section consistent with applicable laws and regulations.

(Pub. L. 104–4, title II, § 204, Mar. 22, 1995, 109 Stat. 65.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

DELEGATION OF AUTHORITY TO ISSUE GUIDELINES AND INSTRUCTIONS

Memorandum of President of the United States, Aug. 25, 1995, 60 F.R. 45039, provided:

Memorandum for the Director of the Office of Management and Budget

By the authority vested in me as President by the Constitution and laws of the United States, including section 204(c) of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) [2 U.S.C. 1534(c)] and section 301 of title 3 of the United States Code, I hereby delegate to the Director of the Office of Management and Budget the authority vested in the President to issue the guidelines and instructions to Federal agencies required by section 204(c) of that Act.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 1535. Least burdensome option or explanation required

(a) In general

Except as provided in subsection (b) of this section, before promulgating any rule for which a written statement is required under section 1532 of this title, the agency shall identify and consider a reasonable number of regulatory alternatives and from those alternatives select the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule, for—

(1) State, local, and tribal governments, in the case of a rule containing a Federal intergovernmental mandate; and

(2) the private sector, in the case of a rule containing a Federal private sector mandate.

(b) Exception

The provisions of subsection (a) of this section shall apply unless—

(1) the head of the affected agency publishes with the final rule an explanation of why the least costly, most cost-effective or least burdensome method of achieving the objectives of the rule was not adopted; or

(2) the provisions are inconsistent with law.

(c) OMB certification

No later than 1 year after March 22, 1995, the Director of the Office of Management and Budget shall certify to Congress, with a written explanation, agency compliance with this section and include in that certification agencies and rulemakings that fail to adequately comply with this section.

(Pub. L. 104–4, title II, § 205, Mar. 22, 1995, 109 Stat. 66.)

§ 1536. Assistance to Congressional Budget Office

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 1532 of this title; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

(Pub. L. 104–4, title II, § 206, Mar. 22, 1995, 109 Stat. 66.)

§ 1537. Pilot program on small government flexibility

(a) In general

The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) Program focus

The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

(Pub. L. 104–4, title II, § 207, Mar. 22, 1995, 109 Stat. 67.)

§ 1538. Annual statements to Congress on agency compliance

No later than 1 year after March 22, 1995, and annually thereafter, the Director of the Office of

Management and Budget shall submit to the Congress, including the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, a written report detailing compliance by each agency during the preceding reporting period with the requirements of this subchapter.

(Pub. L. 104–4, title II, § 208, Mar. 22, 1995, 109 Stat. 67.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SUBCHAPTER III—REVIEW OF FEDERAL MANDATES

§ 1551. Baseline study of costs and benefits

(a) In general

No later than 18 months after March 22, 1995, the Advisory Commission on Intergovernmental Relations (hereafter in this subchapter referred to as the ''Advisory Commission''), in consultation with the Director, shall complete a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) Considerations

The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

(Pub. L. 104–4, title III, § 301, Mar. 22, 1995, 109 Stat. 67.)

§ 1552. Report on Federal mandates by Advisory Commission on Intergovernmental Relations

(a) In general

The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities, and their impact on the competitive balance between State, local, and tribal governments, and the private sector and consider views of and the impact on working men and women on those same matters;

(2) investigate and review the role of unfunded State mandates imposed on local governments;

(3) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates;

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with Federal mandates that use different definitions or standards for the same terms or principles; and

(G)(i) the mitigation of negative impacts on the private sector that may result from relieving State, local, and tribal governments from Federal mandates (if and to the extent that such negative impacts exist on the private sector); and

(ii) the feasibility of applying relief from Federal mandates in the same manner and to the same extent to private sector entities as such relief is applied to State, local, and tribal governments; and

(4) identify and consider in each recommendation made under paragraph (3), to the extent practicable—

(A) the specific Federal mandates to which the recommendation applies, including requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement; and

(B) any negative impact on the private sector that may result from implementation of the recommendation.

(b) Criteria

(1) In general

The Commission shall establish criteria for making recommendations under subsection (a) of this section.

(2) Issuance of proposed criteria

The Commission shall issue proposed criteria under this subsection no later than 60 days after March 22, 1995, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) Final criteria

No later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) Preliminary report

(1) In general

No later than 9 months after March 22, 1995, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this subchapter, including preliminary recommendations pursuant to subsection (a) of this section;

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) Public hearings

The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) Final report

No later than 3 months after the date of the publication of the preliminary report under subsection (c) of this section, the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on the Budget of the Senate, and the Committee on the Budget of the House of Representatives, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

(e) Priority to mandates that are subject of judicial proceedings

In carrying out this section, the Advisory Commission shall give the highest priority to immediately investigating, reviewing, and making recommendations regarding Federal mandates that are the subject of judicial proceedings between the United States and a State, local, or tribal government.

(f) "State mandate" defined

For purposes of this section the term ''State mandate'' means any provision in a State statute or regulation that imposes an enforceable duty on local governments, the private sector, or individuals, including a condition of State assistance or a duty arising from participation in a voluntary State program.

(Pub. L. 104–4, title III, § 302, Mar. 22, 1995, 109 Stat. 67.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1553. Special authorities of Advisory Commission

(a) Experts and consultants

For purposes of carrying out this subchapter, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5.

(b) Detail of staff of Federal agencies

Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this subchapter.

(c) Administrative support services

Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its duties under this subchapter.

(d) Contract authority

The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this subchapter.

(Pub. L. 104–4, title III, § 303, Mar. 22, 1995, 109 Stat. 69.)

§ 1554. Annual report to Congress regarding Federal court rulings

No later than 4 months after March 22, 1995, and no later than March 15 of each year thereafter, the Advisory Commission on Intergovernmental Relations shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a report describing any Federal court case to which a State, local, or tribal government was a party in the preceding calendar year that required such State, local, or tribal government to undertake responsibilities or activities, beyond those such government would otherwise have undertaken, to comply with Federal statutes and regulations.

(Pub. L. 104–4, title III, § 304, Mar. 22, 1995, 109 Stat. 70.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1555. "Federal mandate" defined

Notwithstanding section 1502 of this title, for purposes of this subchapter the term ''Federal

mandate'' means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon State, local, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

(Pub. L. 104–4, title III, § 305, Mar. 22, 1995, 109 Stat. 70.)

§ 1556. Authorization of appropriations

There are authorized to be appropriated to the Advisory Commission to carry out section 1551 of this title and section 1552 of this title, $500,000 for each of fiscal years 1995 and 1996.

(Pub. L. 104–4, title III, § 306, Mar. 22, 1995, 109 Stat. 70.)

SUBCHAPTER IV—JUDICIAL REVIEW

§ 1571. Judicial review

(a) Agency statements on significant regulatory actions

(1) In general

Compliance or noncompliance by any agency with the provisions of sections 1532 and 1533(a)(1) and (2) of this title shall be subject to judicial review only in accordance with this section.

(2) Limited review of agency compliance or noncompliance

(A) Agency compliance or noncompliance with the provisions of sections 1532 and 1533(a)(1) and (2) of this title shall be subject to judicial review only under section 706(1) of title 5, and only as provided under subparagraph (B).

(B) If an agency fails to prepare the written statement (including the preparation of the estimates, analyses, statements, or descriptions) under section 1532 of this title or the written plan under section 1533(a)(1) and (2) of this title, a court may compel the agency to prepare such written statement.

(3) Review of agency rules

In any judicial review under any other Federal law of an agency rule for which a written statement or plan is required under sections 1532 and 1533(a)(1) and (2) of this title, the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement or description) or written plan shall not be used as a basis for staying, enjoining, invalidating or otherwise affecting such agency rule.

(4) Certain information as part of record

Any information generated under sections 1532 and 1533(a)(1) and (2) of this title that is part of the rulemaking record for judicial review under the provisions of any other Federal law may be considered as part of the record for judicial review conducted under such other provisions of Federal law.

(5) Application of other Federal law

For any petition under paragraph (2) the provisions of such other Federal law shall control all other matters, such as exhaustion of administrative remedies, the time for and manner of seeking review and venue, except that if such other Federal law does not provide a limitation on the time for filing a petition for judicial review that is less than 180 days, such limitation shall be 180 days after a final rule is promulgated by the appropriate agency.

(6) Effective date

This subsection shall take effect on October 1, 1995, and shall apply only to any agency rule for which a general notice of proposed rulemaking is promulgated on or after such date.

(b) Judicial review and rule of construction

Except as provided in subsection (a) of this section—

(1) any estimate, analysis, statement, description or report prepared under this chapter, and any compliance or noncompliance with the provisions of this chapter, and any determination concerning the applicability of the provisions of this chapter shall not be subject to judicial review; and

(2) no provision of this chapter shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.

(Pub. L. 104–4, title IV, § 401, Mar. 22, 1995, 109 Stat. 70.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original ''this Act'', meaning Pub. L. 104–4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

CHAPTER 26—DISCLOSURE OF LOBBYING ACTIVITIES

Sec.
1601. Findings.
1602. Definitions.
1603. Registration of lobbyists.
1604. Reports by registered lobbyists.
1605. Disclosure and enforcement.
1606. Penalties.
1607. Rules of construction.
1608. Severability.
1609. Identification of clients and covered officials.
1610. Estimates based on tax reporting system.
1611. Exempt organizations.
1612. Sense of Senate that lobbying expenses should remain nondeductible.

§ 1601. Findings

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision-making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of

Government actions will increase public confidence in the integrity of Government.

(Pub. L. 104–65, § 2, Dec. 19, 1995, 109 Stat. 691.)

EFFECTIVE DATE

Section 24 of Pub. L. 104–65 provided that:

''(a) Except as otherwise provided in this section, this Act [see Short Title note below] and the amendments made by this Act shall take effect on January 1, 1996.

''(b) The repeals and amendments made under sections 9, 10, 11, and 12 [amending section 4804 of Title 15, Commerce and Trade, section 219 of Title 18, Crimes and Criminal Procedure, sections 611, 613, 614, 616, 618, and 4002 of Title 22, Foreign Relations and Intercourse, section 1352 of Title 31, Money and Finance, and section 1490p of Title 42, The Public Health and Welfare, repealing sections 261 to 270 of this title and section 3537b of Title 42, and repealing provisions set out as a note under section 261 of this title] shall take effect as provided under subsection (a), except that such repeals and amendments—

''(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

''(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.''

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–166, § 1(a), Apr. 6, 1998, 112 Stat. 38, provided that: ''This Act [amending sections 1602, 1604, and 1610 of this title and section 613 of Title 22, Foreign Relations and Intercourse] may be cited as the 'Lobbying Disclosure Technical Amendments Act of 1998'.''

SHORT TITLE

Section 1 of Pub. L. 104–65 provided that: ''This Act [enacting this chapter, amending sections 3304 of Title 5, Government Organization and Employees, section 102 of Pub. L. 95–521, set out in the Appendix to Title 5, section 4804 of Title 15, Commerce and Trade, sections 207 and 219 of Title 18, Crimes and Criminal Procedure, section 2171 of Title 19, Customs Duties, sections 611, 613, 614, 616, 618, 621, and 4002 of Title 22, Foreign Relations and Intercourse, section 1352 of Title 31, Money and Finance, and section 1490p of Title 42, The Public Health and Welfare, repealing sections 261 to 270 of this title and section 3537b of Title 42, enacting provisions set out as notes under this section, section 3304 of Title 5, section 102 of Pub. L. 95–521, set out in the Appendix to Title 5, and section 207 of Title 18, and repealing provisions set out as a note under section 261 of this title] may be cited as the 'Lobbying Disclosure Act of 1995'.''

§ 1602. Definitions

As used in this chapter:

(1) Agency

The term ''agency'' has the meaning given that term in section 551(1) of title 5.

(2) Client

The term ''client'' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) Covered executive branch official

The term ''covered executive branch official'' means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2)(B) of title 5.

(4) Covered legislative branch official

The term ''covered legislative branch official'' means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) Employee

The term ''employee'' means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) Foreign entity

The term ''foreign entity'' means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) Lobbying activities

The term ''lobbying activities'' means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) Lobbying contact

(A) Definition

The term ''lobbying contact'' means any oral or written communication (including an

electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) Exceptions

The term ''lobbying contact'' does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency, including any communication compelled by a Federal contract, grant, loan, permit, or license;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5 or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of title 26, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act [15 U.S.C. 78c(a)(26)]) that is registered with or established by the Securities and Exchange Commission as required by that Act [15 U.S.C. 78a et seq.] or a similar organization that is designated by or reg-

istered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act [7 U.S.C. 1 et seq.]; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(9) Lobbying firm

The term ''lobbying firm'' means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(10) Lobbyist

The term ''lobbyist'' means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(11) Media organization

The term ''media organization'' means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(12) Member of Congress

The term ''Member of Congress'' means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) Organization

The term ''organization'' means a person or entity other than an individual.

(14) Person or entity

The term ''person or entity'' means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) Public official

The term ''public official'' means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 622(8) of this title);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 1085(j) of title 20), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 1085(d)(1)(F) of title 20;

(B) a Government corporation (as defined in section 9101 of title 31);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 450b(e) of title 25;[1]

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government, or a group of governments acting together as an international organization.

(16) State

The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Pub. L. 104–65, § 3, Dec. 19, 1995, 109 Stat. 691; Pub. L. 105–166, §§ 2, 3, Apr. 6, 1998, 112 Stat. 38.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'' meaning Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Levels I, II, III, IV, and V of the Executive Schedule, referred to in par. (3)(D), are set out in sections 5312, 5313, 5314, 5315, and 5316, respectively, of Title 5, Government Organization and Employees.

Section 109(13) of the Ethics in Government Act of 1978, referred to in par. (4)(D), is section 109(13) of Pub. L. 95–521, which is set out in the Appendix to Title 5.

The Foreign Agents Registration Act of 1938, referred to in par. (8)(B)(iv), is act June 8, 1938, ch. 327, 52 Stat. 631, as amended, which is classified generally to subchapter II (§ 611 et seq.) of chapter 11 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 611 of Title 22 and Tables.

The Federal Advisory Committee Act, referred to in par. (8)(B)(vi), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Whistleblower Protection Act of 1989, referred to in par. (8)(B)(xvii), is Pub. L. 101–12, Apr. 10, 1989, 103 Stat. 16, as amended, which enacted subchapters II [5 U.S.C. 1211 et seq.] and III [5 U.S.C. 1221 et seq.] of chapter 12 and section 3352 of Title 5, Government Organization and Employees, amended sections 1201 to 1206, 1209, 1211, 2302, 2303, 3393, 7502, 7512, 7521, 7542, 7701, and 7703 of Title 5 and section 4139 of Title 22, Foreign Relations and Intercourse, repealed sections 1207 and 1208 of Title 5, and enacted provisions set out as notes under sections 1201, 1211, and 5509 of Title 5. For complete classification of this Act to the Code, see Short Title of 1989 Amendment note set out under section 1201 of Title 5 and Tables.

The Inspector General Act of 1978, referred to in par. (8)(B)(xvii), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5.

The Securities Exchange Act, referred to in par. (8)(B)(xix), probably means the Securities Exchange Act of 1934, act June 6, 1934, ch. 404, 48 Stat. 881, as amended, which is classified generally to chapter 2B (§ 78a et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 78a of Title 15 and Tables.

The Commodity Exchange Act, referred to in par. (8)(B)(xix), is act Sept. 21, 1922, ch. 369, 42 Stat. 998, as amended, which is classified generally to chapter 1 (§ 1 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1 of Title 7 and Tables.

[1] So in original. A closing parenthesis probably should precede the semicolon.

AMENDMENTS

1998—Par. (3)(F). Pub. L. 105–166, §2, substituted ''7511(b)(2)(B)'' for ''7511(b)(2)''.

Par. (8)(B)(ix). Pub. L. 105–166, §3(a), inserted before semicolon at end '', including any communication compelled by a Federal contract, grant, loan, permit, or license''.

Par. (15)(F). Pub. L. 105–166, §3(b), inserted before period at end '', or a group of governments acting together as an international organization''.

§ 1603. Registration of lobbyists

(a) Registration

(1) General rule

No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) Employer filing

Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) Exemption

(A) General rule

Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $5,000; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $20,000,

(as estimated under section 1604 of this title) in the semiannual period described in section 1604(a) of this title during which the registration would be made is not required to register under this subsection with respect to such client.

(B) Adjustment

The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since December 19, 1995; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) Contents of registration

Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $10,000 toward the lobbying activities of the registrant in a semiannual period described in section 1604(a) of this title; and

(B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than $10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after December 19, 1995) as a lobbyist on behalf of the client, the position in which such employee served.

(c) Guidelines for registration

(1) Multiple clients

In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) Multiple contacts

A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) Termination of registration

A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

(Pub. L. 104–65, § 4, Dec. 19, 1995, 109 Stat. 696.)

§ 1604. Reports by registered lobbyists

(a) Semiannual report

No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 1603 of this title, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(b) Contents of report

Each semiannual report filed under subsection (a) of this section shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 1603(b)(4) of this title in the specific issues listed under subparagraph (A);

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) Estimates of income or expenses

For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

(Pub. L. 104–65, § 5, Dec. 19, 1995, 109 Stat. 697; Pub. L. 105–166, § 4(c), Apr. 6, 1998, 112 Stat. 39.)

AMENDMENTS

1998—Subsec. (c)(3). Pub. L. 105–166 struck out par. (3) which read as follows: ''A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of title 26 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).''

§ 1605. Disclosure and enforcement

The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this chapter and develop common standards, rules, and procedures for compliance with this chapter;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this chapter, including—

(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this chapter;

(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this chapter;

(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this chapter; and

(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this chapter, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (7).

(Pub. L. 104–65, § 6, Dec. 19, 1995, 109 Stat. 698.)

REFERENCES IN TEXT

This chapter, referred to in pars. (1), (3), (4), (7), and (8), was in the original ''this Act'' meaning Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

§ 1606. Penalties

Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this chapter;

shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

(Pub. L. 104–65, § 7, Dec. 19, 1995, 109 Stat. 699.)

REFERENCES IN TEXT

This chapter, referred to in par. (2), was in the original ''this Act'' meaning Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

§ 1607. Rules of construction

(a) Constitutional rights

Nothing in this chapter shall be construed to prohibit or interfere with—

(1) the right to petition the Government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

(b) Prohibition of activities

Nothing in this chapter shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this chapter.

(c) Audit and investigations

Nothing in this chapter shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

(Pub. L. 104–65, § 8, Dec. 19, 1995, 109 Stat. 699.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'' meaning Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

§ 1608. Severability

If any provision of this chapter, or the application thereof, is held invalid, the validity of the remainder of this chapter and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 104–65, § 13, Dec. 19, 1995, 109 Stat. 701.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'' meaning Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

§ 1609. Identification of clients and covered officials

(a) Oral lobbying contacts

Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this chapter and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 1603(b)(4) of this title that has a direct interest in the outcome of the lobbying activity.

(b) Written lobbying contacts

Any person or entity registered under this chapter that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this chapter, and state whether the person making the lobbying contact is registered on behalf of that client under section 1603 of this title; and

(2) identify any other foreign entity identified pursuant to section 1603(b)(4) of this title that has a direct interest in the outcome of the lobbying activity.

(c) Identification as covered official

Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

(Pub. L. 104–65, § 14, Dec. 19, 1995, 109 Stat. 702.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b), was in the original ''this Act'' meaning Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

§ 1610. Estimates based on tax reporting system

(a) Entities covered by section 6033(b) of title 26

A person, other than a lobbying firm, that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of title 26 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 1603(a)(3) and 1604(b)(4) of this title; and

(2) for all other purposes consider as lobbying contacts and lobbying activities only—

(A) lobbying contacts with covered legislative branch officials (as defined in section 1602(4) of this title) and lobbying activities in support of such contacts; and

(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of title 26.

(b) Entities covered by section 162(e) of title 26

A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to section 162(e) of title 26 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such sec-

tion for the appropriate semiannual period to meet the requirements of sections 1603(a)(3) and 1604(b)(4) of this title; and

(2) for all other purposes consider as lobbying contacts and lobbying activities only—

(A) lobbying contacts with covered legislative branch officials (as defined in section 1602(4) of this title) and lobbying activities in support of such contacts; and

(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of title 26.

(c) Disclosure of estimate

Any registrant that elects to make estimates required by this chapter under the procedures authorized by subsection (a) or (b) of this section for reporting or threshold purposes shall—

(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) Study

Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) of this section and report to the Congress—

(1) the differences between the definition of ''lobbying activities'' in section 1602(7) of this title and the definitions of ''lobbying expenditures'', ''influencing legislation'', and related terms in sections 162(e) and 4911 of title 26, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this chapter pursuant to this subsection; and

(3) any changes to this chapter or to the appropriate sections of title 26 that the Comptroller General may recommend to harmonize the definitions.

(Pub. L. 104–65, § 15, Dec. 19, 1995, 109 Stat. 702; Pub. L. 105–166, § 4(a), (b), Apr. 6, 1998, 112 Stat. 38.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (d)(2), (3), was in the original ''this Act'' meaning Pub. L. 104–65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–166, § 4(a)(1), in introductory provisions, substituted ''A person, other than a lobbying firm,'' for ''A registrant''.

Subsec. (a)(2). Pub. L. 105–166, § 4(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''in lieu of using the definition of 'lobbying activities' in section 1602(7) of this title, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of title 26.''

Subsec. (b). Pub. L. 105–166, § 4(b)(1), in introductory provisions, substituted ''A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to'' for ''A registrant that is subject to''.

Subsec. (b)(2). Pub. L. 105–166, § 4(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''in lieu of using the definition of 'lobbying activities' in section 1602(7) of this title, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of title 26.''

§ 1611. Exempt organizations

An organization described in section 501(c)(4) of title 26 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, or loan.

(Pub. L. 104–65, § 18, Dec. 19, 1995, 109 Stat. 703; Pub. L. 104–99, title I, § 129(a), Jan. 26, 1996, 110 Stat. 34.)

AMENDMENTS

1996—Pub. L. 104–99 substituted ''award, grant, or loan'' for ''award, grant, contract, loan, or any other form''.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 129(b) of Pub. L. 104–99 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as if included in the Lobbying Disclosure Act of 1995 [Pub. L. 104–65] on the date of the enactment of such Act [Dec. 19, 1995].''

[For provision that notwithstanding section 106 of Pub. L. 104–99 [110 Stat. 27], section 129 of Pub. L. 104–99 [see above] to remain in effect as if enacted as part of Pub. L. 104–134, see section 21103 of Pub. L. 104–134, set out as a note following note captioned 501 First Street SE., District of Columbia; Disposal of Real Property, under section 2001 of this title].

§ 1612. Sense of Senate that lobbying expenses should remain nondeductible

(a) Findings

The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) Sense of Senate

It is the sense of the Senate that lobbying expenses should not be tax deductible.

(Pub. L. 104–65, § 23, Dec. 19, 1995, 109 Stat. 705.)

CHAPTER 27—SOUND RECORDING PRESERVATION BY THE LIBRARY OF CONGRESS

SUBCHAPTER I—NATIONAL RECORDING REGISTRY

Sec.
1701. National Recording Registry of the Library of Congress.
1702. Duties of Librarian of Congress.
1703. Seal of the National Recording Registry.
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SUBCHAPTER II—NATIONAL SOUND RECORDING PRESERVATION PROGRAM

1711. Establishment of program by Librarian of Congress.
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SUBCHAPTER III—NATIONAL RECORDING PRESERVATION BOARD

1721. Establishment.
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Sec.
SUBCHAPTER IV—GENERAL PROVISIONS
1741. Definitions.
1742. Staff; experts and consultants.
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SUBCHAPTER I—NATIONAL RECORDING REGISTRY

§ 1701. National Recording Registry of the Library of Congress

The Librarian of Congress shall establish the National Recording Registry for the purpose of maintaining and preserving sound recordings that are culturally, historically, or aesthetically significant.

(Pub. L. 106–474, title I, § 101, Nov. 9, 2000, 114 Stat. 2085.)

SHORT TITLE

Pub. L. 106–474, § 1, Nov. 9, 2000, 114 Stat. 2085, provided that: ''This Act [enacting this chapter and chapter 1524 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations] may be cited as the 'National Recording Preservation Act of 2000'.''

§ 1702. Duties of Librarian of Congress

(a) Establishment of criteria and procedures

For purposes of carrying out this subchapter, the Librarian shall—

(1) establish criteria and procedures under which sound recordings may be included in the National Recording Registry, except that no sound recording shall be eligible for inclusion in the National Recording Registry until 10 years after the recording's creation;

(2) establish procedures under which the general public may make recommendations to the National Recording Preservation Board established under subchapter III of this chapter regarding the inclusion of sound recordings in the National Recording Registry; and

(3) determine which sound recordings satisfy the criteria established under paragraph (1) and select such recordings for inclusion in the National Recording Registry.

(b) Publication of sound recordings in the Registry

The Librarian shall publish in the Federal Register the name of each sound recording that is selected for inclusion in the National Recording Registry.

(Pub. L. 106–474, title I, § 102, Nov. 9, 2000, 114 Stat. 2085.)

§ 1703. Seal of the National Recording Registry

(a) In general

The Librarian shall provide a seal to indicate that a sound recording has been included in the National Recording Registry and is the Registry version of that recording.

(b) Use of seal

The Librarian shall establish guidelines for approval of the use of the seal provided under subsection (a) of this section, and shall include in the guidelines the following:

(1) The seal may only be used on recording copies of the Registry version of a sound recording.

(2) The seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines.

(3) In the case of copyrighted mass distributed, broadcast, or published works, only the copyright legal owner or an authorized licensee of that copyright owner may place or authorize the placement of the seal on any recording copy of the Registry version of any sound recording that is maintained in the National Recording Registry Collection in the Library of Congress.

(4) Anyone authorized to place the seal on any recording copy of any Registry version of a sound recording may accompany such seal with the following language: ''This sound recording is selected for inclusion in the National Recording Registry by the Librarian of Congress in consultation with the National Recording Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance.''.

(c) Effective date of the seal

The use of the seal provided under subsection (a) of this section with respect to a sound recording shall be effective beginning on the date the Librarian publishes in the Federal Register (in accordance with section 1702(b) of this title) the name of the recording, as selected for inclusion in the National Recording Registry.

(d) Prohibited uses of the seal

(1) Prohibition on distribution and exhibition

No person may knowingly distribute or exhibit to the public a version of a sound recording or any copy of a sound recording which bears the seal described in subsection (a) of this section if such recording—

(A) is not included in the National Recording Registry; or

(B) is included in the National Recording Registry but has not been approved for use of the seal by the Librarian pursuant to the guidelines established under subsection (b) of this section.

(2) Prohibition on promotion

No person may knowingly use the seal described in subsection (a) of this section to promote any version of a sound recording or recording copy other than a Registry version.

(e) Remedies for violations

(1) Jurisdiction

The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of subsection (d) of this section.

(2) Relief

(A) Removal of seal

Except as provided in subparagraph (B), relief for violation of subsection (d) of this section shall be limited to the removal of the seal from the sound recording involved in the violation.

(B) Fine and injunctive relief

In the case of a pattern or practice of the willful violation of subsection (d) of this sec-

tion, the court may order a civil fine of not more than $10,000 and appropriate injunctive relief.

(3) Limitation of remedies

The remedies provided in this subsection shall be the exclusive remedies under this chapter, or any other Federal or State law, regarding the use of the seal described in subsection (a) of this section.

(Pub. L. 106–474, title I, § 103, Nov. 9, 2000, 114 Stat. 2086.)

§ 1704. National Recording Registry Collection of the Library of Congress

(a) In general

All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) of this section shall be maintained in the Library of Congress and be known as the ''National Recording Registry Collection of the Library of Congress''. The Librarian shall by regulation and in accordance with title 17 provide for reasonable access to the sound recordings and other materials in such collection for scholarly and research purposes.

(b) Acquisition of quality copies

(1) In general

The Librarian shall seek to obtain, by gift from the owner, a quality copy of the Registry version of each sound recording included in the National Recording Registry.

(2) Limit on number of copies

Not more than one copy of the same version or take of any sound recording may be preserved in the National Recording Registry. Nothing in the preceding sentence may be construed to prohibit the Librarian from making or distributing copies of sound recordings included in the Registry for purposes of carrying out this Act.

(c) Property of United States

All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) of this section shall become the property of the United States Government, subject to the provisions of title 17.

(Pub. L. 106–474, title I, § 104, Nov. 9, 2000, 114 Stat. 2087.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(2), is Pub. L. 106–474, Nov. 9, 2000, 114 Stat. 2085, known as the National Recording Preservation Act of 2000, which enacted this chapter and chapter 1524 (§ 152401 et seq.) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

SUBCHAPTER II—NATIONAL SOUND RECORDING PRESERVATION PROGRAM

§ 1711. Establishment of program by Librarian of Congress

(a) In general

The Librarian shall, after consultation with the National Recording Preservation Board established under subchapter III of this chapter, implement a comprehensive national sound recording preservation program, in conjunction with other sound recording archivists, educators and historians, copyright owners, recording industry representatives, and others involved in activities related to sound recording preservation, and taking into account studies conducted by the Board.

(b) Contents of program specified

The program established under subsection (a) of this section shall—

(1) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(2) generate public awareness of and support for these activities;

(3) increase accessibility of sound recordings for educational purposes;

(4) undertake studies and investigations of sound recording preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices; and

(5) utilize the audiovisual conservation center of the Library of Congress at Culpeper, Virginia, to ensure that preserved sound recordings included in the National Recording Registry are stored in a proper manner and disseminated to researchers, scholars, and the public as may be appropriate in accordance with title 17 and the terms of any agreements between the Librarian and persons who hold copyrights to such recordings.

(Pub. L. 106–474, title I, § 111, Nov. 9, 2000, 114 Stat. 2087.)

§ 1712. Promoting accessibility and public awareness of sound recordings

The Librarian shall carry out activities to make sound recordings included in the National Recording Registry more broadly accessible for research and educational purposes and to generate public awareness and support of the Registry and the comprehensive national sound recording preservation program established under this subchapter.

(Pub. L. 106–474, title I, § 112, Nov. 9, 2000, 114 Stat. 2088.)

SUBCHAPTER III—NATIONAL RECORDING PRESERVATION BOARD

§ 1721. Establishment

The Librarian shall establish in the Library of Congress a National Recording Preservation Board whose members shall be selected in accordance with the procedures described in section 1722 of this title.

(Pub. L. 106–474, title I, § 121, Nov. 9, 2000, 114 Stat. 2088.)

§ 1722. Appointment of members

(a) Selections from lists submitted by organizations

(1) In general

The Librarian shall request each organization described in paragraph (2) to submit a list

of three candidates qualified to serve as a member of the Board. The Librarian shall appoint one member from each such list, and shall designate from that list an alternate who may attend at Board expense those meetings which the individual appointed to the Board cannot attend.

(2) Organizations described

The organizations described in this paragraph are as follows:

(A) National Academy of Recording Arts and Sciences (NARAS).

(B) Recording Industry Association of America (RIAA).

(C) Association for Recorded Sound Collections (ARSC).

(D) American Society of Composers, Authors and Publishers (ASCAP).

(E) Broadcast Music, Inc. (BMI).

(F) Songwriters Association (SESAC).

(G) American Federation of Musicians (AF of M).

(H) Music Library Association.

(I) American Musicological Society.

(J) National Archives and Record Administration.

(K) National Association of Recording Merchandisers (NARM).

(L) Society for Ethnomusicology.

(M) American Folklore Society.

(N) Country Music Foundation.

(O) Audio Engineering Society (AES).

(P) National Academy of Popular Music.

(Q) Digital Media Association (DiMA).

(b) Other members

In addition to the members appointed under subsection (a) of this section, the Librarian may appoint not more than five members-at-large. The Librarian shall select an alternate for each member-at-large, who may attend at Board expense those meetings that the member-at-large cannot attend.

(c) Chair

The Librarian shall appoint one member of the Board to serve as Chair.

(d) Term of office

(1) Terms

The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) Removal of member of organization

The Librarian shall have the authority to remove any member of the Board (or, in the case of a member appointed under subsection (a)(1) of this section, the organization that such member represents) if the member or organization over any consecutive 2-year period fails to attend at least one regularly scheduled Board meeting.

(3) Vacancies

A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a) of this section, except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member's predecessor.

(Pub. L. 106–474, title I, § 122, Nov. 9, 2000, 114 Stat. 2088.)

§ 1723. Service of members; meetings

(a) Reimbursement of expenses

Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(b) Conflict of interest

The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

(c) Meetings

The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(d) Quorum

Eleven members of the Board shall constitute a quorum for the transaction of business.

(Pub. L. 106–474, title I, § 123, Nov. 9, 2000, 114 Stat. 2089.)

§ 1724. Responsibilities of Board

(a) Review and recommendation of nominations for National Recording Registry

(1) In general

The Board shall review nominations of sound recordings submitted to it for inclusion in the National Recording Registry and advise the Librarian, as provided in subchapter I of this chapter, with respect to the inclusion of such recordings in the Registry and the preservation of these and other sound recordings that are culturally, historically, or aesthetically significant.

(2) Source of nominations

The Board shall consider for inclusion in the National Recording Registry nominations submitted by the general public as well as representatives of sound recording archives and the sound recording industry (such as the guilds and societies representing sound recording artists) and other creative artists.

(b) Study and report on sound recording preservation and restoration

The Board shall conduct a study and issue a report on the following issues:

(1) The current state of sound recording archiving, preservation and restoration activities.

(2) Taking into account the research and other activities carried out by or on behalf of the National Audio-Visual Conservation Center at Culpeper, Virginia—

(A) the methodology and standards needed to make the transition from analog ''open reel'' preservation of sound recordings to digital preservation of sound recordings; and

(B) standards for access to preserved sound recordings by researchers, educators, and other interested parties.

(3) The establishment of clear standards for copying old sound recordings (including equipment specifications and equalization guidelines).

(4) Current laws and restrictions regarding the use of archives of sound recordings, including recommendations for changes in such laws and restrictions to enable the Library of Congress and other nonprofit institutions in the field of sound recording preservation to make their collections available to researchers in a digital format.

(5) Copyright and other laws applicable to the preservation of sound recordings.

(Pub. L. 106–474, title I, § 124, Nov. 9, 2000, 114 Stat. 2089.)

§ 1725. General powers of Board

(a) In general

The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(b) Service on Foundation

Two sitting members of the Board shall be appointed by the Librarian and shall serve as members of the board of directors of the National Recording Preservation Foundation, in accordance with section 152403 of title 36.

(Pub. L. 106–474, title I, § 125, Nov. 9, 2000, 114 Stat. 2090.)

SUBCHAPTER IV—GENERAL PROVISIONS

§ 1741. Definitions

As used in this chapter:

(1) The term ''Librarian'' means the Librarian of Congress.

(2) The term ''Board'' means the National Recording Preservation Board.

(3) The term ''sound recording'' has the meaning given such term in section 101 of title 17.

(4) The term ''publication'' has the meaning given such term in section 101 of title 17.

(5) The term ''Registry version'' means, with respect to a sound recording, the version of a recording first published or offered for mass distribution whether as a publication or a broadcast, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright legal owner can compile in those cases where the original material has been irretrievably lost or the recording is unpublished.

(Pub. L. 106–474, title I, § 131, Nov. 9, 2000, 114 Stat. 2090.)

§ 1742. Staff; experts and consultants

(a) Staff

The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this chapter.

(b) Experts and consultants

The Librarian may, in carrying out this chapter, procure temporary and intermittent services under section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for level 15 of the General Schedule. In no case may a member of the Board (including an alternate member) be paid as an expert or consultant under this section.

(Pub. L. 106–474, title I, § 132, Nov. 9, 2000, 114 Stat. 2091.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

§ 1743. Authorization of appropriations

There are authorized to be appropriated to the Librarian for each of the first 7 fiscal years beginning on or after November 9, 2000, such sums as may be necessary to carry out this chapter, except that the amount authorized for any fiscal year may not exceed $250,000.

(Pub. L. 106–474, title I, § 133, Nov. 9, 2000, 114 Stat. 2091.)

CHAPTER 28—ARCHITECT OF THE CAPITOL

SUBCHAPTER I—GENERAL

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1801. Appointment.
1802. Compensation.
1803. Delegation of authority.
1804. Deputy Architect of the Capitol to act in case of absence, disability, or vacancy.
1805. Deputy Architect of the Capitol/Chief Operating Officer.

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1850. Compensation of registered nurses.
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SUBCHAPTER IV—APPROPRIATIONS AND EXPENDITURES

1861. Appropriations under control of Architect of the Capitol.
1862. Transfer of funds.
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1866. Certification of vouchers.
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1868. Semiannual compilation and report of expenditures.

SUBCHAPTER I—GENERAL

§ 1801. Appointment

(a)(1) The Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate for a term of 10 years.

(2) There is established a commission to recommend individuals to the President for appointment to the office of Architect of the Capitol. The commission shall be composed of—

(A) the Speaker of the House of Representatives,

(B) the President pro tempore of the Senate,

(C) the majority and minority leaders of the House of Representatives and the Senate, and

(D) the chairmen and the ranking minority members of the Committee on House Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

The commission shall recommend at least three individuals for appointment to such office.

(3) An individual appointed Architect of the Capitol under paragraph (1) shall be eligible for reappointment to such office.

(b) Subsection (a) of this section shall be effective in the case of appointments made to fill vacancies in the office of Architect of the Capitol which occur on or after November 21, 1989. If no such vacancy occurs within the six-year period which begins on November 21, 1989, no individual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a) of this section.

(Pub. L. 101–163, title III, § 319, Nov. 21, 1989, 103 Stat. 1068; Pub. L. 104–19, title I, § 701, July 27, 1995, 109 Stat. 220.)

CODIFICATION

Section was classified to section 162–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

PRIOR PROVISIONS

Act Aug. 15, 1876, ch. 287, 19 Stat. 147, transferred duties relative to the Capitol theretofore performed by Commissioner of Public Buildings and Grounds to Architect of the Capitol.

Act Mar. 2, 1867, ch. 167, § 2, 14 Stat. 466, abolished office of Commissioner of Public Buildings and Grounds referred to in section 1811 of this title, and transferred the duties of that office to the Chief of Engineers of the Army.

Act Sept. 30, 1850, ch. 90, § 1, 9 Stat. 538, made appropriation for ''the extension of the Capitol'' according to the plan as might be approved by the President, to be expended under his direction, ''by such architect as he may appoint to execute the same.'' Subsequent acts frequently referred to the Architect of the Capitol or to the Architect of the Capitol Extension.

Act Mar. 3, 1829, ch. 51, § 2, 4 Stat. 363, authorized President to continue office of Architect of the Capitol long enough to complete work in progress.

Act May 2, 1828, ch. 45, § 3, 4 Stat. 266, abolished office of Architect of the Capitol. The duties of that office were transferred to Commissioner of Public Buildings and Grounds, appointed by President under act April 29, 1816, ch. 150, § 2, 3 Stat. 324, to succeed a previously existing board of three commissioners of Public Buildings and Grounds.

AMENDMENTS

1995—Subsec. (a)(2). Pub. L. 104–19, § 701(1), (2), substituted ''office'' for ''Office'' in first sentence and ''commission'' for ''Commission'' in introductory provisions in second sentence.

Subsec. (a)(2)(D). Pub. L. 104–19, § 701(3), substituted ''Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate'' for ''Administration of the House of Representatives and the Committee on Rules and Administration of the Senate''.

Subsec. (b). Pub. L. 104–19, § 701(1), substituted ''office'' for ''Office'' in first sentence.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

The name of Superintendent of the Capitol Building and Grounds was changed to Architect of the Capitol by Act Mar. 3, 1921, ch. 124, 41 Stat. 1291, the Legislative, Executive, and Judicial Appropriation Act Mar. 3, 1921, fiscal year 1922.

The name of Architect of the Capitol was changed to Superintendent of the Capitol Building and Grounds, by act Feb. 14, 1902, ch. 17, 32 Stat. 20, popularly known as the ''Urgent Deficiency Appropriation Act for 1902''.

COMPREHENSIVE MANAGEMENT STUDY AND RESPONSE

Pub. L. 107–68, title I, § 129(d), Nov. 12, 2001, 115 Stat. 580, provided that:

''(1) STUDY BY COMPTROLLER GENERAL.—Not later than November 1, 2002, the Comptroller General shall conduct a comprehensive management study of the operations of the Architect of the Capitol, and submit the study to the Architect of the Capitol and the Committees on Appropriations of the House of Representatives and Senate.

''(2) PLAN BY ARCHITECT IN RESPONSE.—After the Comptroller General submits the study conducted under paragraph (1) to the Committees referred to in such paragraph, the Architect of the Capitol shall develop and submit to such Committees a management improvement plan which addresses the study and which indicates how the personnel for whom the Architect fixes the rate of basic pay under the amendment made by subsection (c)(1) [amending section 1849 of this title] will support such plan.''

ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM

Pub. L. 107–68, title I, § 132, Nov. 12, 2001, 115 Stat. 581, which directed the Architect of the Capitol to develop

and maintain an accounting and financial management system, including financial reporting and internal controls, was from the Legislative Branch Appropriations Act, 2002.

§ 1802. Compensation

The compensation of the Architect of the Capitol shall be at an annual rate which is equal to the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.

(Pub. L. 96–146, § 1(1), Dec. 14, 1979, 93 Stat. 1086; Pub. L. 107–68, title I, § 129(a), Nov. 12, 2001, 115 Stat. 579.)

CODIFICATION

Section was classified to section 162a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

PRIOR PROVISIONS

Prior provisions prescribing the annual rate of compensation of the Architect of the Capitol were contained in the following prior sections 162a of former Title 40, Public Buildings, Property, and Works:

Pub. L. 88–426, title II, § 203(c), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90–206, title II, § 219(2), Dec. 16, 1967, 81 Stat. 639; Pub. L. 94–82, title II, § 204(b), Aug. 9, 1975, 89 Stat. 421, which was omitted as superseded by Pub. L. 96–146, § 1(1).

Acts Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880; Aug. 5, 1955, ch. 568, § 101, 69 Stat. 515, which was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 655.

AMENDMENTS

2001—Pub. L. 107–68, which directed amendment of ''Section 203(c) of the Federal Legislative Salary Act of 1964 (40 U.S.C. 162a)'' by striking ''the annual rate of basic pay'' and all that follows and inserting ''the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.'', was executed by substituting the new language for ''the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5'' in this section, which is section 1(1) of Pub. L. 96–146, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, § 129(e), Nov. 12, 2001, 115 Stat. 580, provided that: ''Except as provided in subsections (c)(2) and (d) [enacting provisions set out as notes under sections 1801 and 1849 of this title], this section [amending this section and section 1849 of this title and enacting provisions set out as notes under sections 1801, 1848, and 1849 of this title] and the amendments made by this section shall apply with respect to pay periods beginning on or after October 1, 2001.''

EFFECTIVE DATE

Section 2 of Pub. L. 96–146 provided that: ''The provisions of this Act [enacting this section and section 166b of former Title 40, Public Buildings, Property, and Works] shall take effect on the first day of the first applicable pay period commencing on or after the date of the enactment of this Act [Dec. 14, 1979].''

SALARY INCREASES

1987—Salary of Architect increased to $82,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

1977—Salary of Architect increased to $50,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

1969—Salary of Architect increased to $38,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

§ 1803. Delegation of authority

The Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003.

(Aug. 5, 1955, ch. 568, 69 Stat. 515; Pub. L. 108–7, div. H, title I, § 1205, Feb. 20, 2003, 117 Stat. 375.)

REFERENCES IN TEXT

The Legislative Branch Appropriations Act, 2003, referred to in text, is div. H of Pub. L. 108–7, Feb. 20, 2003, 117 Stat. 345. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was classified to section 163b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is from the Legislative Branch Appropriation Act, 1956.

AMENDMENTS

2003—Pub. L. 108–7 substituted ''Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003'' for ''Architect of the Capitol is authorized on and after August 5, 1955, to delegate to the Assistant Architect and other assistants such authority of the Architect as he may deem proper''.

§ 1804. Deputy Architect of the Capitol to act in case of absence, disability, or vacancy

On and after August 18, 1970, the Deputy Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect.

(Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 817; Pub. L. 101–163, title I, § 106(d), Nov. 21, 1989, 103 Stat. 1057; Pub. L. 108–7, div. H, title I, § 1204, Feb. 20, 2003, 117 Stat. 374.)

CODIFICATION

Section was classified to section 164a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is from Pub. L. 91–382, popularly known as the ''Legislative Branch Appropriation Act, 1971''.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 87–730, Oct. 2, 1962, 76 Stat. 688.
Pub. L. 87–130, Aug. 10, 1961, 75 Stat. 329.
Pub. L. 86–628, July 12, 1960, 74 Stat. 455.
Pub. L. 86–176, Aug. 21, 1959, 73 Stat. 407.
Pub. L. 85–570, July 31, 1958, 72 Stat. 448.
Pub. L. 85–75, July 1, 1957, 71 Stat. 251.
June 27, 1956, ch. 453, 70 Stat. 365.
Aug. 5, 1955, ch. 568, 69 Stat. 515.

July 2, 1954, ch. 455, title I, 68 Stat. 405.
Aug. 1, 1953, ch. 304, title I, 67 Stat. 327.
July 9, 1952, ch. 598, 66 Stat. 472.
Oct. 11, 1951, ch. 485, 65 Stat. 396.
Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 602.
June 22, 1949, ch. 235, 63 Stat. 224.
June 14, 1948, ch. 467, 62 Stat. 430.
July 17, 1947, ch. 262, 61 Stat. 369.
July 1, 1946, ch. 530, 60 Stat. 400.
May 18, 1946, ch. 263, title I, 60 Stat. 185.
June 13, 1945, ch. 189, 59 Stat. 251.
June 26, 1944, ch. 277, title I, 58 Stat. 346.
June 28, 1943, ch. 173, title I, 57 Stat. 232.
June 8, 1942, ch. 396, 56 Stat. 341.
July 1, 1941, ch. 268, 55 Stat. 457.
June 18, 1940, ch. 396, 54 Stat. 472.
June 16, 1939, ch. 208, 53 Stat. 831.
May 17, 1938, ch. 236, 52 Stat. 390.
May 18, 1937, ch. 223, 50 Stat. 179.
Apr. 17, 1936, ch. 233, 49 Stat. 1224.
July 8, 1935, ch. 374, 49 Stat. 469.
May 30, 1934, ch. 372, 48 Stat. 826.
Feb. 28, 1933, ch. 134, 47 Stat. 1360.
June 30, 1932, ch. 314, 47 Stat. 391.
Feb. 20, 1931, ch. 234, 46 Stat. 1183.
June 6, 1930, ch. 407, 46 Stat. 513.

AMENDMENTS

2003—Pub. L. 108–7 substituted ''Deputy Architect'' for ''Assistant Architect''.

1989—Pub. L. 101–163 struck out '', and, in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act'' before period at end.

§ 1805. Deputy Architect of the Capitol/Chief Operating Officer

(a) Establishment of Deputy Architect of the Capitol

There shall be a Deputy Architect of the Capitol who shall serve as the Chief Operating Officer of the Office of the Architect of the Capitol. The Deputy Architect of the Capitol shall be appointed by the Architect of the Capitol and shall report directly to the Architect of the Capitol and shall be subject to the authority of the Architect of the Capitol. The Architect of the Capitol shall appoint the Deputy Architect of the Capitol not later than 180 days after February 20, 2003. The Architect of the Capitol shall consult with the Comptroller General or his designee before making the appointment.

(b) Qualifications

The Deputy Architect of the Capitol shall have strong leadership skills and demonstrated ability in management, including in such areas as strategic planning, performance management, worker safety, customer satisfaction, and service quality.

(c) Responsibilities

(1) In general

The Deputy Architect of the Capitol shall be responsible to the Architect of the Capitol for the overall direction, operation, and management of the Office of the Architect of the Capitol, including implementing the Office's goals and mission; providing overall organization management to improve the Office's performance; and assisting the Architect of the Capitol in promoting reform, and measuring results.

(2) Responsibilities

The Deputy Architect's responsibilities include—

(A) developing, implementing, annually updating, and maintaining a long-term strategic plan covering a period of not less than 5 years for the Office of the Architect of the Capitol;

(B) developing and implementing an annual performance plan that includes annual performance goals covering each of the general goals and objectives in the strategic plan and including to the extent practicable quantifiable performance measures for the annual goals;

(C) proposing organizational changes and staffing needed to carry out the Office of the Architect of the Capitol's mission and strategic and annual performance goals; and

(D) reviewing and directing the operational functions of the Office of the Architect of the Capitol.

(d) Additional responsibilities

The Architect of the Capitol may delegate to the Deputy Architect such additional duties as the Architect determines are necessary or appropriate.

(e) Action plan

(1) In general

No later than 90 days after the appointment, the Deputy Architect shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate, an action plan describing the policies, procedures, and actions the Deputy Architect will implement and timeframes for carrying out the responsibilities under this section.

(2) Action plan

The action plan shall be—

(A) approved and signed by both the Architect of the Capitol and the Deputy Architect; and

(B) developed concurrently and consistent with the development of a strategic plan.

(3) Additional senior positions

Notwithstanding section 1849(a) of this title, as amended by section 129(c) of the Legislative Branch Appropriations Act, 2002, the Architect of the Capitol may fix the rate of basic pay for not more than 3 additional positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.

(f) Evaluation

The Government Accountability Office shall evaluate annually the implementation of the action plan and provide the results of the evaluation to the Architect of the Capitol, the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate.

(g) Removal

The Deputy Architect of the Capitol may be removed by the Architect of the Capitol for misconduct or failure to meet performance goals set forth in the performance agreement in subsection (i) of this section. Upon the removal of

the Deputy Architect of the Capitol, the Architect of the Capitol shall immediately notify in writing the Committees on Appropriations of the House of Representatives and Senate, and the Committee on Rules and Administration of the Senate, stating the specific reasons for the removal.

(h) Compensation

The Deputy Architect of the Capitol shall be paid at an annual rate of pay to be determined by the Architect but not to exceed $1,500 less than the annual rate of pay for the Architect of the Capitol.

(i) Annual performance report

The Deputy Architect of the Capitol shall prepare and transmit to the Architect of the Capitol an annual performance report. This report shall contain an evaluation of the extent to which the Office of the Architect of the Capitol met its goals and objectives.

(j) Termination of role

As of October 1, 2006, the role of the Comptroller General and the Government Accountability Office, as established by this section, will cease.

(Pub. L. 108–7, div. H, title I, § 1203, Feb. 20, 2003, 117 Stat. 373; Pub. L. 108–11, title II, § 2601(a), Apr. 16, 2003, 117 Stat. 599; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

Section 1849(a) of this title, as amended by section 129(c) of the Legislative Branch Appropriations Act, 2002, referred to in subsec. (e)(3), is section 1849(a) of this title, as amended by section 129(c) of Pub. L. 107–68.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

AMENDMENTS

2004—Subsecs. (f), (j). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

2003—Subsec. (a). Pub. L. 108–11, substituted ''not later than 180 days'' for ''not later than 90 days''.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–11, title II, § 2601(b), Apr. 16, 2003, 117 Stat. 599, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003 [Pub. L. 108–7, div. H].''

SUBCHAPTER II—GENERAL POWERS AND DUTIES

§ 1811. Powers and duties

The Architect of the Capitol shall perform all the duties relative to the Capitol Building performed prior to August 15, 1876, by the Commissioner of Public Buildings and Grounds, and shall be appointed by the President: *Provided*, That no change in the architectural features of the Capitol Building or in the landscape features of the Capitol Grounds shall be made except on plans to be approved by Congress.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 162 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is a composite of the acts of Aug. 15, 1876, and Feb. 14, 1902, cited in the credits.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL

Pub. L. 107–68, title I, § 128, Nov. 12, 2001, 115 Stat. 579, provided that: ''Notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose.''

§ 1812. Care and superintendence of Capitol

The Architect of the Capitol shall on and after March 3, 1977, have the care and superintendence of the Capitol, including lighting. His office shall be in the Capitol Building.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Mar. 3, 1877, ch. 102, 19 Stat. 298; Oct. 31, 1951, ch. 654, § 3(14), 65 Stat. 708.)

CODIFICATION

Section was classified to section 163 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

The first sentence of this section is from act Mar. 3, 1877. The second sentence of this section is from act Aug. 15, 1876, popularly known as the ''Sundry Civil Appropriation Act''.

PRIOR PROVISIONS

Provisions similar to those comprising the first sentence of this section were contained in act Aug. 15, 1876, ch. 287, 19 Stat. 147.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out '', and shall submit through the Secretary of the Interior estimates thereof'' at end of first sentence.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 1813. Exterior of Capitol

On and after July 7, 1884, it shall be the duty of the Architect to clean and keep in proper order the exterior of the Capitol.

(July 7, 1884, ch. 332, 23 Stat. 209.)

REFERENCES IN TEXT

The Architect, referred to in text, means the Architect of the Capitol.

CODIFICATION

Section was classified to section 163a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is from the Sundry Civil Appropriation Act July 7, 1884, fiscal year 1885.

§ 1814. Repairs of Capitol

All improvements, alterations, additions, and repairs of the Capitol Building shall be made by the direction and under the supervision of the Architect of the Capitol.

(R.S. §1816; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291; Oct. 31, 1951, ch. 654, §3(15), 65 Stat. 708.)

CODIFICATION

Section was classified to section 166 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

R.S. §1816 derived from Res. Apr. 16, 1862, No. 28, 12 Stat. 617; acts Mar. 30, 1867, ch. 24, §2, 15 Stat. 13; July 20, 1868, ch. 177, §1, 15 Stat. 115; Mar. 3, 1869, ch. 121, §1, 15 Stat. 283, 284; Mar. 3, 1871, ch. 114, §1, 16 Stat. 500; Aug. 15, 1876, ch. 287, 19 Stat. 147.

Provision of R.S. §1816 relating to purchase of furniture or carpets for House or Senate is classified to section 2184 of this title.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out requirement that such improvements, etc., should be paid for by Secretary of the Interior out of appropriations for Capitol extension, and from no other appropriation.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

CONDITIONS FOR USE OF CERTAIN TELECOMMUNICATIONS SYSTEMS AND SERVICES BY AGENCY OF LEGISLATIVE BRANCH

Pub. L. 101–520, title III, §306, Nov. 5, 1990, 104 Stat. 2277, as amended by Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

''(a) Hereafter, notwithstanding any other provision of law, any agency of the legislative branch is authorized to use telecommunications systems and services provided by the Architect of the Capitol or the House of Representatives or the Senate under the approved plan required by section 305 of Public Law 100–202 (101 Stat. 1329–308) [see source credits following note below] if such systems and services—

''(1) have been acquired competitively; and

''(2) in the case of long distance service, have been determined by the Architect of the Capitol to be at least equal in quality to, and not greater in cost than, the systems and services available under the procurement conducted by the Administrator of General Services known as 'FTS2000'.

''(b) As used in this section, the term 'agency of the legislative branch' means the office of the Architect of the Capitol, the Botanic Garden, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office.''

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 101–163, title III, §306, Nov. 21, 1989, 103 Stat. 1064.

Pub. L. 100–458, title III, §307B, Oct. 1, 1988, 102 Stat. 2183.

DEVELOPMENT OF OVERALL PLAN FOR SATISFYING TELECOMMUNICATIONS REQUIREMENTS OF AGENCIES OF LEGISLATIVE BRANCH

Pub. L. 102–392, title III, §305, Oct. 6, 1992, 106 Stat. 1721, as amended by Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

''(a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

''(b) As used in this section—

''(1) the term 'agency of the legislative branch' means the Office of the Architect of the Capitol, the Botanic Garden, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

''(2) the term 'telecommunications system' means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

''(c) This section shall apply with respect to fiscal years beginning after September 30, 1992.''

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 102–90, title III, §305, Aug. 14, 1991, 105 Stat. 466.

Pub. L. 101–520, title III, §305, Nov. 5, 1990, 104 Stat. 2276.

Pub. L. 101–163, title III, §305, Nov. 21, 1989, 103 Stat. 1063.

Pub. L. 100–458, title III, §305, Oct. 1, 1988, 102 Stat. 2182.

Pub. L. 100–202, §101(i) [title III, §305], Dec. 22, 1987, 101 Stat. 1329–290, 1329–308.

Pub. L. 99–500, §101(j) [H.R. 5203, title III, §305], Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, §101(j) [H.R. 5203, title III, §305], Oct. 30, 1986, 100 Stat. 3341–287.

§ 1815. Repealed. Pub. L. 109–58, title I, § 101(c), Aug. 8, 2005, 119 Stat. 606

Section, Pub. L. 105–275, title III, §310, Oct. 21, 1998, 112 Stat. 2456, related to energy conservation and management.

CODIFICATION

Section was classified to section 166i of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1816. Construction contracts

(a) Liquidated damages

The Architect of the Capitol may not enter into or administer any construction contract with a value greater than $50,000 unless the contract includes a provision requiring the payment of liquidated damages in the amount determined under subsection (b) of this section in the event that completion of the project is delayed because of the contractor.

(b) Amount of payment

The amount of payment required under a liquidated damages provision described in subsection (a) of this section shall be equal to the product of—

(1) the daily liquidated damage payment rate; and

(2) the number of days by which the completion of the project is delayed.

(c) Daily liquidated damage payment rate

(1) In general

In subsection (b) of this section, the ''daily liquidated damage payment rate'' means—

(A) $140, in the case of a contract with a value greater than $50,000 and less than $100,000;

(B) $200, in the case of a contract with a value equal to or greater than $100,000 and equal to or less than $500,000; and

(C) the sum of $200 plus $50 for each $100,000 increment by which the value of the contract exceeds $500,000, in the case of a contract with a value greater than $500,000.

(2) Adjustment in rate permitted

Notwithstanding paragraph (1), the daily liquidated damage payment rate may be adjusted by the contracting officer involved to a rate greater or lesser than the rate described in such paragraph if the contracting officer makes a written determination that the rate described does not accurately reflect the anticipated damages which will be suffered by the United States as a result of the delay in the completion of the contract.

(d) Effective date

This section shall apply with respect to contracts entered into during fiscal year 2002 or any succeeding fiscal year.

(Pub. L. 107–68, title I, § 130, Nov. 12, 2001, 115 Stat. 580.)

CODIFICATION

Section was classified to section 166j of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1817. Transfer of discontinued apparatus to other branches

The Architect of the Capitol may transfer apparatus, appliances, equipments, and supplies of any kind, discontinued or permanently out of service, to other branches of the service of the United States, or District of Columbia, whenever, in his judgment the interests of the Government service may require it.

(June 26, 1912, ch. 182, § 11, 37 Stat. 184; Mar. 3, 1921, ch. 124, 41 Stat. 1291; May 29, 1928, ch. 901, § 1(120), 45 Stat. 995; Oct. 31, 1951, ch. 654, § 3(17), 65 Stat. 708.)

CODIFICATION

Section was classified to section 171 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 11 of act June 26, 1912, popularly known as the ''District of Columbia Appropriation Act June 26, 1912, fiscal year 1913''.

PRIOR PROVISIONS

Act Mar. 2, 1911, ch. 192, § 9, 36 Stat. 1011.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out ''with the approval of the Secretary of the Interior,'' after ''whenever,''.

1928—Act May 29, 1928, struck out provision that required a transfer statement to be submitted in the annual report to Congress by the Superintendent of the Capitol Building and Grounds.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 1818. Rental or lease of storage space

Notwithstanding any other provision of law, the Architect of the Capitol, with the approval of the House Office Building Commission and Senate Committee on Rules and Administration, is authorized to secure, through rental, lease, or other appropriate agreement, storage space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds for use of the United States Senate, the United States House of Representatives, and the Office of the Architect of the Capitol, under such terms and conditions as such Commission and committee may authorize, and to incur any necessary incidental expenses in connection therewith.

(Pub. L. 93–180, § 1, Dec. 13, 1973, 87 Stat. 704.)

CODIFICATION

Section was classified to section 166d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1819. Computer backup facilities for legislative offices

(a) Acquisition of buildings and facilities

The Architect of the Capitol is authorized, subject to the availability of appropriations, to acquire (through purchase, lease, or otherwise) buildings and facilities for use as computer backup facilities (and related uses) for offices in the legislative branch.

(b) Acquisition subject to approval

The acquisition of a building or facility under subsection (a) of this section shall be subject to the approval of—

(1) the House Office Building Commission, in the case of a building or facility acquired for the use of an office of the House of Representatives;

(2) the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of an office of the Senate; or

(3) the House Office Building Commission in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (1) above, or the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (2) above.

(c) United States Capitol grounds provisions applicable

Any building or facility acquired by the Architect of the Capitol pursuant to subsection (a) of this section shall be a part of the United States Capitol Grounds and shall be subject to the provisions of sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40.

(d) Lease of buildings and facilities

In the case of a building or facility acquired through purchase pursuant to subsection (a) of this section, the Architect of the Capitol may enter into or assume a lease with another person for the use of any portion of the building or facility that the Architect of the Capitol determines is not required to be used to carry out the purposes of this section, subject to the approval of the entity which approved the acquisition of such building or facility under subsection (b) of this section.

(e) Effective date

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–206, title I, § 905, Aug. 2, 2002, 116 Stat. 877; Pub. L. 109–55, title I, § 1202(a), Aug. 2, 2005, 119 Stat. 579.)

REFERENCES IN TEXT

Sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40, referred to in subsec. (c), was in the original a reference to the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946, which is act July 31, 1946, ch. 707, 60 Stat. 718, as amended. Sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to sections 1961, 1966, 1967, 1922, and 1969 of this title, and section 16(b) of the Act is set out as a note under section 1961 of this title. Sections 1 to 8, 10 to 13, and 16(a) of the Act, which were classified to sections 193a to 193m of former Title 40, Public Buildings, Property, and Works, were repealed and reenacted as sections 5101 to 5107 and 5109 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1312, the first section of which enacted Title 40. Section 5(c) of Pub. L. 107–217, set out as a note preceding section 101 of Title 40, provides that a reference to a law replaced by section 1 of Pub. L. 107–217 is deemed to refer to the corresponding provision enacted by Pub. L. 107–217. For complete classification of the act of July 31, 1946, to the Code, see Tables. For disposition of sections of former Title 40, see table at the beginning of Title 40.

CODIFICATION

Section was classified to section 166k of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2005—Subsecs. (d), (e). Pub. L. 109–55 added subsec. (d) and redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–55, title I, § 1202(b), Aug. 2, 2005, 119 Stat. 579, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to leases entered into on or after the date of the enactment of this Act [Aug. 2, 2005].''

§ 1820. Acquisition of real property for Capitol Police

(a) Authority for acquisition

Subject to the approval of the House Office Building Commission and the Senate Committee on Rules and Administration, the Architect of the Capitol is authorized to acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, subject to the availability of appropriations and upon approval of an obligation plan by the Committees on Appropriations of the House and Senate, for the use of the United States Capitol Police.

(b) United States Capitol grounds provisions applicable

Any real property acquired by the Architect of the Capitol pursuant to subsection (a) of this section shall be a part of the United States Capitol Grounds and shall be subject to the provisions of sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40.

(c) Effective date

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–206, title I, § 907, Aug. 2, 2002, 116 Stat. 877.)

REFERENCES IN TEXT

Sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40, referred to in subsec. (b), was in the original a reference to the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946, which is act July 31, 1946, ch. 707, 60 Stat. 718, as amended. Sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to sections 1961, 1966, 1967, 1922, and 1969 of this title, and section 16(b) of the Act is set out as a note under section 1961 of this title. Sections 1 to 8, 10 to 13, and 16(a) of the Act, which were classified to sections 193a to 193m of former Title 40, Public Buildings, Property, and Works, were repealed and reenacted as sections 5101 to 5107 and 5109 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1312, the first section of which enacted Title 40. Section 5(c) of Pub. L. 107–217, set out as a note preceding section 101 of Title 40, provides that a reference to a law replaced by section 1 of Pub. L. 107–217 is deemed to refer to the corresponding provision enacted by Pub. L. 107–217. For complete classification of the act of July 31, 1946, to the Code, see Tables. For disposition of sections of former Title 40, see table at the beginning of Title 40.

CODIFICATION

Section was classified to section 166m of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL

Pub. L. 108–199, div. H, § 152, Jan. 23, 2004, 118 Stat. 448, provided that:

''(a) Notwithstanding section 907(a) of Public Law 107–206 (116 Stat. 977) [2 U.S.C. 1820(a)] or section 1102 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1822(b)), the Architect of the Capitol, at any time after the date of the enactment of this Act [Jan. 23, 2004] and subject to the availability of appropriations, may enter into an agreement to acquire by lease any portion of the real property located at 499 South

Capitol Street Southwest in the District of Columbia for the use of the United States Capitol Police.

''(b) Any real property acquired by the Architect of the Capitol pursuant to subsection (a) shall be subject to the provisions of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 [2 U.S.C. 1922, 1961, 1966, 1967, 1969, see References in Text note above].''

§ 1821. Small purchase contracting authority

(a) In general

Notwithstanding any other provision of law—

(1) section 5 of title 41 shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to ''$25,000'' in paragraph (1) of such section were a reference to ''$100,000''; and

(2) the Architect may procure services, equipment, and construction for security related projects in the most efficient manner he determines appropriate.

(b) Effective date

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108–7, div. H, title I, § 1201, Feb. 20, 2003, 117 Stat. 372.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

PRIOR PROVISIONS

Prior similar provisions were contained in Pub. L. 107–68, title I, § 131, Nov. 12, 2001, 115 Stat. 581.

§ 1822. Leasing of space

(a) In general

Funds appropriated to the Architect of the Capitol shall be available—

(1) for the leasing of space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds to meet space requirements of the United States Senate, United States House of Representatives, United States Capitol Police, and the Architect of the Capitol under such terms and conditions as the Committee or Commission referred to under subsection (b) of this section may authorize; and

(2) to incur any necessary expense in connection with any leasing of space under paragraph (1).

(b) Conditions to lease space

The Architect of the Capitol may lease space under subsection (a) of this section upon submission of written notice of intent to lease such space to, and approved by—

(1) the Committee on Rules and Administration of the Senate for space to be leased for the Senate;

(2) the House Office Building Commission for space to be leased for the House of Representatives; and

(3) the Committees on Appropriations of the Senate and House of Representatives.

(c) Effective date

This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

(Pub. L. 108–83, title I, § 1102, Sept. 30, 2003, 117 Stat. 1027.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2004.

SUBCHAPTER III—PERSONNEL

PART A—GENERAL

§ 1831. Human resources program

(a) Short title

This section may be cited as the ''Architect of the Capitol Human Resources Act''.

(b) Finding and purpose

(1) Finding

The Congress finds that the Office of the Architect of the Capitol should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations.

(2) Purpose

It is the purpose of this section to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

(c) Personnel management system

(1) Establishment

The Architect of the Capitol shall establish and maintain a personnel management system.

(2) Requirements

The personnel management system shall at a minimum include the following:

(A) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(B) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(C) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(D) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(E) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(F) A fair and equitable system to address unacceptable conduct and performance by

Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(G) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(H) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

(d) Implementation of personnel management system

(1) Development of plan

The Architect of the Capitol shall—

(A) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of subsection (c) of this section;

(B) submit the plan to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, the Joint Committee on the Library, and the Committees on Appropriations of the Senate and the House of Representatives not later than 12 months after July 22, 1994; and

(C) implement the plan not later than 90 days after the plan is submitted to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, the Joint Committee on the Library, and the Committees on Appropriations of the Senate and the House of Representatives, as specified in subparagraph (B).

(2) Evaluation and reporting

The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of subsection (c) of this section and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library on an annual basis the results of its evaluation under this subsection.

(3) Application of laws

Nothing in this section shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this section.

(Pub. L. 103–283, title III, § 312, July 22, 1994, 108 Stat. 1443; Pub. L. 104–1, title V, § 504(c)(1), Jan. 23, 1995, 109 Stat. 41.)

CODIFICATION

Section was classified to section 166b–7 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is comprised of section 312 of Pub. L. 103–283. Subsec. (f) of section 312 of Pub. L. 103–283 amended sections 60m, 1201, 1205, and 1212 of this title.

AMENDMENTS

1995—Subsec. (e). Pub. L. 104–1 struck out subsec. (e) which related to processing of discrimination complaints.

SAVINGS PROVISION

Section 504(c)(1) of Pub. L. 104–1 provided in part that subsec. (e) of this section is repealed, except as provided in section 1435 of this title.

TEMPORARY EMPLOYEES; BENEFITS

Pub. L. 108–83, title I, § 1101(b)–(d), Sept. 30, 2003, 117 Stat. 1027, provided that:

''(b) Any individual who exercised an option offered by the Architect of the Capitol under section 133(a)(2) of the Legislative Branch Appropriations Act, 2002 [Pub. L. 107–68, set out below], prior to the date of the enactment of this Act [Sept. 30, 2003] may revoke the option during the 90-day period which begins on the date of the enactment of this Act.

''(c) The amendments made by subsection (a) [amending Pub. L. 107–68, § 133(a), set out below] shall take effect as if included in the enactment of section 133(a) of the Legislative Branch Appropriations Act, 2002.

''(d) Notwithstanding any other provision of law, upon enactment of this Act the Architect of the Capitol shall take all steps which may be required to carry out section 133(a) of the Legislative Branch Appropriations Act, 2002 [Pub. L. 107–68, set out as a note below].''

Pub. L. 107–68, title I, § 133(a), Nov. 12, 2001, 115 Stat. 581, as amended by Pub. L. 108–83, title I, § 1101(a), Sept. 30, 2003, 117 Stat. 1027, provided that:

''(1) Except as provided in paragraph (2), none of the funds provided by this Act or any other Act may be used by the Architect of the Capitol after the expiration of the 90-day period which begins on the date of the enactment of this Act [Nov. 12, 2001] to employ any individual as a temporary employee within a category of temporary employment which does not provide employees with the same eligibility for life insurance, health insurance, retirement, and other benefits which is provided to temporary employees who are hired for a period exceeding 1 year in length.

''(2) Paragraph (1) shall not apply with respect to any of the following individuals:

''(A) An individual who is employed under the Architect of the Capitol Summer Employment Program.

''(B) An individual who is hired for a total of 120 days or less during any 5-year period (excluding any days in which the individual is employed under the Architect of the Capitol Summer Employment Program).

''(C) An individual employed by the Architect of the Capitol as a temporary employee as of the date of the enactment of this Act [Nov. 12, 2001] who exercises in writing, not later than 90 days after such date, an option offered by the Architect to remain under the pay system (including benefits) provided for the individual as of such date.

''(D) An individual who becomes employed by the Architect of the Capitol after the date of the enactment of this Act [Nov. 12, 2001] who exercises in writing, prior to the individual's employment, an option offered by the Architect to receive pay and benefits under an alternative system which does not provide the benefits described in paragraph (1), except that under such an option the Architect shall be required to provide the individual with the benefits described in paragraph (1) as soon as the individual's period of service as a temporary employee exceeds 1 year in length.

''(E) An individual who is covered by a collective bargaining agreement entered into by the Architect of the Capitol establishing terms and conditions of

employment which include eligibility for life insurance, health insurance, retirement, and other benefits.

''(3) Nothing in this subsection may be construed to require the Architect of the Capitol to provide duplicative benefits for any employee.

''(4) The Architect of the Capitol shall make employer contributions for benefits for employees of the Architect (including temporary employees) directly to any third party designated to receive such contributions on behalf of the employees under a collective bargaining agreement, participation agreement, or any other arrangement entered into by the Architect which provides for such contributions.''

TREATMENT OF SEPARATED EMPLOYEES OF ARCHITECT OF CAPITOL

Pub. L. 105–55, title III, § 310, Oct. 7, 1997, 111 Stat. 1199, as amended by Pub. L. 105–275, title III, § 308(b)–(d), Oct. 21, 1998, 112 Stat. 2452, 2453; Pub. L. 106–57, title III, § 308, Sept. 29, 1999, 113 Stat. 427, provided early retirement benefits, voluntary separation incentive payments, competitive service treatment, and retraining, job placement, and counseling services to certain employees of the Office of the Architect of the Capitol.

§ 1832. Assignment and reassignment of personnel

Notwithstanding any other provisions of law, in order to improve the economic use of the personal services of his employees, the Architect of the Capitol is authorized on and after October 12, 1979, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of his Office, for personal services in any buildings, facilities or grounds under his jurisdiction or for personal services in connection with any project under his jurisdiction for which appropriations have been made and are available, whenever such action, in his opinion, will be most advantageous to the interest of or result in either specific or overall savings to the Government. Exceptions may be made where there are differences in equipment. No assignment or reassignment of personnel by the Architect of the Capitol pursuant to this provision shall operate in any respect to augment or decrease any general or specific appropriation.

(Pub. L. 96–86, § 101(c), Oct. 12, 1979, 93 Stat. 657; Pub. L. 100–202, § 106, Dec. 22, 1987, 101 Stat. 1329–433.)

CODIFICATION

Section was classified to section 166b–6 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 102 of title I of H.R. 4390 (Legislative Branch Appropriation Act, 1980), as incorporated by reference by section 101(c) of Pub. L. 96–86, and enacted into law by section 106 of Pub. L. 100–202.

EFFECTIVE DATE

Section 106 of Pub. L. 100–202 provided in part that this section is effective on date of enactment [Oct. 12, 1979] of the ''pertinent joint resolution'' making continuing appropriations for fiscal year 1980 [Pub. L. 96–86].

§ 1833. Lighting, heating, and ventilating House of Representatives

The electrician, together with everything pertaining to the electrical machinery and apparatus, and the ventilation and heating of the House of Representatives, and all laborers and others connected with the lighting, heating, and ventilating thereof, shall be subject exclusively to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval. And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

(Mar. 3, 1877, ch. 105, 19 Stat. 348; Mar. 3, 1881, ch. 130, § 1, 21 Stat. 388.)

CODIFICATION

Section was classified to section 167 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section, except the words ''and the ventilation and heating of the House of Representatives,'' is based on act Mar. 3, 1881, popularly known as the ''Legislative, Executive, and Judicial Appropriation Act''. The excepted words were based on act Mar. 3, 1877, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1878''.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 1834. Heating and ventilating Senate wing

All engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration.

(July 11, 1888, ch. 615, 25 Stat. 258; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838.)

CODIFICATION

Section was classified to section 168 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act July 11, 1888, popularly known as the ''Legislative, Executive, and Judicial Appropriation Act July 11, 1888, fiscal year 1889''.

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee on Rules''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall ''take effect on the day on which the Eightieth Congress convenes''. The Eightieth Congress convened on Jan. 3, 1947.

PART B—COMPENSATION

§ 1841. Single per annum gross rates of pay

Whenever the rate of pay of—

(1) an employee of the Office of the Architect of the Capitol; or

(2) an employee of the House Restaurant, or of the Senate Restaurant, under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be;

is fixed or adjusted on or after the effective date of this section, that rate, as so fixed and adjusted, shall be a single per annum gross rate.

(Pub. L. 91–510, title IV, § 481, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

CODIFICATION

Section was classified to section 166b–1a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1842. Conversion of existing pay rates

The Architect of the Capitol shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title, whose pay immediately prior to such effective date was fixed at a basic rate with respect to which additional pay was payable by law.

(Pub. L. 91–510, title IV, § 482, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

CODIFICATION

Section was classified to section 166b–1b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1843. Obsolete references

In any case in which—

(1) the rate of pay of, or any maximum or minimum rate of pay with respect to—

(A) any employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title, or

(B) the position of such employee, or

(C) any class or group of such employees or positions,

is referred to in or provided by statute or other authority; and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or authority shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or authority, under section 1842 of this title on and after such date.

(Pub. L. 91–510, title IV, § 483, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

CODIFICATION

Section was classified to section 166b–1c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1844. Savings provisions

The provisions of sections 1841 to 1846 of this title shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, the position of any employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title;

(2) affect the continuity of employment of, or reduce the pay of, any employee holding any position referred to in subparagraph (1) of this section; or

(3) modify, change, supersede, or otherwise affect the provisions of sections 5504 and 6101(a)(5) of title 5, insofar as such sections relate to the Office of the Architect of the Capitol.

(Pub. L. 91–510, title IV, § 484, Oct. 26, 1970, 84 Stat. 1197.)

CODIFICATION

Section was classified to section 166b–1d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 1845. Effect on existing law

(a) All provisions of law inconsistent with sections 1841 to 1846 of this title are hereby superseded to the extent of the inconsistency.

(b) Sections 5504 and 6101(a)(5) of title 5 shall apply to employees of the House and Senate Restaurants who are paid at per annum rates of pay as long as such employees are under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be.

(Pub. L. 91–510, title IV, § 485, Oct. 26, 1970, 84 Stat. 1197.)

CODIFICATION

Section was classified to section 166b–1e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 1846. Exemptions

Notwithstanding any other provision of sections 1841 to 1846 of this title, the foregoing provisions of such sections do not apply to any employee described in section 1841 of this title whose pay is fixed and adjusted—

(1) in accordance with chapter 51, and subchapter III of chapter 53, of title 5, relating to classification and General Schedule pay rates;

(2) in accordance with subchapter IV of chapter 53 of title 5, relating to prevailing rate pay systems;

(3) at per hour or per diem rates in accordance with section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), relating to employees performing professional and technical services for the Architect of the Capitol in connection with construction projects and employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration; or

(4) in accordance with prevailing rates under authority of sections 2042 to 2047 of this title, or section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy-sixth Congress), relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant.

(Pub. L. 91–510, title IV, § 486, Oct. 26, 1970, 84 Stat. 1197.)

REFERENCES IN TEXT

Section 3 of the Legislative Pay Act of 1929, referred to in par. (3), amended section 2 of the Classification Act of 1923, which was classified to section 662 of former Title 5, Executive Departments and Government Officers and Employees. The Classification Act of 1923, as amended, was repealed and superseded by the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 954, 972. The amendment of section 3 of the Legislative Pay Act of 1929 made by act Aug. 1, 1941, § 6, 55 Stat. 615, was not repealed by the Classification Act of 1949. See section 1202(7), 63 Stat. 973.

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in par. (4), means section 208 of act Oct. 9, 1940, ch. 780, title II, 54 Stat. 1056, which was classified to section 174k of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 104–186, title II, § 221(3)(B), Aug. 20, 1996, 110 Stat. 1748.

CODIFICATION

Section was classified to section 166b–1f of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 1847. Authorization to fix basic rate of compensation for certain positions

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of four positions under the appropriation ''Salaries, Office of the Architect of the Capitol'', of two positions under the appropriation ''Capitol Buildings'', and of one position under the appropriation ''House Office Buildings'' at a basic rate of $8,200 per annum each: *Provided*, That this provision shall not be applicable to the positions of Architect or Assistant Architect.

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of one position under the appropriation ''Senate Office Buildings'', at a basic rate of $8,200 per annum.

(Pub. L. 86–176, Aug. 21, 1959, 73 Stat. 407; Pub. L. 89–309, ch. VII, Oct. 31, 1965, 79 Stat. 1147; Pub. L. 90–206, title II, § 214(p), Dec. 16, 1967, 81 Stat. 638; Pub. L. 90–239, ch. IV, Jan. 2, 1968, 81 Stat. 775; Pub. L. 94–157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 835; Pub. L. 101–163, title I, § 106(c), Nov. 21, 1989, 103 Stat. 1056.)

CODIFICATION

Section was classified to section 166b–3 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

''Chapter 51 and subchapter III of chapter 53 of title 5'' substituted for ''the Classification Act of 1949, as amended'' in text on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1989—Pub. L. 101–163 substituted ''four positions'' for ''three positions'' and ''Architect or Assistant Architect'' for ''Architect, Assistant Architect, or Second Assistant Architect of the Capitol''.

1975—Pub. L. 94–157 increased to two positions from one position the number of positions under the appropriation ''Capitol Buildings''.

1968—Pub. L. 90–239 increased the compensation of one position under appropriation ''Senate Office Buildings'' from ''$7,700'' to ''$8,200''.

1967—Pub. L. 90–206 increased the compensation from $7,700 to $8,200 per annum each of the three positions under the appropriation ''Salaries, Office of the Architect of the Capitol'', of one position under the appropriation ''Capitol Buildings'', and of one position under the appropriation ''House Office Buildings''.

1965—Pub. L. 89–309 increased the compensation of one position under appropriation ''Senate Office Buildings'' from $7,020 to $7,700.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90–206, set out as a note under section 5332 of Title 5, Government Organization and Employees.

§ 1848. Compensation of certain positions in Office of Architect of the Capitol

(a) Amount of compensation to be that specified in appropriations Acts

Notwithstanding any other provision of law, the pay for positions described in subsection (b) of this section shall be the amounts specified for such positions in appropriations Acts.

(b) Positions covered

The positions referred to in subsection (a) of this section are—

(1) the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' and ''SALARIES'' in the first section of the Legislative Branch Appropriation Act, 1971 [2 U.S.C. 1804], and

(2) the eight positions provided for in the third and fourth undesignated paragraphs under the center subheadings ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' and ''SALARIES'' in the first section of the Legislative Branch Appropriation Act, 1960 [2 U.S.C. 1847].

(c) Calculation of amounts

The pay for each position described in subsection (b) of this section shall be the pay payable for such position with respect to the last pay period before this section takes effect, subject to any applicable adjustment during fiscal year 1988 under, or by reference to any applicable adjustment during fiscal year 1988 under, subchapter I of chapter 53 of title 5.

(d) Effective date

This section shall apply in fiscal years beginning after September 30, 1987, with respect to pay periods beginning after December 22, 1987.

(Pub. L. 100–202, § 101(i) [title III, § 308], Dec. 22, 1987, 101 Stat. 1329–290, 1329–309; Pub. L. 101–163, title I, § 106(e), Nov. 21, 1989, 103 Stat. 1057.)

CODIFICATION

Section was classified to section 166b–3a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101–163 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The positions referred to in subsection (a) of this section are: (1) the two positions of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings 'OFFICE OF THE ARCHITECT OF THE CAPITOL' and 'SALARIES' in the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and (2) the seven positions provided for in the third and fourth undesignated paragraphs under the center subheadings 'OFFICE OF THE ARCHITECT OF THE CAPITOL' and 'SALARIES' in the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b–3).''

COMPENSATION OF ASSISTANT ARCHITECT OF THE CAPITOL

Pub. L. 108–7, div. H, title I, § 1206, Feb. 20, 2003, 117 Stat. 375, provided that: ''Notwithstanding any other provision of law, the compensation of the Assistant Architect who is incumbent in that position when the position of Assistant Architect is abolished shall not be reduced so long as the former Assistant Architect is employed at the Office of the Architect of the Capitol. Whenever the Architect of the Capitol receives a pay adjustment after the date of enactment of this section [Feb. 20, 2003], the compensation of such former Assistant Architect shall be adjusted by the same percentage as the compensation of the Architect of the Capitol. The authority granted in this section shall be in addition to the authority the Architect of the Capitol has in section 129(c)(1)(A) of the Legislative Branch Appropriations Act, 2002 [amending 2 U.S.C. 1849], as amended by this Act [see 2 U.S.C. 1805(e)(3)], to fix the rate of basic pay for not more than 15 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.''

Pub. L. 107–68, title I, § 129(b), Nov. 12, 2001, 115 Stat. 580, provided that: ''Pursuant to the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)) [now 2 U.S.C. 1848(a)], the pay for the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings 'Office of the Architect of the Capitol' and 'salaries' in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a) [now 2 U.S.C. 1804] shall be an amount equal to $1,000 less than the annual rate of pay for the Architect of the Capitol.''

§ 1849. Compensation of certain positions under jurisdiction of Architect of the Capitol

(a) Twelve positions fixed in relation to Senior Executive Service

The Architect of the Capitol may fix the rate of basic pay for not more than 12 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.

(b) Nine positions fixed in relation to General Schedule

Effective beginning with any pay period beginning on or after August 14, 1991, the rate of basic pay for up to 9 positions under the jurisdiction of the Architect of the Capitol may be fixed at such rate as the Architect considers appropriate for each, not to exceed 135 percent of the minimum rate payable for grade GS–15 of the General Schedule.

(c) Executive Project Directors

The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.

(Pub. L. 101–520, title I, § 108, Nov. 5, 1990, 104 Stat. 2268; Pub. L. 102–90, title I, § 104, Aug. 14, 1991, 105 Stat. 459; Pub. L. 105–55, title III, § 311(a), (b), Oct. 7, 1997, 111 Stat. 1201; Pub. L. 107–68, title I, § 129(c)(1), Nov. 12, 2001, 115 Stat. 580; Pub. L. 107–117, div. B, § 914(a), Jan. 10, 2002, 115 Stat. 2324; Pub. L. 109–55, title I, § 1201(a), Aug. 2, 2005, 119 Stat. 579.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

Section was classified to section 166b–3b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2005—Subsec. (b). Pub. L. 109–55 substituted ''9 positions'' for ''8 positions''.

2002—Subsec. (c). Pub. L. 107–117 added subsec. (c).

2001—Subsec. (a). Pub. L. 107–68, § 129(c)(1)(A), added subsec. (a) and struck out former subsec. (a) which read as follows: ''Effective as of the first day of the first applicable pay period beginning on or after November 5, 1990, the compensation of the Director of Engineering (under the Architect of the Capitol) shall be equal to such rate as the Architect considers appropriate, not to

exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.''

Subsecs. (b), (c). Pub. L. 107–68, § 129(c)(1), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

''(1) Effective beginning with any pay period beginning on or after November 5, 1990, the Architect of the Capitol may fix the rate of basic pay—

''(A) for not more than one of the positions under paragraph (2) at a rate not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved; and

''(B) for any other position under paragraph (2), at such rate as the Architect considers appropriate for such position, not to exceed 85 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.

''(2) Authority under paragraph (1) may be exercised with respect to any of the following positions under the jurisdiction of the Architect of the Capitol:

''(A) The Senior Landscape Architect.

''(B) The Administrative Assistant.

''(C) The Executive Officer.

''(D) The Budget Officer.

''(E) The General Counsel.

''(F) The Superintendent of the Senate Office Buildings.

''(G) The Superintendent of the House Office Buildings.

''(H) The Supervising Engineer of the United States Capitol.''

1997—Subsec. (a). Pub. L. 105–55, § 311(a), substituted ''such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved'' for ''the rate of basic pay payable for level V of the Executive Schedule''.

Subsec. (b)(1). Pub. L. 105–55, § 311(b)(1), struck out at end ''For purposes of the preceding sentence, 'the maximum rate allowable for the Senior Executive Service' means the highest rate of basic pay that may be set for the Senior Executive Service under section 5382(b) of title 5.''

Subsec. (b)(1)(A), (B). Pub. L. 105–55, § 311(b)(2), substituted ''the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved'' for ''the maximum rate allowable for the Senior Executive Service''.

1991—Subsec. (b)(1). Pub. L. 102–90, § 104(a)(3), inserted sentence at end relating to maximum rate allowable for Senior Executive Service.

Subsec. (b)(1)(A). Pub. L. 102–90, § 104(a)(1), substituted ''90 percent of the maximum rate allowable for the Senior Executive Service;'' for ''the rate payable for grade GS–18 of the General Schedule;''.

Subsec. (b)(1)(B). Pub. L. 102–90, § 104(a)(2), substituted ''85 percent of the maximum rate allowable for the Senior Executive Service.'' for ''the rate payable for step 2 of grade GS–17 of the General Schedule.''

Subsec. (c). Pub. L. 102–90, § 104(b), added subsec. (c).

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–55, title I, § 1201(b), Aug. 2, 2005, 119 Stat. 579, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Aug. 2, 2005].''

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–117, div. B, § 914(b), Jan. 10, 2002, 115 Stat. 2324, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after October 1, 2001.''

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, § 129(c)(2), Nov. 12, 2001, 115 Stat. 580, provided that: ''The amendment made by paragraph (1) [amending this section] shall apply with respect to pay periods beginning on or after the expiration of the 21-day period which begins on the date the Architect of the Capitol submits to the Committees on Appropriations of the House of Representatives and Senate a list containing the 12 positions for which the Architect will fix the rate of basic pay under the amendment, the rate of basic pay for each such position, and the job description for each such position.''

EFFECTIVE DATE OF 1997 AMENDMENT

Section 311(c) of Pub. L. 105–55 provided that: ''The amendments made by this section [amending this section] shall apply with respect to pay periods beginning on or after January 1, 1998.''

§ 1850. Compensation of registered nurses

Notwithstanding any other provision of law, effective on the first day of the first applicable pay period which begins on or after December 27, 1974, the positions of registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings, shall be allocated by the Architect of the Capitol at not to exceed grade 12 of the General Schedule.

Notwithstanding any other provision of law, effective January 1, 1975, none of the funds appropriated to the Architect of the Capitol shall thereafter be available for any nursing position unless the position is occupied by a Registered Nurse: *Provided*, That such provision shall not be applicable to the present incumbents of such positions.

(Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 101–520, title I, § 109, Nov. 5, 1990, 104 Stat. 2269; Pub. L. 103–283, title I, § 103, July 22, 1994, 108 Stat. 1435.)

REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

Section was classified to section 166b–2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1994—Pub. L. 103–283 substituted ''at not to exceed grade 12'' for ''to grade 11'' in first par.

1990—Pub. L. 101–520 substituted ''grade 11'' for ''grade 10'' and struck out ''and compensated initially at the same steps in such grade, currently in effect for their present grades, so long as such positions are held by the present incumbents'' after ''General Schedule'' in first par.

§ 1851. Gratuities for survivors of deceased employees

Until otherwise provided by law, there is authorized to be paid out of the applicable accounts of the House of Representatives, on vouchers signed by the chairman of the Committee on House Oversight, a gratuity to the widow, widower, or heirs-at-law, of each deceased employee under the jurisdiction of the Architect of the Capitol who was assigned to duty in the House of Representatives at the time of his death. The payment of each such gratuity shall be in accordance with uniform rules and regula-

tions adopted by the Committee on House Oversight except that no such gratuity shall be in excess of that payable to the widow, widower, or heirs-at-law of any deceased employee under the jurisdiction of the Architect of the Capitol having a comparable length of service, who was assigned to similar duties in the Senate at the time of his death.

(Pub. L. 88–454, § 103, Aug. 20, 1964, 78 Stat. 550; Pub. L. 104–186, title II, § 221(1), Aug. 20, 1996, 110 Stat. 1748.)

CODIFICATION

Section was classified to section 166b–4 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on House Resolution No. 291, June 18, 1963, which was enacted into permanent law by Pub. L. 88–454.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts'' for ''contingent fund'' and substituted ''House Oversight'' for ''House Administration'' in two places.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1852. Withholding and remittance of State income tax

(a) Agreement by Architect with appropriate State official; covered individuals

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Architect of the Capitol is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant; and

(B) who request the Architect to make such withholdings for remittance to that State.

(b) Number of remittances authorized

Any agreement entered into under subsection (a) of this section shall not require the Architect to remit such sums more often than once each calendar quarter.

(c) Requests for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations

(1) An individual employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant may request the Architect to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first pay period commencing on or after the day on which the request is received in the Office of the Architect, the Botanic Garden Office, or the Senate Restaurant Accounting Office except that—

(A) when the Architect first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Architect may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first day of the first pay period commencing on or after the day on which the request for change or the revocation is received in the appropriate office.

(4) The Architect is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

(d) Time or times of agreements by Architect

The Architect may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

(e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States

This section imposes no duty, burden, or requirement upon the United States, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section.

(f) "State" defined

For the purposes of this section, ''State'' means any of the States of the United States.

(Pub. L. 94–59, title V, § 501, July 25, 1975, 89 Stat. 290.)

CODIFICATION

Section was classified to section 166b–5 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

SUBCHAPTER IV—APPROPRIATIONS AND EXPENDITURES

§ 1861. Appropriations under control of Architect of the Capitol

Appropriations under the control of the Architect of the Capitol shall be available for expenses of advertising and personal and other services.

(Feb. 28, 1929, ch. 367, 45 Stat. 1395; June 6, 1930, ch. 407, 46 Stat. 513.)

CODIFICATION

Section was classified to section 689 of former Title 31, prior to the enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877, and then to section 166a–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section consolidates provisions from the Legislative Branch Appropriation Acts for fiscal years 1930 and 1931.

§ 1862. Transfer of funds

During fiscal year 1997 and fiscal years thereafter, amounts appropriated to the Architect of the Capitol (including amounts relating to the Botanic Garden) may be transferred among accounts available to the Architect of the Capitol upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading ''HOUSE OFFICE BUILDINGS'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading ''SENATE OFFICE BUILDINGS''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of amounts transferred from any other appropriation.

(Pub. L. 104–197, title III, § 306, Sept. 16, 1996, 110 Stat. 2413.)

CODIFICATION

Section was classified to section 166h of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1863. Funds out of Contingent Expenses, Architect of the Capitol Appropriation

Any expenditures required to implement the provisions of section 1818 of this title shall be paid from the appropriation ''Contingent Expenses, Architect of the Capitol'' and any funds appropriated under this head shall hereafter be available for such purpose.

(Pub. L. 93–180, § 2, Dec. 13, 1973, 87 Stat. 705.)

CODIFICATION

Section was classified to section 166e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1864. Funds out of Capitol Buildings, Architect of the Capitol Appropriation

On and after October 18, 1986, the Architect of the Capitol may incur expenses authorized by section 1818 of this title to be paid from the appropriation ''Capitol Buildings, Architect of the Capitol''.

(Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287, as amended Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425.)

CODIFICATION

Section was classified to section 166f of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on the words ''to hereafter incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704)'' appearing under heading ''Architect of the Capitol'' and subheading ''Capitol Buildings'' contained in H.R. 5203 (see House Report 99–805 as filed in the House on Aug. 15, 1986), as incorporated by reference in section 101(j) of Pub. L. 99–500 and Pub. L. 99–591, as amended by Pub. L. 100–71, to be effective as if enacted into law.

§ 1865. Capitol Police Buildings and Grounds Account

(a) Establishment

There is hereby established in the Treasury of the United States an account for the Architect of the Capitol to be known as ''Capitol Police Buildings and Grounds'' (hereinafter in this section referred to as the ''account'').

(b) Use of funds

Funds in the account shall be used by the Architect of the Capitol for all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police.

(c) Effective date; transfer of funds

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year. Any amounts provided to the Architect of the Capitol prior to August 2, 2002, for the maintenance, care, and operation of buildings of the United States Capitol Police during fiscal year 2002 shall be transferred to the account.

(Pub. L. 107–206, title I, § 906, Aug. 2, 2002, 116 Stat. 877.)

CODIFICATION

Section was classified to section 166*l* of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1866. Certification of vouchers

It shall not be a duty of the Architect of the Capitol to certify any pay roll or other voucher covering any expenditure from any appropriation for the Senate Office Building, or for any other building or activity, unless the obligation involved was incurred by him or under his direction.

(June 8, 1942, ch. 396, 56 Stat. 343.)

CODIFICATION

Section was classified to section 174e of former Title 40, prior to the enactment of Title 40, Public Buildings,

Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1867. Advancement and reimbursement of expenses for flying American flags and providing certification services therefor

On and after November 19, 1995, expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury.

(Pub. L. 104–53, title I, Nov. 19, 1995, 109 Stat. 528.)

CODIFICATION

Section was classified to section 166g of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1868. Semiannual compilation and report of expenditures

(1) Commencing with the semiannual period beginning January 1, 1965 and for each semiannual period thereafter, the Architect of the Capitol shall compile and, not later than sixty days following the close of the semiannual period, submit to the Senate and the House of Representatives a report of all expenditures made from monies appropriated to the Architect of the Capitol, based on payrolls and other vouchers transmitted during such period to the Treasury Department for disbursement, such report to include (1) the name, title, and gross salary payment to each employee; (2) a list of government contributions to retirement, health, insurance, and other similar funds; and (3) name of payee, brief description of service rendered or items furnished under contract, purchase order or other agreement. Such report shall be printed as a Senate document.

(2) The report by the Architect of the Capitol under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period shall be treated as closing on September 30, 1976. Thereafter, the report by the Architect of the Capitol under paragraph (1) shall be for the semiannual periods beginning on October 1 and ending on March 31 and beginning on April 1 and ending on September 30 of each year.

(Pub. L. 88–454, §105(b), Aug. 20, 1964, 78 Stat. 551; Pub. L. 94–303, title I, §118(c), June 1, 1976, 90 Stat. 616.)

CODIFICATION

Section was classified to section 162b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1976—Pub. L. 94–303 designated existing provisions as par. (1) and added par. (2).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in par. (1) of this section relating to the requirement that the Architect of the Capitol submit a semiannual report to the Senate and the House of Representatives, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 1 of House Document No. 103–7.

CHAPTER 29—CAPITOL POLICE

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SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION

PART A—GENERAL

§1901. Establishment; officer appointments

There shall be a Capitol police. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year. The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.

(R.S. §1821; Apr. 28, 1902, ch. 594, 32 Stat. 124; June 28, 1943, ch. 173, title I, 57 Stat. 230; Pub. L. 96–152, §1(a), Dec. 20, 1979, 93 Stat. 1099; Pub. L. 108–7, div. H, title I, §1018(h)(1), Feb. 20, 2003, 117 Stat. 368.)

CODIFICATION

Section was classified to section 206 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is a composite of provisions of R.S. §1821, act Apr. 28, 1902, and act June 28, 1943, cited in the credits.

R.S. §1821 derived from acts Mar. 2, 1867, ch. 167, §2, 14 Stat. 466; Mar. 3, 1873, ch. 226, 17 Stat. 488.

AMENDMENTS

2003—Pub. L. 108–7 struck out last sentence which read as follows: ''The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.''

1979—Pub. L. 96–152 inserted last sentence providing that the Capitol Police be headed by a Chief who shall be appointed by the Capitol Police Board and who shall serve at the pleasure of the Board.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96–152, §7, Dec. 20, 1979, 93 Stat. 1100, provided that: ''This Act [enacting section 1902 of this title and amending this section] shall take effect on the first day of the second month after the month in which this Act is enacted [Dec. 1979].''

CAPITOL POLICE BOARD

Pub. L. 108–7, div. H, title I, §1014, Feb. 20, 2003, 117 Stat. 361, provided that:

''(a) CAPITOL POLICE BOARD; COMPOSITION; REDEFINING MISSION.—

''(1) PURPOSE.—The purpose of the Capitol Police Board is to oversee and support the Capitol Police in its mission and to advance coordination between the Capitol Police and the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, in their law enforcement capacities, and the Congress. Consistent with this purpose, the Capitol Police Board shall establish general goals and objectives covering its major functions and operations to improve the efficiency and effectiveness of its operations.

''(2) COMPOSITION.—The Capitol Police Board shall consist of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, the Chief of the Capitol Police, and the Architect of the Capitol. The Chief of Capitol Police shall serve in an ex-officio capacity and be a non-voting member of the Board.

''(b) INITIAL REVIEW AND REPORT.—Not later than 180 days after the date of the enactment of this Act [Feb. 20, 2003], the Capitol Police Board shall—

''(1) examine the mission of the Capitol Police Board and, based on that analysis, redefine the Capitol Police Board's mission, mission-related processes, and administrative processes;

''(2) conduct an assessment of the effectiveness and usefulness of its statutory functions in contributing to the Capitol Police Board's ability to carry out its mission and meet its goals, including an explanation of the reasons for any determination that the statutory functions are appropriate and advisable in terms of its purpose, mission, and long-term goals; and

''(3) submit to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate a report on the results of its examination and assessment, including recommendations for any legislation that the Capitol Police Board considers appropriate and necessary.

''(c) EXECUTIVE ASSISTANT.—

''(1) ESTABLISHMENT.—There shall be established in the Capitol Police an Executive Assistant for the Capitol Police Board to act as a central point for communication and enhance the overall effectiveness and efficiency of the Capitol Police Board's administrative activities.

''(2) APPOINTMENT.—The Executive Assistant shall be appointed by the Chief of the Capitol Police in consultation with the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate.

''(3) DUTIES.—The Executive Assistant shall be assigned to, and report to, the Chairman of the Board. The Executive Assistant shall assist the Capitol Police Board in developing, documenting, and implementing a clearly defined process for additional tasks assigned to the Capitol Police Board under this section, and shall perform any additional duties assigned by the Capitol Police Board.

''(d) DOCUMENTATION.—

''(1) FUNCTIONS AND PROCESSES.—The Capitol Police Board shall document its functions and processes, including its mission statement, policies, directives, and operating procedures established or revised under subsection (a)(1) or (b), and make such documentation available for examination to the Speaker and minority leader of the House of Representatives, the President pro tempore and minority leader of the Senate, the Chief of the Capitol Police, and the Comptroller General.

''(2) MEETINGS.—The Capitol Police Board shall document Board meetings and make the documentation available for distribution to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate.

''(e) ASSISTANCE OF COMPTROLLER GENERAL.—Upon request, the Comptroller General shall provide assistance

to the Capitol Police Board in carrying out its responsibilities under this subsection [probably should be ''section'']].

''(f) REFERENCES IN LAW; EFFECT ON OTHER LAWS.—(1) Any reference in any law or resolution in effect as of the date of the enactment of this Act [Feb. 20, 2003] to the 'Capitol Police Board' shall be deemed to refer to the Capitol Police Board as composed under subsection (a)(2).

''(2) Nothing in this section shall be construed to affect the jurisdiction, powers, or prerogatives of the Capitol Police Board or its individual members unless specifically provided herein.''

TRANSFER OF LIBRARY OF CONGRESS POLICE TO CAPITOL POLICE

Pub. L. 108–83, title I, §1006, Sept. 30, 2003, 117 Stat. 1023, as amended by Pub. L. 108–447, div. G, title I, §1002, Dec. 8, 2004, 118 Stat. 3179; Pub. L. 109–55, title I, §1006(a), Aug. 2, 2005, 119 Stat. 576, provided that:

''(a) TRAINING AND DETAILING.—

''(1) IN GENERAL.—To provide for a more effective and efficient transfer under section 1015 of the Legislative Branch Appropriations Act, 2003 [Pub. L. 108–7, div. H] (2 U.S.C. 1901 note)—

''(A) the Chief of the Capitol Police shall provide for training, on a reimbursable basis, of Library of Congress Police employees who on the date of enactment of this Act [Sept. 30, 2003], are 42 years of age or less and have 5 years or less of service as a Library of Congress Police employee, which shall be supplemental to Library of Congress Police training;

''(B) the Librarian of Congress may detail, with or without reimbursement, Library of Congress Police employees to the Capitol Police; and

''(C) the Chief of the Capitol Police may detail, on a reimbursable basis, members of the Capitol Police to the Library of Congress Police.

''(2) BEGINNING OF TRAINING.—Training under paragraph (1) shall begin within 90 days of the date of enactment of this Act [Sept. 30, 2003].

''(b) HIRING.—

''(1) DEFINITIONS.—In this subsection, the terms 'Act of August 4, 1950' and 'Library of Congress Police employee' have the meanings given such terms under section 1015(c) of the Legislative Branch Appropriations Act, 2003 [Pub. L. 108–7, div. H] (2 U.S.C. 1901 note).

''(2) LIMITATION ON NEW LIBRARY OF CONGRESS POLICE EMPLOYEES.—Notwithstanding the first section of the Act of August 4, 1950 [2 U.S.C. 167] or any other provision of law, the Librarian of Congress may not—

''(A) hire any individual as a Library of Congress Police employee; or

''(B) transfer any employee of the Library of Congress to a Library of Congress Police employee position.

''(3) HIRING OF INDIVIDUALS.—

''(A) IN GENERAL.—The Librarian of Congress may select individuals to be submitted to the Chief of the Capitol Police for purposes of subparagraph (B).

''(B) HIRING.—If an individual submitted under subparagraph (A) meets all qualifications to be a member of the Capitol Police, the Chief of the Capitol Police shall hire that individual as a member of the Capitol Police. The Chief of Police may hire individuals under this subsection who are not submitted for selection under this subparagraph. All hirings under this subparagraph shall comply with the limitations under this paragraph for any fiscal year.

''(C) LIMITATION FOR FISCAL YEAR 2004.—During fiscal year 2004, the number of individuals hired under this subsection may not exceed the total of—

''(i) 23 individuals; and

''(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position.

''(D) LIMITATION FOR FISCAL YEAR 2005.—During fiscal year 2005, the number of individuals hired under this subsection may not exceed—

''(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2004 for whom a corresponding hire was not made under this subsection; and

''(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2005.

''(E) LIMITATION FOR FISCAL YEAR 2006.—During fiscal year 2006, the number of individuals hired under this subsection may not exceed—

''(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2005 for whom a corresponding hire was not made under this subsection; and

''(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2006.

''(4) TRAINING AND DETAILING.—Notwithstanding subsection (a)(1)(C), the Chief of the Capitol Police may detail an individual hired under this subsection to the Library of Congress Police on a nonreimbursable basis. Any individual detailed under this subsection shall receive necessary training, including training by the Library of Congress Police.

''(5) ASSIGNMENTS AND REASSIGNMENTS.—Nothing under this subsection may be construed to affect the authority of the Chief of the Capitol Police, after the date of the transfer of Library of Congress Police employees under section 1015 of the Legislative Appropriations Act, 2003 (2 U.S.C. 1901 note), to assign or reassign any member of the Capitol Police hired under this subsection.

''(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act [Sept. 30, 2003] and apply with respect to—

''(A) any remaining portion of fiscal year 2003, if this Act [approved Sept. 30, 2003] is enacted before October 1, 2003; and

''(B) fiscal year 2004 and each fiscal year, thereafter.''

Pub. L. 108–7, div. H, title I, §1015, Feb. 20, 2003, 117 Stat. 362, provided that:

''(a) TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE.—

''(1) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

''(A) each Library of Congress Police employee; and

''(B) any functions performed under the first section of the Act of August 4, 1950 (2 U.S.C. 167) and section 9 of that Act (2 U.S.C. 167h) (as in effect immediately before the effective date of this section).

''(2) EFFECT ON PERSONNEL.—

''(A) ANNUAL AND SICK LEAVE.—Any annual or sick leave to the credit of an individual transferred under paragraph (1) shall be transferred to the credit of that individual as an employee of the United States Capitol Police.

''(B) SERVICE PERFORMED FOR RETIREMENT PURPOSES.—For those Library of Congress Police employees transferred under paragraph (1)(A), any period of service performed by a Library of Congress Police employee shall be deemed to be service performed as a member of the United States Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code.

''(C) VACANCIES.—Notwithstanding any other provision of law, upon the date of enactment of this section [Feb. 20, 2003] and until completion of the transfer under paragraph (1), vacancies in Library

of Congress police employee positions, if filled, shall be filled in accordance with the employment standards of the United States Capitol Police, to the extent practicable as determined by the Chief of the Capitol Police.

''(3) EFFECTIVE DATE OF TRANSFER OF PERSONNEL AND FUNCTIONS.—Library of Congress employees transferred to the United States Capitol Police under paragraph (1)(A), and Library of Congress functions transferred under paragraph (1)(B) shall be transferred to the United States Capitol Police upon approval of the Committees on Appropriations of the House and Senate and the appropriate authorizing committees.

''(b) TRANSITION.—

''(1) IMPLEMENTATION PLAN.—

''(A) PLAN.—Not later than 180 days after the date of enactment of this section [Feb. 20, 2003], the Chief of the Capitol Police shall prepare and submit to the appropriate committees of Congress for approval, and to the Capitol Police Board and the Librarian of Congress, a plan—

''(i) describing the policies and procedures, and actions the Chief of the Capitol Police will take in implementing the transfer provisions under this section;

''(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) shall be transferred to the United States Capitol Police;

''(iii) in consultation with the Librarian of Congress, providing for the performance of law enforcement and protection functions relating to the buildings and grounds of the Library of Congress, including collections security, within the overall security responsibilities of the United States Capitol Police;

''(iv) recommending legislative changes needed to implement the transfers under subsection (a)(1), including—

''(I) identifying options for addressing how to apply United States Capitol Police retirement provisions to such transferred personnel;

''(II) identifying options related to providing voluntary separation incentives to transferred personnel; and

''(III) identifying options to ensure the Librarian of Congress maintains appropriate authority to execute his security responsibilities;

''(v) detailing the mechanisms to be used by the Chief of the Capitol Police for ensuring that Library of Congress employees transferred to the United States Capitol Police under subsection (a)(1) are not adversely affected by the transfer with respect to pay;

''(vi) addressing—

''(I) how United States Capitol Police training and qualification requirements will be applied to Library of Congress employees transferred under subsection (a)(1); and

''(II) the overall training needs of the merged police force; and

''(vii) providing an analysis of the cost implications of implementing the plan.

''(2) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this section [Feb. 20, 2003], and annually thereafter until the transfer is fully implemented, the Chief of the Capitol Police shall prepare and submit a report to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, on the Chief of the Capitol Police's progress in implementing the plan required in paragraph (1)(A) of this subsection, including any adjustments to cost estimates or legislative changes needed to implement the provisions of this section.

''(c) DEFINITIONS.—In this section—

''(1) the term 'Act of August 4, 1950' means the Act entitled 'An Act relating to the policing of the buildings and grounds of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167 et seq.); and

''(2) the term 'Library of Congress Police employee'—

''(A) means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

''(B) does not include any civilian employee performing police support functions.

''(d) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect on the date of enactment of this section [Feb. 20, 2003].''

LONG TERM STRATEGIC PLAN

Pub. L. 108–7, div. H, title I, §1019, Feb. 20, 2003, 117 Stat. 369, provided that:

''(a) LONG TERM STRATEGIC PLAN.—

''(1) IN GENERAL.—The Chief of the United States Capitol Police, in consultation with the Comptroller General, shall develop a long term strategic plan which outlines the goals and objectives of the Capitol Police.

''(2) ANNUAL UPDATE.—During the period in which the strategic plan developed under this subsection is in effect, the Chief shall annually update the plan.

''(3) PERIOD COVERED BY PLAN.—The strategic plan under this subsection shall cover the first 5 fiscal years which begin after the plan is developed.

''(b) ANNUAL PERFORMANCE PLAN.—

''(1) IN GENERAL.—With respect to each year which is covered by the strategic plan developed under subsection (a), the Chief of the Capitol Police, in consultation with the Comptroller General, shall develop an annual performance plan for implementing the goals and objectives of the strategic plan during the year.

''(2) CONTENTS.—The annual performance plan developed under this subsection for a year shall include performance goals for each of the goals and objectives of the strategic plan which apply during the year, and shall include (to the extent practicable) quantifiable performance measures for determining the success of the Capitol Police in meeting each such performance goal.

''(3) EVALUATION BY COMPTROLLER GENERAL.—The Comptroller General shall annually evaluate the implementation of the plan and the extent to which the Capitol Police have met the performance goals of the plan, and shall provide the results of the evaluation to the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

''(c) INITIAL ACTION PLAN.—Not later than 180 days after the date of the enactment of this Act [Feb. 20, 2003], the Chief of the Capitol Police shall develop an initial action plan describing the policies, procedures, and actions the Chief will carry out to meet the requirements of this section and setting forth a timetable for carrying out each such policy, procedure, and action, and shall submit such plan (upon the approval of the Capitol Police Board) to the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.''

COMPENSATION OF ASSISTANT CHIEF OF CAPITOL POLICE

Pub. L. 107–117, div. B, §907(b), Jan. 10, 2002, 115 Stat. 2319, as amended by Pub. L. 108–7, div. H, title I, §1013(b), Feb. 20, 2003, 117 Stat. 361, provided that: ''The annual rate of pay for the Assistant Chief of the Capitol Police shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.''

SELECTION OF PRIVATES

Similar provisions as to the selection of privates were contained in the following acts:

June 8, 1942, ch. 396, 56 Stat. 340.
July 1, 1941, ch. 268, 55 Stat. 456.
June 18, 1940, ch. 396, 54 Stat. 471.
June 16, 1939, ch. 208, 53 Stat. 831.
May 17, 1938, ch. 236, 52 Stat. 389.
May 18, 1937, ch. 223, 50 Stat. 178.
Apr. 17, 1936, ch. 233, 49 Stat. 1223.
July 8, 1935, ch. 374, 49 Stat. 468.
May 30, 1934, ch. 372, 48 Stat. 826.
Feb. 28, 1933, ch. 134, 47 Stat. 1359.
June 30, 1932, ch. 314, 47 Stat. 390.
Feb. 20, 1931, ch. 234, 46 Stat. 1182.
June 6, 1930, ch. 407, 46 Stat. 512.
Feb. 28, 1929, ch. 367, 45 Stat. 1394.
May 14, 1928, ch. 551, 45 Stat. 524.
Feb. 23, 1927, ch. 168, 44 Stat. 1154.
May 13, 1926, ch. 294, 44 Stat. 545.
Mar. 4, 1925, ch. 549, 43 Stat. 1294.
June 7, 1924, ch. 303, 43 Stat. 586.
Feb. 20, 1923, ch. 98, 42 Stat. 1272.
Mar. 20, 1922, ch. 103, 42 Stat. 429.

CAPITOL POLICE CIVILIAN SUPPORT POSITIONS WITH RESPECT TO THE HOUSE OF REPRESENTATIVES

House Resolution No. 199, One Hundred Second Congress, Aug. 1, 1991, made permanent law Pub. L. 102–392, title I, § 102, Oct. 6, 1992, 106 Stat. 1710, and amended by Pub. L. 104–186, title II, § 221(9)(B), Aug. 20, 1996, 110 Stat. 1749, authorized Committee on House Oversight [now Committee on House Administration] of the House of Representatives to establish 114 civilian support positions for the Capitol Police, provided for functions, compensation, and classification of positions, provided procedures for appointments to positions and that as each position was filled there would be abolished one position of private on Capitol Police, provided that positions would be filled by individuals in Capitol Police positions so abolished, that all positions would be filled by the end of the One Hundred Second Congress, and that at least 50 of such positions would be filled not later than the end of the first session of such Congress, and authorized Committee on House Oversight [now Committee on House Administration] to prescribe regulations to carry out this provision.

DIRECTOR OF EMPLOYMENT PRACTICES UNDER CAPITOL POLICE BOARD

House Resolution No. 420, One Hundred First Congress, June 26, 1990, made permanent law Pub. L. 101–520, title I, § 105, Nov. 5, 1990, 104 Stat. 2262, and amended by Pub. L. 104–186, title II, § 221(9)(C), Aug. 20, 1996, 110 Stat. 1749, established the position of Director of Employment Practices with respect to members of the Capitol Police, at the appropriate rate of pay under level HS–11 of the House Employees Schedule, with payment from amounts appropriated for the Capitol Police, such appointment to be made by the Capitol Police Board, subject to prior approval of the Committee on House Oversight [now Committee on House Administration], without regard to political affiliation and solely on basis of fitness to perform functions of the position.

GENERAL COUNSEL TO CHIEF OF CAPITOL POLICE

House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, made permanent law Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777, and amended by Pub. L. 104–186, title II, § 221(9)(A), Aug. 20, 1996, 110 Stat. 1749, established the position of General Counsel to the Chief of the Capitol Police, for duty under the House of Representatives, at a per annum gross rate of compensation which is equal to the rate in effect from time to time for HS level 10, step 1, of the House Employees Schedule, such appointment to be made by the Capitol Police Board, subject to the prior approval of the Committee on House Oversight [now Committee on House Administration], without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

§ 1902. Compensation of Chief

The annual rate of pay for the Chief of the Capitol Police shall be the amount equal to $1,000 less than the lower of the annual rate of pay in effect for the Sergeant-at-Arms of the House of Representatives or the annual rate of pay in effect for the Sergeant-at-Arms and Doorkeeper of the Senate.

(Pub. L. 96–152, § 1(c), Dec. 20, 1979, 93 Stat. 1099; Pub. L. 106–554, § 1(a)(2) [title I, § 109(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–107; Pub. L. 107–117, div. B, § 907(a), Jan. 10, 2002, 115 Stat. 2319; Pub. L. 108–7, div. H, title I, § 1013(a), Feb. 20, 2003, 117 Stat. 361.)

CODIFICATION

Section was classified to section 206–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2003—Pub. L. 108–7 amended section generally. Prior to amendment, section read as follows: ''The Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed $2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.''

2002—Pub. L. 107–117 substituted ''but not to exceed $2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate'' for ''but not to exceed the rate of basic pay payable for level ES–4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)''.

2000—Pub. L. 106–554 substituted ''the rate of basic pay payable for level ES–4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)'' for ''the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5''.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 1013(d), Feb. 20, 2003, 117 Stat. 361, provided that: ''The amendments made by this section [amending this section, section 1903 of this title, and provisions set out as a note under section 1901 of this title] shall apply with respect to the first pay period beginning on or after the date of the enactment of this Act [Feb. 20, 2003].''

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–117, div. B, § 907(c), Jan. 10, 2002, 115 Stat. 2319, provided that: ''This section [amending this section and enacting provisions set out as a note under section 1901 of this title] and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Jan. 10, 2002].''

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–554, § 1(a)(2) [title I, § 109(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–107, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Dec. 21, 2000].''

EFFECTIVE DATE

Section effective Feb. 1, 1980, see section 7 of Pub. L. 96–152, set out as an Effective Date of 1979 Amendment note under section 1901 of this title.

§ 1903. Chief Administrative Officer

(a) In general

There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer as follows:

(1) Not later than 60 days after December 21, 2000, the Chief Administrative Officer shall be appointed by the Chief of the Capitol Police after consultation with the Capitol Police Board and the Comptroller General, and shall report to and serve at the pleasure of the Chief of the Capitol Police.

(2) The Comptroller General shall evaluate the performance of the Chief Administrative Officer in carrying out the duties and responsibilities of the Office of Administration as outlined in this section. The Comptroller General shall meet with the Chief of the Capitol Police and the Capitol Police Board at least quarterly to provide an analysis of the performance of the Chief Administrative Officer. The Comptroller General shall report the results of the evaluation to the Chief of the Capitol Police, the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(3) The Chief of the Capitol Police shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(4) The annual rate of pay for the Chief Administrative Officer shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(5) The Capitol Police shall reimburse from available appropriations any costs incurred by the Comptroller General under this section, which shall be deposited to the appropriation of the Government Accountability Office then available and remain available until expended.

(b) Responsibilities

The Chief Administrative Officer shall have the following areas of responsibility:

(1) Budgeting

The Chief Administrative Officer shall—

(A) prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) Financial management

The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems; and

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) Prepare[1] annual financial statements for the Capitol Police, and such financial statements shall be audited by the Inspector General of the Capitol Police or by an independent public accountant, as determined by the Inspector General.

(3) Information technology

The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) Human resources

The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resources management activities of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(c) Administrative provisions

(1) Personnel

The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration, but shall not have the authority to hire or discharge uniformed and operational police force personnel.

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[1] So in original. Probably should not be capitalized.

(2) Resources of other agencies

The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(d) Plan

No later than 180 days after appointment, the Chief Administrative Officer shall prepare and submit to Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a plan—

(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) Report

No later than September 30, 2001, the Chief Administrative Officer shall prepare and submit to the Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) of this section and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) Submission to Committees

The Chief of the Capitol Police shall submit the plan required in subsection (d) of this section and report required in subsection (e) of this section to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) Termination of role

As of October 1, 2002, the role of the Comptroller General, as established by this section, will cease.

(Pub. L. 106–554, § 1(a)(2) [title I, § 108], Dec. 21, 2000, 114 Stat. 2763, 2763A–104; Pub. L. 106–346, § 101(a) [title V, § 507(a)], Oct. 23, 2000, 114 Stat. 1356, 1356A–55; Pub. L. 107–68, title I, § 122(a), Nov. 12, 2001, 115 Stat. 576; Pub. L. 108–7, div. H, title I, § 1013(c), Feb. 20, 2003, 117 Stat. 361; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109–55, title I, § 1004(g), Aug. 2, 2005, 119 Stat. 575.)

CODIFICATION

Section was classified to section 206a–9 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2005—Subsec. (b)(2)(D). Pub. L. 109–55 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: ''shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.''

2004—Subsec. (a)(5). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

2003—Subsec. (a)(4). Pub. L. 108–7 amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''The Chief Administrative Officer shall receive basic pay at a rate determined by the Chief of the Capitol Police, but not to exceed $1,000 less than the annual rate of pay for the Chief of the Capitol Police.''

2001—Subsec. (a)(4). Pub. L. 107–68 substituted ''the Chief of the Capitol Police, but not to exceed $1,000 less than the annual rate of pay for the Chief of the Capitol Police'' for ''the Capitol Police Board, but not to exceed the annual rate of basic pay payable for ES–2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)''.

2000—Pub. L. 106–346 amended section generally, substituting present provisions for similar provisions establishing within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer, providing that the Chief Administrative Officer would be appointed and his pay rate would be set by the Comptroller General, setting out the powers and duties of the Chief Administrative Officer, and providing that as of Oct. 1, 2002, the Chief Administrative Officer would cease to be an employee of the General Accounting Office, would become an employee of the Capitol Police, and the Capitol Police Board would assume all responsibilities of the Comptroller General under this section.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–55 effective Aug. 2, 2005, see section 1909(f) of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 applicable with respect to the first pay period beginning on or after Feb. 20, 2003, see section 1013(d) of Pub. L. 108–7, set out as a note under section 1902 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, § 122(b), Nov. 12, 2001, 115 Stat. 576, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after October 1, 2001.''

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–346, § 101(a) [title V, § 507(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A–57, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001 [H.R. 5657, as enacted by section 1(a)(2) of Pub. L. 106–554].''

§ 1904. Certifying officers

(a) Appointment of certifying officers of the Capitol Police

The Chief Administrative Officer of the United States Capitol Police, or when there is not a Chief Administrative Officer, the Capitol Police Board, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) Responsibility and accountability of certifying officers

(1) In general

Each officer or employee of the Capitol Police who has been duly authorized in writing

by the Chief Administrative Officer, or the Capitol Police Board if there is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) of this section shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(2) Relief by Comptroller General

The Comptroller General may, at the Comptroller General's discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) Enforcement of liability

The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

(Pub. L. 106–554, § 1(a)(2) [title I, § 107], Dec. 21, 2000, 114 Stat. 2763, 2763A–103.)

CODIFICATION

Section was classified to section 207d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1905. Deposit and use of reimbursements for law enforcement assistance

(a)(1) Any funds received by the Capitol Police as reimbursement for law enforcement assistance from any Federal, State, or local government agency (including any agency of the District of Columbia) shall be deposited in the United States Treasury for credit to the appropriation for ''general expenses'' under the heading ''Capitol Police Board'', or ''security enhancements'' under the heading ''Capitol Police Board''.

(2) Funds deposited under this subsection may be expended by the Capitol Police Board for any authorized purpose, including overtime pay expenditures relating to law enforcement assistance to any Federal, State, or local government agency (including any agency of the District of Columbia), and shall remain available until expended.

(b) This section shall take effect on July 24, 2001, and shall apply to fiscal year 2001 and each fiscal year thereafter.

(Pub. L. 107–20, title II, § 2802, July 24, 2001, 115 Stat. 184.)

CODIFICATION

Section was classified to section 207e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1905a. Reimbursement for salaries paid for service at Federal Law Enforcement Training Center

Notwithstanding any other provision of law, the Chief of the Capitol Police is authorized to receive moneys from the Department of the Treasury as reimbursements for salaries paid by the Capitol Police in connection with certain officers and members of the United States Capitol Police serving as instructors at the Federal Law Enforcement Training Center. Moneys so received shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Pub. L. 95–26, title I, § 111, May 4, 1977, 91 Stat. 87; Pub. L. 108–7, div. H, title I, § 1018(h)(3), Feb. 20, 2003, 117 Stat. 369.)

CODIFICATION

Section was formerly classified to section 64–3 of this title.

Section is from the Supplemental Appropriations Act, 1977.

AMENDMENTS

2003—Pub. L. 108–7 substituted ''Chief of the Capitol Police'' for ''Secretary of the Senate'' and ''the Capitol Police'' for ''the United States Senate''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1906. Disposal of surplus property

(a) In general

Within the limits of available appropriations, the Capitol Police may dispose of surplus or obsolete property of the Capitol Police by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) Amounts received

Any amounts received by the Capitol Police from the disposition of property under subsection (a) of this section shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(c) Effective date

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108–7, div. H, title I, § 1003, Feb. 20, 2003, 117 Stat. 357.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

§ 1907. Transfer of disbursing function

(a) In general

(1) Disbursing officer

The Chief of the Capitol Police shall be the disbursing officer for the Capitol Police. Any reference in any law or resolution before February 20, 2003, to funds paid or disbursed by the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate relating to the pay and allowances of Capitol Police employees shall be deemed to refer to the Chief of the Capitol Police.

(2) Transfer

Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

(3) Continuity of function during transition

Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under this subsection, the House of Representatives and the Senate shall continue to serve as the disbursing authority on behalf of the Capitol Police.

(b) Treasury accounts

(1) Salaries

(A) In general

There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the salaries of the Capitol Police.

(B) Transfer authority during transition

Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under subsection (a) of this section, the Chief shall have the authority to transfer amounts in the account to the House of Representatives and the Senate to the extent necessary to enable the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate to continue to serve as the disbursing authority on behalf of the Capitol Police pursuant to subsection (a)(3) of this section.

(2) General expenses

There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the general expenses of the Capitol Police.

(c) Transfer of funds, assets, accounts, records, and authority

(1) In general

The Chief Administrative Officer of the House of Representatives and the Secretary of the Senate are authorized and directed to transfer to the Chief of the Capitol Police all funds, assets, accounts, and copies of original records of the Capitol Police that are in the possession or under the control of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate in order that all such items may be available for the unified operation of the Capitol Police. Any funds so transferred shall be deposited in the Treasury accounts established under subsection (b) of this section and be available to the Chief of the Capitol Police for the same purposes as, and in like manner and subject to the same conditions as, the funds prior to the transfer.

(2) Existing transfer authority

Any transfer authority existing before February 20, 2003, granted to the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate for salaries, expenses, and operations of the Capitol Police shall be transferred to the Chief of the Capitol Police.

(d) Unexpended balances

Except as may otherwise be provided in law, the unexpended balances of appropriations for the fiscal year 2003 and succeeding fiscal years that are subject to disbursement by the Chief of the Capitol Police shall be withdrawn as of September 30 of the fifth fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(e) Hiring authority; eligibility for same benefits as House employees

(1) Authority

(A) In general

Subject to subparagraph (B), the Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

(B) Review and approval

In carrying out the authority under this paragraph, the Chief of the Capitol Police shall be subject to the following requirements:

(i) The appointment and termination of any officer, member, or employee shall be subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(ii) The promotion of any noncivilian officer, member, or employee to any rank higher than Private First Class, and the promotion of any civilian employee to any position, shall be subject to the approval of the Committees referred to in clause (i).

(iii) The establishment of any new position for officers, members, or employees shall be subject to the approval of the Committees referred to in clause (i).

(2) Benefits

Employees of the Capitol Police who are appointed by the Chief under the authority of this subsection shall be subject to the same type of benefits (including the payment of death gratuities, the withholding of debt, and health, retirement, Social Security, and other applicable employee benefits) as are provided to employees of the House of Representatives, and any such individuals serving as employees of the Capitol Police as of February 20, 2003, shall be subject to the same rules governing rights, protections, pay, and benefits in effect immediately before such date until such rules are changed under applicable laws or regulations.

(f) Worker's compensation

(1) Account

There shall be established a separate account in the Capitol Police for purposes of making payments for employees of the Capitol Police under section 8147 of title 5.

(2) Payments without fiscal year limitation

Notwithstanding any other provision of law, payments may be made from the account established under paragraph (1) of this subsection without regard to the fiscal year for which the obligation to make such payments is incurred.

(g) Effect on existing law

(1) In general

The provisions of this section shall not be construed to reduce the pay or benefits of any employee of the Capitol Police whose pay was disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate before February 20, 2003.

(2) Superseding provisions

All provisions of law inconsistent with this section are hereby superseded to the extent of the inconsistency.

(h) Omitted

(i) Effective date

This section and the amendments made by this section shall take effect on February 20, 2003, and shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108–7, div. H, title I, § 1018, Feb. 20, 2003, 117 Stat. 366.)

REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (i), see Codification note below.

CODIFICATION

Section is comprised of section 1018 of div. H of Pub. L. 108–7. Subsec. (h) of section 1018 of Pub. L. 108–7 amended sections 1901 and 1905a of this title and repealed section 1921 of this title.

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

§ 1908. Legal representation authority

(a) In general

(1) Authorization of representation

Any counsel described under paragraph (2) may for the purposes of providing legal assistance and representation to the United States Capitol Police Board or the United States Capitol Police enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof, without compliance with any requirement for admission to practice before such court.

(2) Counsel

Paragraph (1) refers to—

(A) the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police;

(B) the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police;

(C) any attorney employed in the Office of the General Counsel for the United States Capitol Police or the Office of Employment Counsel for the United States Capitol Police;

(D) the counsel for, or any attorney employed by, any successor office of either office described under subparagraph (C); and

(E) any attorney retained by contract with either office described under subparagraph (C).

(b) Limitations

(1) Direction for appearance

Entrance of appearance authorized under subsection (a) of this section shall be subject to the direction of the Capitol Police Board.

(2) United States Supreme Court

The authority under subsection (a) of this section shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

(c) Effective date

This section shall apply to fiscal year 2004, and each fiscal year thereafter.

(Pub. L. 108–83, title I, § 1002, Sept. 30, 2003, 117 Stat. 1020.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2004.

§ 1909. Inspector General for the United States Capitol Police

(a) Establishment of Office

There is established in the United States Capitol Police the Office of the Inspector General (hereafter in this section referred to as the ''Office''), headed by the Inspector General of the United States Capitol Police (hereafter in this section referred to as the ''Inspector General'').

(b) Inspector General

(1) Appointment

The Inspector General shall be appointed by, and under the general supervision of, the Capitol Police Board. The appointment shall be made in consultation with the Inspectors General of the Library of Congress, Government Printing Office, and the Government Accountability Office. The Capitol Police Board shall appoint the Inspector General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) Term of service

The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) Removal

The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board, and the Board shall communicate the reasons for any such removal to the Committee on House Administration, the Senate Committee on Rules and Administration and the Committees on Appropriations of the House of Representatives and of the Senate.

(4) Salary

The Inspector General shall be paid at an annual rate equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(5) Deadline

The Capitol Police Board shall appoint the first Inspector General under this section not later than 180 days after August 2, 2005.

(c) Duties

(1) Applicability of duties of Inspector General of executive branch establishment

The Inspector General shall carry out the same duties and responsibilities with respect to the United States Capitol Police as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978, (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) Semiannual reports

The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 (other than subsection (a)(13) thereof) of the Inspector General Act of 1978, (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Chief of the Capitol Police shall be considered the head of the establishment. The Chief shall, within 30 days of receipt of a report, report to the Capitol Police Board, the Committee on House Administration, the Senate Committee on Rules and Administration, and the Committees on Appropriations of the House of Representatives and of the Senate consistent with section 5(b) of such Act.

(3) Investigations of complaints of employees and members

(A) Authority

The Inspector General may receive and investigate complaints or information from an employee or member of the Capitol Police concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Internal Affairs Division of the Capitol Police as of August 2, 2005.

(B) Nondisclosure

The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless required by law or the Inspector General determines such disclosure is otherwise unavoidable during the course of the investigation.

(C) Prohibiting retaliation

An employee or member of the Capitol Police who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) Independence in carrying out duties

Neither the Capitol Police Board, the Chief of the Capitol Police, nor any other member or employee of the Capitol Police may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) Powers

(1) In general

The Inspector General may exercise the same authorities with respect to the United States Capitol Police as an Inspector General of an establishment may exercise with respect

to an establishment under section 6(a) of the Inspector General Act of 1978, (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

(2) Staff

(A) In general

The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5 regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than $500 less than the annual rate of pay of the Inspector General under subsection (b)(4) of this section.

(B) Experts and consultants

The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(C) Independence in appointing staff

No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(D) Applicability of Capitol Police personnel rules

None of the regulations governing the appointment and pay of employees of the Capitol Police shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

(3) Equipment and supplies

The Chief of the Capitol Police shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as determined by the Inspector General to be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) Transfer of functions

(1) Transfer

To the extent that any office or entity in the Capitol Police prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

(2) No reduction in pay or benefits

The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A) of this section.

(f) Effective date

This section shall be effective on August 2, 2005.

(Pub. L. 109–55, title I, § 1004, Aug. 2, 2005, 119 Stat. 572.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsecs. (c)(1), (2) and (d)(1), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The provisions of title 5 regarding appointments in the competitive service, referred to in subsec. (d)(2)(A), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

CODIFICATION

Section is comprised of section 1004 of Pub. L. 109–55. Subsec. (g) of section 1004 of Pub. L. 109–55 amended section 1903 of this title.

Section is from the Legislative Branch Appropriations Act, 2006.

§ 1910. Report of disbursements

(a) In general

Not later than 60 days after the last day of each semiannual period, the Chief of the Capitol Police shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the United States Capitol Police.

(b) Contents

The report required by subsection (a) of this section shall include—

(1) the name of each person or entity who receives a payment from the Capitol Police and the amount thereof;

(2) a description of any service rendered to the Capitol Police, together with service dates;

(3) a statement of all amounts appropriated to, or received or expended by, the Capitol Police and any unexpended balances of such amounts for any open fiscal year; and

(4) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

(c) Printing

Each report under this section shall be printed as a House document.

(d) Effective date

This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each

year, beginning with the semiannual period in which this section is enacted.

(Pub. L. 109–55, title I, § 1005, Aug. 2, 2005, 119 Stat. 575.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2006.

PART B—COMPENSATION AND OTHER PERSONNEL MATTERS

§ 1921. Repealed. Pub. L. 108–7, div. H, title I, § 1018(h)(2), Feb. 20, 2003, 117 Stat. 369

Section, R.S. § 1822, provided that Capitol Police would be paid on the order of the Sergeant at Arms of the Senate or the House.

CODIFICATION

Section was classified to section 207 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE OF REPEAL

Repeal effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

§ 1921a. Sole and exclusive authority of Board and Chief to determine rates of pay

(a) In general

The Capitol Police Board and the Chief of the Capitol Police shall have the sole and exclusive authority to determine the rates and amounts for each of the following for members of the Capitol Police:

(1) The rate of basic pay (including the rate of basic pay upon appointment), premium pay, specialty assignment and proficiency pay, and merit pay.

(2) The rate of cost-of-living adjustments, comparability adjustments, and locality adjustments.

(3) The amount for recruitment and relocation bonuses.

(4) The amount for retention allowances.

(5) The amount for educational assistance payments.

(b) No review or appeal permitted

The determination of a rate or amount described in subsection (a) of this section may not be subject to review or appeal in any manner.

(c) Rule of construction

Nothing in this section may be construed to affect—

(1) any authority provided under law for a committee of the House of Representatives or Senate, or any other entity of the legislative branch, to review or approve any determination of a rate or amount described in subsection (a) of this section;

(2) any rate or amount described in subsection (a) of this section which is established under law; or

(3) the terms of any collective bargaining agreement.

(d) Effective date

This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108–447, div. G, title I, § 1004, Dec. 8, 2004, 118 Stat. 3180.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1922. Unified payroll administration

Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.

(July 31, 1946, ch. 707, § 9C, as added Pub. L. 102–397, title I, § 102, Oct. 6, 1992, 106 Stat. 1950; amended Pub. L. 104–186, title II, § 221(12), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Section was classified to section 207a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section 104 of Pub. L. 102–397, as amended by Pub. L. 102–392, title III, § 321, Oct. 6, 1992, 106 Stat. 1726, provided that: ''The unified payroll administration under the amendment made by section 102 [enacting this section] shall apply with respect to pay periods beginning after September 30, 1993.''

[Section 321 of Pub. L. 102–392 provided that the amendment made by that section to section 104 of Pub. L. 102–397, set out above, is effective Oct. 6, 1992.]

§ 1923. Unified schedules of rates of basic pay and leave system

(a) Rates of basic pay

(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b) Leave system

(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the Armed Forces;

(I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave-sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c) Lump sum payments

(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the Armed Forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the Armed Forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Effect on appointment authority

Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

(Pub. L. 105–55, title I, § 111, Oct. 7, 1997, 111 Stat. 1186.)

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (b)(1)(D), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§ 2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

CODIFICATION

Section was classified to section 207b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1924. Emergency duty overtime pay from funds disbursed by the Chief Administrative Officer of the House of Representatives

(a) Entitlement of officer or member

Each officer or member of the United States Capitol Police force—

(1) whose pay is disbursed by the Chief Administrative Officer of the House of Representatives; and

(2) who performs duty in addition to the number of hours of his regularly scheduled tour of duty beginning on or after July 1, 1974;

is entitled (subject to such rules and regulations as the Capitol Police Board may prescribe) to receive compensation as a result of performing such duty pursuant to the order of proper authority, or to receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to receive such compensation only upon a determination of the Capitol Police Board with respect to the additional hours of duty of such officer.

(b) Determination of rate of compensation

Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to—

(1) in the case of an officer, his hourly rate of compensation; or

(2) in the case of a member, one and one-half times his hourly rate of compensation.

The hourly rate of compensation of an officer or member shall be determined by dividing the annual rate of compensation of the officer or member by 2,080.

(c) Written election by officer for compensation or compensatory time off for additional hours of duty

Any officer or member entitled to receive compensation for additional hours of duty shall make a written election with respect to his additional hours of duty which shall designate whether such officer or member desires to receive—

(1) compensation for additional hours of duty; or

(2) compensatory time off for additional hours of duty subject to approval of the Chief and the Capitol Police Board.

(d) Certification procedure for additional compensation

Compensation which officers and members are entitled to receive under this section shall be made upon certification by the Chief of the Capitol Police at the end of each calendar quarter to the Capitol Police Board, and upon the transmission of approval from the Capitol Police Board to the Committee on House Oversight of the House of Representatives.

(e) Transfer of accrued compensatory time off or receipt of lump-sum payment upon termination of service

No officer or member may, upon the termination of his service as an officer or member of the United States Capitol Police force, transfer accrued compensatory time off for application with respect to his employment by any other department, agency, or establishment of the Federal Government or the District of Columbia. No officer or employee may, upon such termination, receive any lump-sum payment with respect to such accrued compensatory time off.

(f) Definitions

For purposes of this section—

(1) the term ''officer'' includes all personnel of the rank of lieutenant or higher, including inspector; and

(2) the term ''member'' includes all personnel below the rank of lieutenant, including detectives.

(Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636; Pub. L. 93–245, ch. VI, § 600, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104–186, title II, § 221(10), (11), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Section was classified to section 206b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Subsecs. (a) to (f) of this section are based on section 3 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184, as amended by H. Res. No. 398, Ninety-third Congress, June 4, 1973, eff. Jan. 3, 1974, enacted into permanent law by Pub. L. 93–245, and H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554.

Subsec. (g) of this section was based on section 3 of H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554, and was repealed by Pub. L. 104–186, title II, § 221(11)(B), Aug. 20, 1996, 110 Stat. 1750. See 1996 Amendment note below.

As originally codified, this section consisted of two undesignated pars. based on sections 3 and 5 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184. Section 5 of H. Res. No. 449 was superseded by section 3 of H. Res. No. 1309, formerly set out as subsec. (g) of this section, and was subsequently repealed by Pub. L. 104–186, title II, § 221(11)(B), Aug. 20, 1996, 110 Stat. 1750.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–186, § 221(10), substituted ''Chief Administrative Officer'' for ''Clerk''.

Subsec. (d). Pub. L. 104–186, § 221(11)(A), substituted ''House Oversight'' for ''House Administration''.

Subsec. (g). Pub. L. 104–186, § 221(11)(B), struck out subsec. (g) which read as follows: ''There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to make payments of overtime pay under the provisions of this section.''

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of this title.

§ 1925. Emergency duty overtime pay from funds disbursed by Secretary of the Senate

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly

scheduled tour of duty for any day on or after July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, ''Salaries, Officers and Employees'' for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accrued and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 130; Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93–371, § 5, Aug. 13, 1974, 88 Stat. 430.)

CODIFICATION

Section was classified to section 206c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1974—Pub. L. 93–371 generally amended provisions relating to payment of emergency duty overtime pay and inserted provisions relating to election by officers or members entitled to compensation for additional duty of either payment of such compensation or compensatory time off in place of any additional pay, and provisions setting forth duties of the Capitol Police Board with respect to approval of additional compensation payments and promulgation of rules and regulations for implementing this section, effective July 1, 1974.

1973—Pub. L. 93–145 inserted ''inspectors,'' before ''captains''.

TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of this title.

§ 1926. Educational assistance program for employees

(a) Establishment

In order to recruit or retain qualified personnel, the Chief of the Capitol Police may establish an educational assistance program for employees of the Capitol Police under which the Capitol Police may agree—

(1) to repay (by direct payments on behalf of the participating employee) all or any portion of a student loan previously taken out by the employee;

(2) to make direct payments to an educational institution on behalf of a participating employee or to reimburse a participating employee for all or any portion of any tuition or related educational expenses paid by the employee.

(b) Special rules for student loan repayments

(1) Application of regulations under executive branch program

In carrying out subsection (a)(1) of this section, the Chief of the Capitol Police may, by regulation, make applicable such provisions of section 5379 of title 5 as the Chief determines necessary to provide for such program.

(2) Restrictions on prior reimbursements

The Capitol Police may not reimburse any individual under subsection (a)(1) of this section for any repayments made by the individual prior to entering into an agreement with the Capitol Police to participate in the program under this section.

(3) Use of recovered amounts

Any amount repaid by, or recovered from, an individual under subsection (a)(1) of this section and its implementing regulations shall be credited to the appropriation account available for salaries or general expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

(c) Limit on amount of payments

The total amount paid by the Capitol Police with respect to any individual under the program under this section may not exceed $40,000.

(d) No review of determinations

Any determination made under the program under this section shall not be reviewable or appealable in any manner.

(e) Effective date

This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(Pub. L. 107–117, div. B, § 908, Jan. 10, 2002, 115 Stat. 2319; Pub. L. 108–7, div. H, title I, § 1007, Feb. 20, 2003, 117 Stat. 358.)

CODIFICATION

Section was classified to section 207b–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2003—Pub. L. 108–7 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to student loan repayment program.

DEADLINE FOR REGULATIONS

Pub. L. 108–7, div. H, title I, § 1020, Feb. 20, 2003, 117 Stat. 370, provided that: ''Not later than 60 days after the date of the enactment of this Act [Feb. 20, 2003], the Chief of the Capitol Police shall promulgate any regulations required by sections 1004, 1006, 1007, and 1011 of this Act [enacting section 1931 of this title and amending this section and section 1927 of this title].''

§ 1927. Bonuses, retention allowances, and additional compensation

(a) Recruitment and relocation bonuses

(1) Authorization of payment

The Capitol Police Board (hereafter in this section referred to as the ''Board'') may authorize the Chief of the United States Capitol Police (hereafter in this section referred to as the ''Chief'') to pay a bonus to an individual who is newly appointed to a position as an officer or employee of the Capitol Police, and to pay an additional bonus to an individual who must relocate to accept a position as an officer or employee of the Capitol Police, if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts.

(2) Amount of payment

The amount of a bonus under this subsection shall be determined by regulations of the Board, but the amount of any bonus paid to an individual under this subsection may not exceed 25 percent of the annual rate of basic pay of the position to which the individual is being appointed.

(3) Minimum period of service required

Payment of a bonus under this subsection shall be contingent upon the individual entering into an agreement with the Capitol Police to complete a period of employment with the Capitol Police, with the required period determined pursuant to regulations of the Board. If the individual voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the individual shall repay the bonus on a pro rata basis.

(4) Bonus not considered part of basic pay

A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(5) Payment permitted prior to commencement of duty

Under regulations of the Board, a bonus under this subsection may be paid to a newly-hired officer or employee before the officer or employee enters on duty.

(6) Determination not appealable or reviewable

Any determination of the Chief under this subsection shall not be appealable or reviewable in any manner.

(b) Retention allowances

(1) Authorization of payment

The Board may authorize the Chief to pay an allowance to an officer or employee of the United States Capitol Police if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts.

(2) Amount of payment

A retention allowance, which shall be stated as a percentage of the rate of basic pay of the officer or employee, may not exceed 25 percent of such rate of basic pay.

(3) Payment not considered part of basic pay

A retention allowance may not be considered to be part of the basic pay of an officer or employee, and any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under any of the laws made applicable to the Capitol Police pursuant to section 1302 of this title.

(4) Time and manner of payment

A retention allowance under this subsection shall be paid at the same time and in the same manner as the officer's or employee's basic pay is paid.

(c) Lump sum incentive and merit bonus payments

(1) In general

The Board may pay an incentive or merit bonus to an officer or employee of the United States Capitol Police who meets such criteria for receiving the bonus as the Board may establish.

(2) Bonus not considered part of basic pay

A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(d) Service step increases for meritorious service for officers

Upon the approval of the Chief—

(1) an officer of the United States Capitol Police in a service step who has demonstrated meritorious service (in accordance with criteria established by the Chief or the Chief's designee) may be advanced in compensation to the next higher service step, effective with the first pay period which begins after the date of the Chief's approval; and

(2) an officer of the United States Capitol Police in a service step who has demonstrated extraordinary performance (in accordance with criteria established by the Chief or the Chief's designee) may be advanced in compensation to the second next higher service step, effective with the first pay period which begins after the date of the Chief's approval.

(e) Regulations

(1) In general

The payment of bonuses, allowances, step increases, compensation, and other payments

pursuant to this section shall be carried out in accordance with regulations prescribed by the Board.

(2) Repealed. Pub. L. 108–7, div. H, title I, § 1004(2), Feb. 20, 2003, 117 Stat. 358

(f) Effective date

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–117, div. B, § 909, Jan. 10, 2002, 115 Stat. 2320; Pub. L. 108–7, div. H, title I, §§ 1004, 1006, Feb. 20, 2003, 117 Stat. 358.)

CODIFICATION

Section was classified to section 207b–2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108–7, § 1004(1)(A), substituted ''the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts'' for ''the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position''.

Subsec. (a)(6). Pub. L. 108–7, § 1004(1)(B), added par. (6).

Subsec. (b)(1). Pub. L. 108–7, § 1006(1), substituted ''if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts.'' for ''if—'' and struck out pars. (A) and (B) which read as follows:

''(A) the unusually high or unique qualifications of the officer or employee or a special need of the Capitol Police for the officer's or employee's services makes it essential to retain the officer or employee; and

''(B) the Chief determines that the officer or employee would be likely to leave in the absence of a retention allowance.''

Subsec. (b)(3). Pub. L. 108–7, § 1006(2), which directed the substitution of ''any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner'' for ''the reduction or the elimination of a retention allowance may not be appealed'', was executed by making the substitution for ''the reduction or elimination of a retention allowance may not be appealed'', to reflect the probable intent of Congress.

Subsec. (e). Pub. L. 108–7, § 1004(2), (3), redesignated subsec. (f) as (e) and struck out former subsec. (e) which related to additional compensation for field training officers.

Subsec. (f). Pub. L. 108–7, § 1004(3), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(2). Pub. L. 108–7, § 1004(2), struck out heading and text of par. (2). Text read as follows: ''The regulations prescribed pursuant to this subsection shall be subject to the approval of the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.''

Subsec. (g). Pub. L. 108–7, § 1004(3), redesignated subsec. (g) as (f).

§ 1928. Suspension

The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants at Arms and of the Architect of the Capitol.

(R.S. § 1823; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 208 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1823 derived from acts Mar. 3, 1873, ch. 226, 17 Stat. 488; June 20, 1874, ch. 328, 18 Stat. 86; Mar. 3, 1875, ch. 129, 18 Stat. 345.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 1929. Pay of members under suspension

On and after March 3, 1875, whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated.

(Mar. 3, 1875, ch. 129, 18 Stat. 345.)

CODIFICATION

Section was classified to section 209 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on a proviso in act Mar. 3, 1875, popularly known as the ''Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876''.

§ 1930. Applicable pay rate upon appointment

(a) In general

Notwithstanding any other provision of law, the rate of basic pay payable to an individual upon appointment to a position with the Capitol Police shall be at a rate within the minimum and maximum pay rates applicable to the position.

(b) Effective date

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108–7, div. H, title I, § 1008, Feb. 20, 2003, 117 Stat. 359.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

§ 1931. Additional compensation for employees with specialty assignments and proficiencies

(a) Establishment of positions

The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

(b) Additional compensation

In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive an amount determined by the Chief, except that—

(1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and

(2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such em-

ployee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

(c) Manner of payment

The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

(d) Determination not appealable or reviewable

Any determination under section[1] (a) shall not be appealable or reviewable in any manner.

(Pub. L. 108–7, div. H, title I, § 1011, Feb. 20, 2003, 117 Stat. 360.)

REFERENCES IN TEXT

Level II of the Executive Schedule, referred to in subsec. (b)(2), is set out in section 5313 of Title 5, Government Organization and Employees.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

§ 1932. Application of premium pay limits on annualized basis

(a) In general

Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

(b) Effective date

Subsection (a) of this section shall apply with respect to hours of duty occurring on or after September 11, 2001.

(Pub. L. 108–7, div. H, title I, § 1012, Feb. 20, 2003, 117 Stat. 361.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

PART C—UNIFORM AND ARMS

§ 1941. Uniform

The Capitol Police Board shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police. Such arms so furnished or other arms as authorized by the Capitol Police Board shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 5101 of title 40), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 5102 of title 40), in such manner and at such times as the Capitol Police Board may, by regulations, prescribe.

(R.S. § 1824; Pub. L. 92–607, ch. V, § 507, Oct. 31, 1972, 86 Stat. 1508; Pub. L. 95–26, title I, § 112, May 4, 1977, 91 Stat. 87; Pub. L. 108–447, div. G, title I, § 1003, Dec. 8, 2004, 118 Stat. 3180.)

CODIFICATION

Section was classified to section 210 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1824 derived from act Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11.

AMENDMENTS

2004—Pub. L. 108–447, in first sentence, substituted ''The Capitol Police Board'' for ''The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives'' and ''payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police'' for ''payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named'' and, in second sentence, inserted ''or other arms as authorized by the Capitol Police Board'' after ''furnished'' and substituted ''the Capitol Police Board'' for ''the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives''.

1977—Pub. L. 95–26 struck out ''at a cost not to exceed twenty dollars per man,'' after ''furnish each member of the force with the necessary belts and arms,''.

1972—Pub. L. 92–607 directed that the arms be carried in the Capitol Buildings and within and without the boundaries of the United States Capitol Grounds according to regulations prescribed by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives.

§ 1942. Uniform to display United States flag or colors

(a) The uniform of officers and members of the United States Park Police force, the United States Secret Service Uniformed Division, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division, the Capitol Police Board in the case of the Capitol Police, and the Mayor of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(Pub. L. 91–297, title II, § 201(a), (b), June 30, 1970, 84 Stat. 357; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 95–179, Nov. 15, 1977, 91 Stat. 1371.)

CODIFICATION

Section was classified to section 210a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1977—Pub. L. 95–179 substituted ''United States Secret Service Uniformed Division'' for ''Executive Protective Service'' wherever appearing.

[1] So in original. Probably should be ''subsection''.

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93–198. Accordingly, ''Mayor'' substituted in text for ''commissioner''.

§ 1943. Uniform; at whose expense

The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants at Arms.

(R.S. § 1825.)

CODIFICATION

Section was classified to section 211 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1825 derived from act July 20, 1868, ch. 176, § 1, 15 Stat. 94.

§ 1944. Wearing uniform on duty

The officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.

(Mar. 18, 1904, ch. 716, § 1, 33 Stat. 89.)

CODIFICATION

Section was classified to section 212 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

The text of this section was taken from act Mar. 18, 1904, popularly known as the ''Legislative, Executive and Judicial Appropriation Act for the fiscal year ending June 30, 1905''. Similar provisions were contained in the following prior appropriation acts:

Feb. 25, 1903, ch. 755, § 1, 32 Stat. 857.

Mar. 3, 1901, ch. 830, § 1, 31 Stat. 963.

PART D—UNITED STATES CAPITOL POLICE MEMORIAL FUND

§ 1951. Establishment of United States Capitol Police Memorial Fund

There is hereby established in the Treasury of the United States the United States Capitol Police Memorial Fund (hereafter in this part referred to as the ''Fund''). All amounts received by the Capitol Police Board which are designated for deposit into the Fund shall be deposited into the Fund.

(Pub. L. 105–223, § 1, Aug. 7, 1998, 112 Stat. 1250.)

CODIFICATION

Section was classified to section 207c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1952. Payments from Fund for families of Detective Gibson and Private First Class Chestnut

Subject to the regulations issued under section 1954 of this title, amounts in the Fund shall be paid to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police as follows:

(1) Fifty percent of such amounts shall be paid to the widow and children of Detective Gibson.

(2) Fifty percent of such amounts shall be paid to the widow and children of Private First Class Chestnut.

(Pub. L. 105–223, § 2, Aug. 7, 1998, 112 Stat. 1250.)

CODIFICATION

Section was classified to section 207c–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1953. Tax treatment of Fund

(a) Contributions to Fund

For purposes of title 26, any contribution or gift to or for the use of the Fund shall be treated as a contribution or gift for exclusively public purposes to or for the use of an organization described in section 170(c)(1) of title 26.

(b) Treatment of payments from Fund

Any payment from the Fund shall not be subject to any Federal, State, or local income or gift tax.

(c) Exemption

For purposes of title 26, notwithstanding section 501(c)(1)(A) of title 26, the Fund shall be treated as described in section 501(c)(1) of title 26 and exempt from tax under section 501(a) of title 26.

(Pub. L. 105–223, § 3, Aug. 7, 1998, 112 Stat. 1250.)

CODIFICATION

Section was classified to section 207c–2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1954. Administration by Capitol Police Board

The Capitol Police Board shall administer and manage the Fund (including establishing the timing and manner of making payments under section 1952 of this title) in accordance with regulations issued by the Board, subject to the approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. Under such regulations, the Board shall pay any balance remaining in the Fund upon the expiration of the 6-month period which begins on August 7, 1998, to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut in accordance with section 1952 of this title, and shall disburse any amounts in the Fund after the expiration of such period in such manner as the Board may establish. Under such regulations, and using amounts in the Fund, a financial adviser or trustee, as appropriate, for the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police shall be appointed to advise the families respecting disbursements to them of amounts in the Fund.

(Pub. L. 105–223, § 4, Aug. 7, 1998, 112 Stat. 1250.)

CODIFICATION

Section was classified to section 207c–3 of former Title 40, prior to the enactment of Title 40, Public

Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SUBCHAPTER II—POWERS AND DUTIES

§ 1961. Policing of Capitol Buildings and Grounds

(a) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this section, sections 1922, 1966, 1967, and 1969 of this title[1] (and regulations promulgated under section 1969 of this title), and chapter 51 of title 40, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That for the fiscal year for which appropriations are made by this Act the Capitol Police shall have the additional authority to make arrests within the District of Columbia for crimes of violence, as defined in section 16 of title 18, committed within the Capitol Buildings and Grounds and shall have the additional authority to make arrests, without a warrant, for crimes of violence, as defined in section 16 of title 18, committed in the presence of any member of the Capitol Police performing official duties: *Provided further*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violation of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word ''grounds'' shall include the House Office Buildings parking areas and that part or parts of property which have been or hereafter are acquired in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House, by lease, purchase, intergovernment transfer, or otherwise, for the use of the Senate, the House, or the Architect of the Capitol.

(b) For purposes of this section, ''the United States Capitol Buildings and Grounds'' shall include any building or facility acquired by the Sergeant at Arms of the Senate for the use of the Senate for which the Sergeant at Arms of the Senate has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(c) For purposes of this section, ''the United States Capitol Buildings and Grounds'' shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(July 31, 1946, ch. 707, § 9, 60 Stat. 719; Pub. L. 93–198, title VII, § 739(g)(4), (5), Dec. 24, 1973, 87 Stat. 829; Pub. L. 101–520, title I, § 106, formerly § 106(a), Nov. 5, 1990, 104 Stat. 2264, renumbered § 106 and amended Pub. L. 102–392, title III, § 310, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 102–397, title I, § 103, Oct. 6, 1992, 106 Stat. 1950; Pub. L. 107–117, div. B, §§ 901(c)(2), 903(c)(2), Jan. 10, 2002, 115 Stat. 2316, 2317; Pub. L. 107–206, title I, §§ 902(b), 903(b), Aug. 2, 2002, 116 Stat. 876; Pub. L. 108–7, div. H, title I, § 1016(c), Feb. 20, 2003, 117 Stat. 365.)

REFERENCES IN TEXT

This section and sections 1922, 1966, 1967, and 1969 of this title, referred to in subsec. (a), was in the original a reference to the act of July 31, 1946, meaning act July 31, 1946, ch. 707, 60 Stat. 718, as amended, which enacted this section, sections 1922, 1966, 1967, and 1969 of this title, and provisions set out as a note below. For complete classification of the act of July 31, 1946, to the Code, see Tables.

This Act, referred to in subsec. (a), probably means Pub. L. 101–520, Nov. 5, 1990, 104 Stat. 2254, known as the Legislative Branch Appropriations Act, 1991, which amended this section generally. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was classified to section 212a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–7 substituted ''this section, sections 1922, 1966, 1967, and 1969 of this title (and regulations promulgated under section 1969 of this title), and chapter 51 of title 40'' for ''sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title,''.

2002—Subsec. (a). Pub. L. 107–117, §§ 901(c)(2)(A), 903(b)(2)(A), amended section identically, inserting ''(a)'' before ''The Capitol Police shall police''.

Subsec. (b). Pub. L. 107–206 redesignated subsec. (b) relating to buildings or facilities acquired by the Chief Administrative Officer of the House of Representatives as (c).

Pub. L. 107–117, § 903(c)(2)(B), added subsec. (b) relating to buildings or facilities acquired by the Chief Administrative Officer of the House of Representatives.

Pub. L. 107–117, § 901(c)(2)(B), added subsec. (b) relating to buildings or facilities acquired by the Sergeant at Arms of the Senate.

Subsec. (c). Pub. L. 107–206 redesignated subsec. (b) relating to buildings or facilities acquired by the Chief Administrative Officer of the House of Representatives as (c).

1992—Pub. L. 102–392 and Pub. L. 102–397 amended directory language of Pub. L. 101–520 identically. See 1990 Amendment note below.

1990—Pub. L. 101–520, as amended by Pub. L. 102–392 and Pub. L. 102–397, amended section generally. Prior to amendment, section read as follows: ''The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions

[1] See References in Text note below.

of sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word 'grounds' shall include the House Office Building parking area.''

1973—Pub. L. 93–198 inserted reference to violations of any law of the District of Columbia and struck out '', with the exception of the streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioners of the District of Columbia'' after ''or to patrol the United States Capitol Buildings and Grounds''.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 1016(d), Feb. 20, 2003, 117 Stat. 365, provided that: ''The amendments made by this subsection [probably means this section, amending this section and sections 5101 and 5102 of Title 40, Public Buildings, Property, and Works] shall apply to fiscal year 2003 and each fiscal year thereafter.''

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by section 902(b) of Pub. L. 107–206 effective as if included in the enactment of the Emergency Supplemental Act, 2002, Pub. L. 107–117, div. B, see section 902(c) of Pub. L. 107–206, set out as a note under section 2022 of this title.

Amendment by section 903(b) of Pub. L. 107–206 effective as if included in the enactment of the Emergency Supplemental Act, 2002, Pub. L. 107–117, div. B, see section 903(c) of Pub. L. 107–206, set out as a note under section 2002 of this title.

Amendment by section 901(c)(2) of Pub. L. 107–117 applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 2022(e) of this title.

Amendment by section 903(c)(2) of Pub. L. 107–117 applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 2002(e) of this title.

EFFECTIVE DATE OF 1992 AMENDMENTS

Section 103 of Pub. L. 102–397 provided that the amendment made by that section is effective Nov. 5, 1990.

Section 310 of Pub. L. 102–392 provided that the amendment made by that section is effective Nov. 5, 1990.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771(d) of Pub. L. 93–198 provided that the amendment made by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

CONSTRUCTION

Act July 31, 1946, ch. 707, § 16(b), 60 Stat. 721, provided that: ''Nothing in this Act [2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101 to 5107, 5109, see References in Text note under section 1819 of this title] shall be construed to repeal, amend, alter, or supersede (1) section 1820 of the Revised Statutes (U.S.C., title 40, sec. 193) [now 2 U.S.C. 2183]; (2) an Act entitled 'An Act to protect the public property, turf, and grass of the Capitol Grounds from injury', approved April 29, 1876 (19 Stat. 41; U.S.C., title 40, sec. 214) [now 2 U.S.C. 1963]; (3) except as provided in section 9 of this Act [2 U.S.C. 1961], section 15 of an Act entitled 'An Act for the preservation of the public peace and the protection of property within the District of Columbia', approved July 29, 1892 (27 Stat. 325; U.S.C., title 40, sec. 101) [see 40 U.S.C. 8103]; (4) the second proviso in the item 'Capitol garages' under the caption 'Capitol Buildings and Grounds' contained in an Act entitled 'An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (47 Stat. 382, 391; U.S.C., title 40, sec. 185a) [now 2 U.S.C. 2025]; or (5) an Act entitled 'An Act to authorize the use of part of the United States Capitol Grounds east of the Union Station for the parking of motor vehicles', approved July 8, 1943 (57 Stat. 390).''

JURISDICTION OF UNITED STATES CAPITOL POLICE OVER TEMPORARY PARKING AREAS DURING CONSTRUCTION OF JUDICIARY ANNEX BUILDING

Pub. L. 101–302, title III, § 313, May 25, 1990, 104 Stat. 245, provided that:

''(a) The supervision and jurisdiction of the United States Capitol Police shall extend over any area with respect to which the Architect of the Capitol has contracted, or otherwise entered into an agreement, for parking space in the Union Station parking garage to accommodate personnel of the United States Senate whose parking privileges have been affected by the construction of the Judiciary Annex Building, and over any area and streets necessary to carry out such supervision and to travel between such parking area and the United States Capitol Grounds.

''(b) In carrying out such supervision, the United States Capitol Police shall have, within any such area or street, jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for such personnel and property of such personnel and of the United States Senate within such area or street, and to make arrests for the violation of the laws and regulations of the United States and the District of Columbia.

''(c) The provisions of subsections (a) and (b) shall be effective only during the period that there is in effect a contract or other agreement as referred to in subsection (a).''

EXTENSION OF UNITED STATES CAPITOL POLICE SUPERVISION

Pub. L. 95–175, Nov. 14, 1977, 91 Stat. 1362, provided: ''That the supervision of the United States Capitol Police shall extend over that part or parts of the premises located at 600 Pennsylvania Avenue, Southeast, Washington, District of Columbia, leased by the Office of Technology Assessment. In carrying out such supervision, the United States Capitol Police shall have within such part or parts jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for the personnel and property of the Office of Technology Assessment within such leased premises, and to make arrest therein for the violation of the laws and regulations of the United States and the District of Columbia.''

§ 1962. Detail of police

The Capitol Police Board is authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

(Pub. L. 96–432, § 5, Oct. 10, 1980, 94 Stat. 1853.)

CODIFICATION

Section was classified to section 212a–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Provisions of this section were enacted as permanent law in Pub. L. 96–432. Similar fiscal year provisions were contained in the following appropriation acts and have not been repeated since 1983:

Pub. L. 98–51, title I, §112, July 14, 1983, 97 Stat. 271.
Pub. L. 97–276, §101(e) [S. 2939, title I], Oct. 2, 1982, 96 Stat. 1189.
Pub. L. 97–51, §101(c) [H.R. 4120, title I], Oct. 1, 1981, 95 Stat. 959.
Pub. L. 96–536, §101(c) [H.R. 7593, title I], Dec. 16, 1980, 94 Stat. 3167.
Pub. L. 95–391, title I, Sept. 30, 1978, 92 Stat. 780.
Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 671.
Pub. L. 94–440, title III, Oct. 1, 1976, 90 Stat. 1451.
Pub. L. 94–59, title III, July 25, 1975, 89 Stat. 285.
Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 436.
Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 539.
Pub. L. 92–342, July 10, 1972, 86 Stat. 441.
Pub. L. 92–51, July 9, 1971, 85 Stat. 136.
Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 817.
Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 350.
Pub. L. 90–417, July 23, 1968, 82 Stat. 406.
Pub. L. 90–57, July 28, 1967, 81 Stat. 135.
Pub. L. 89–545, Aug. 27, 1966, 80 Stat. 363.
Pub. L. 89–90, July 27, 1965, 79 Stat. 275.
Pub. L. 88–454, Aug. 20, 1964, 78 Stat. 544.
Pub. L. 88–248, Dec. 30, 1963, 77 Stat. 811.
Pub. L. 87–730, §104, Oct. 2, 1962, 76 Stat. 694.
Pub. L. 87–130, §104, Aug. 10, 1961, 75 Stat. 334.
Pub. L. 86–628, §104, July 12, 1960, 74 Stat. 460.
Pub. L. 86–176, §104, Aug. 21, 1959, 73 Stat. 412.
Pub. L. 85–570, §104, July 31, 1958, 72 Stat. 453.
Pub. L. 85–75, §104, July 1, 1957, 71 Stat. 256.
June 27, 1956, ch. 453, §104, 70 Stat. 370.
Aug. 5, 1955, ch. 568, §104, 69 Stat. 520.
July 2, 1954, ch. 455, title I, §104, 68 Stat. 409.
Aug. 1, 1953, ch. 304, title I, §106, 67 Stat. 332.
July 9, 1952, ch. 598, §106, 66 Stat. 478.
Oct. 11, 1951, ch. 485, §106, 65 Stat. 403.
Sept. 6, 1950, ch. 896, §106, 64 Stat. 608.
June 22, 1949, ch. 235, §106, 63 Stat. 230.
June 14, 1948, ch. 467, §106, 62 Stat. 437.
July 17, 1947, ch. 262, §106, 61 Stat. 377.
July 1, 1946, ch. 530, §106, 60 Stat. 408.
June 13, 1945, ch. 189, §106, 59 Stat. 259.
June 26, 1944, ch. 277, title I, §105, 58 Stat. 354.
June 28, 1943, ch. 173, title I, 57 Stat. 230.
June 8, 1942, ch. 396, 56 Stat. 340.
July 1, 1941, ch. 268, 55 Stat. 456.
June 18, 1940, ch. 396, 54 Stat. 471.
June 16, 1939, ch. 208, 53 Stat. 831.
May 17, 1938, ch. 236, 52 Stat. 390.

§ 1963. Protection of grounds

It shall be the duty of the Capitol police on and after April 29, 1876, to prevent any portion of the Capitol Grounds and terraces from being used as playgrounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury.

(Apr. 29, 1876, ch. 86, 19 Stat. 41.)

CODIFICATION

Section was classified to section 214 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1964. Security systems for Capitol buildings and grounds

(a) Design and installation

(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

(2) The unexpended balances referred to in paragraph (1) are—

(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading ''CAPITOL BUILDINGS'', under the general headings ''JOINT ITEMS'', ''ARCHITECT OF THE CAPITOL'', and ''CAPITOL BUILDINGS AND GROUNDS'' in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and

(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

(b) Transfer of responsibility to Capitol Police Board

Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 5 of title 41. On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(c) Transfer of positions to Capitol Police

(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the design or installation of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

(Pub. L. 104–53, title III, §308, Nov. 19, 1995, 109 Stat. 537.)

REFERENCES IN TEXT

The paragraph under the heading ''CAPITOL BUILDINGS'', under the general headings ''JOINT ITEMS'', ''ARCHITECT OF THE CAPITOL'', and ''CAPITOL BUILDINGS AND GROUNDS'' in title I of the Legislative Branch Appropriations Act, 1995, referred to in subsec. (a)(2)(A), is contained in Pub. L. 103–283, title I, July 22,

1994, 108 Stat. 1423, 1434, and is not classified to the Code.

This Act, referred to in subsec. (a)(2)(A), is Pub. L. 104–53, Nov. 19, 1995, 109 Stat. 514, known as the Legislative Branch Appropriations Act, 1996. Provisions under such headings in this Act appear at 109 Stat. 527, and are not classified to the Code.

Section 102 of the Legislative Branch Appropriations Act, 1989, referred to in subsec. (a)(2)(B), is section 102 of Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2165, which is not classified to the Code.

CODIFICATION

Section was classified to section 212a–4 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1965. Maintenance of security systems for Capitol buildings and grounds

(a) Effective October 1, 1996, the responsibility for maintenance of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. On and after October 1, 1996, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for security system maintenance under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(b)(1) Effective October 1, 1996, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the maintenance of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

(Pub. L. 104–197, title III, § 308, Sept. 16, 1996, 110 Stat. 2413.)

CODIFICATION

Section was classified to section 212a–4a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1966. Protection of Members of Congress, officers of Congress, and members of their families

(a) Authority of the Capitol Police

Subject to the direction of the Capitol Police Board, the United States Capitol Police is authorized to protect, in any area of the United States, the person of any Member of Congress, officer of the Congress, as defined in section 60–1(b) of this title, and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection to be necessary.

(b) Detail of police

In carrying out its authority under this section, the Capitol Police Board, or its designee, is authorized, in accordance with regulations issued by the Board pursuant to this section, to detail, on a case-by-case basis, members of the United States Capitol Police to provide such protection as the Board may determine necessary under this section.

(c) Arrest of suspects

In the performance of their protective duties under this section, members of the United States Capitol Police are authorized (1) to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and (2) to utilize equipment and property of the Capitol Police.

(d) Fines and penalties

Whoever knowingly and willfully obstructs, resists, or interferes with a member of the Capitol Police engaged in the performance of the protective functions authorized by this section, shall be fined not more than $300 or imprisoned not more than one year, or both.

(e) Construction of provisions

Nothing contained in this section shall be construed to imply that the authority, duty, and function conferred on the Capitol Police Board and the United States Capitol Police are in lieu of or intended to supersede any authority, duty, or function imposed on any Federal department, agency, bureau, or other entity, or the Metropolitan Police of the District of Columbia, involving the protection of any such Member, officer, or family member.

(f) "United States" defined

As used in this section, the term ''United States'' means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States.

(July 31, 1946, ch. 707, § 9A, as added Pub. L. 97–143, § 1(a), Dec. 29, 1981, 95 Stat. 1723.)

CODIFICATION

Section was classified to section 212a–2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1967. Law enforcement authority

(a) Scope

Subject to such regulations as may be prescribed by the Capitol Police Board and approved by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, a member of the Capitol Police shall have authority to make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia—

(1) within the District of Columbia, with respect to any crime of violence committed within the United States Capitol Grounds;

(2) within the District of Columbia, with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties when the crime is committed;

(3) within the District of Columbia, to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties when the authority is exercised;

(4) within the area described under subsection (b)(1) of this section; and

(5) within the area described under subsection (b)(2) of this section—

(A) with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties, as defined under such regulations, when the crime is committed; and

(B) to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties, as defined under such regulations, when the authority is exercised.

(b) Area

(1) The area referred to in subsection (a)(4) of this section is that area bounded by the north curb of H Street from 3rd Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

(2) The area referred to under subsection (a)(5) of this section is that area bounded by the north curb of Constitution Avenue from 14th Street, N.W., to 3rd Street, N.W., the east curb of 3rd Street from Constitution Avenue, N.W., to Independence Avenue, S.W., the south curb of Independence Avenue from 3rd Street, S.W., to 14th Street, S.W., and the west curb of 14th Street from Independence Avenue, S.W., to Constitution Avenue, N.W.

(c) Authority of Metropolitan Police unaffected

This section does not affect the authority of the Metropolitan Police force of the District of Columbia with respect to the area described in subsection (b) of this section.

(d) "Crime of violence" defined

As used in this section, the term ''crime of violence'' has the meaning given that term in section 16 of title 18.

(July 31, 1946, ch. 707, § 9B, as added Pub. L. 102–397, title I, § 101, Oct. 6, 1992, 106 Stat. 1949; amended Pub. L. 104–186, title II, § 221(13), Aug. 20, 1996, 110 Stat. 1750; Pub. L. 108–83, title I, § 1003(a), Sept. 30, 2003, 117 Stat. 1021.)

CODIFICATION

Section was classified to section 212a–3 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2003—Subsec. (a)(3). Pub. L. 108–83, § 1003(a)(1)(A), struck out ''and'' after the semicolon.

Subsec. (a)(4). Pub. L. 108–83, § 1003(a)(1)(B), which directed the substitution of ''under subsection (b)(1); and'' for ''in subsection (b) of this section.'' was executed by making the substitution for language which read in the original ''in subsection (b).'', to reflect the probable intent of Congress.

Subsec. (a)(5). Pub. L. 108–83, § 1003(a)(1)(C), added par. (5).

Subsec. (b). Pub. L. 108–83, § 1003(a)(2), designated existing provisions as par. (1) and added par. (2).

1996—Subsec. (a). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–83, title I, § 1003(c), Sept. 30, 2003, 117 Stat. 1022, provided that: ''This section [amending this section and enacting provisions set out as a note under this section] shall take effect on the date on which the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives approve regulations prescribed by the Capitol Police Board for the sole implementation, execution and maintenance of the truck interdiction program.'' [Regulations approved by Committee on Rules and Administration of the Senate on Jan. 5, 2004, and by Committee on House Administration of the House of Representatives on Dec. 18, 2003.]

RULE OF CONSTRUCTION

Pub. L. 108–83, title I, § 1003(b), Sept. 30, 2003, 117 Stat. 1022, provided that: ''Nothing in the amendments made by this section [amending this section] may be construed to limit the authority of the Capitol Police as in effect before the effective date of this section [see Effective Date of 2003 Amendment note set out above].''

§ 1968. Citation release

(a) In general

The Chief of the Capitol Police, with the approval of the Capitol Police Board, may designate a member of the Capitol Police to have responsibility for citation release.

(b) Authority

(1) In the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under section 23–1110(a) of the District of Columbia Code, the Superior Court of the District of Co-

lumbia shall have the authority to appoint the member of the Capitol Police designated under subsection (a) of this section to take bail or collateral from persons charged with offenses triable in the Superior Court of the District of Columbia. Pursuant to that authority—

(A) the citation power described in subsection (b) of section 23–1110 of the District of Columbia Code shall be exercised by such member of the Capitol Police in the same manner as by an official of the Metropolitan Police Department; and

(B) paragraph (4) of subsection (b) of section 23–1110 of the District of Columbia Code, relating to failure to appear, shall apply with respect to citations under subparagraph (A) of this paragraph.

(2) The United States District Court for the District of Columbia shall have the power to authorize the member of the Capitol Police referred to in subsection (a) of this section to take bond from persons arrested upon writs and process from that court in criminal cases in the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under the third sentence of section 23–1110(a) of the District of Columbia Code.

(Pub. L. 104–186, title I, § 108, Aug. 20, 1996, 110 Stat. 1723.)

CODIFICATION

Section was classified to section 212a–5 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1969. Regulation of traffic by Capitol Police Board

(a) Exclusive charge and control of all vehicular and other traffic

The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of $300 or imprisonment for not more than ninety days. Notwithstanding the foregoing provisions of this section those provisions of the District of Columbia Traffic Act of 1925, as amended, for the violation of which specific penalties are provided in said Act, as amended, shall be applicable to the United States Capitol Grounds. Prosecutions for violation of such regulations shall be in the Superior Court of the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.

(b) Promulgation of regulations

Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary: *Provided*, That until such regulations are promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.

(c) Printing of regulations and effective dates

All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication, except that whenever the Capitol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation ''Uniforms and Equipment, Capitol Police''.

(d) Cooperation with Mayor of District of Columbia

It shall be the duty of the Mayor of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Mayor upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof.

(July 31, 1946, ch. 707, § 14, 60 Stat. 720; July 11, 1947, ch. 221, 61 Stat. 308; Pub. L. 87–873, § 1, Oct. 23, 1962, 76 Stat. 1171; Pub. L. 88–60, § 1, July 8, 1963, 77 Stat. 77; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 91–358, title I, § 155(a), July 29, 1970, 84 Stat. 570; Pub. L. 93–198, title IV, § 421, title VII, § 739(g)(6), Dec. 24, 1973, 87 Stat. 789, 829.)

REFERENCES IN TEXT

The District of Columbia Traffic Act of 1925, as amended, referred to in subsec. (a), is act Mar. 3, 1925, ch. 443, 43 Stat. 1119, as amended, which is not classified to the Code.

CODIFICATION

Section was classified to section 212b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–198, § 739(g)(6), struck out '', except on those streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioner of the District of Columbia''.

1947—Subsec. (b). Act July 11, 1947, § 1, struck out reference to six months after July 31, 1946, as the time for promulgation of regulations and authorized amendment of regulations.

Subsec. (c). Act July 11, 1947, § 2, authorized certain traffic regulations to be effective immediately upon placing conspicuous signs containing notice of regulations at the places affected thereby and inserted provision for payment of expenses.

CHANGE OF NAME

''District of Columbia Court of General Sessions'' changed to ''Superior Court of the District of Columbia'' pursuant to Pub. L. 91–358, which provided that such change is effective first day of seventh calendar month which begins after July 29, 1970.

Pub. L. 87–873, §1, Oct. 23, 1962, 76 Stat. 1171 and Pub. L. 88–60, §1, July 8, 1963, 77 Stat. 77, both redesignated the ''Municipal Court for the District of Columbia'' as the ''District of Columbia Court of General Sessions''.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771(d) of Pub. L. 93–198 provided that the amendment made by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3, of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93–198. Accordingly, ''Mayor'' substituted in subsec. (d) for ''commissioner''.

§ 1970. Assistance by Executive departments and agencies

(a) Assistance

(1) In general

Executive departments and Executive agencies may assist the United States Capitol Police in the performance of its duties by providing services (including personnel), equipment, and facilities on a temporary and reimbursable basis when requested by the Capitol Police Board and on a permanent and reimbursable basis upon advance written request of the Capitol Police Board; except that the Department of Defense and the Coast Guard may provide such assistance on a temporary basis without reimbursement when assisting the United States Capitol Police in its duties directly related to protection under sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40.[1] Before making a request under this paragraph, the Capitol Police Board shall consult with appropriate Members of the Senate and House of Representatives in leadership positions, except in an emergency.

(2) Procurement

No services (including personnel), equipment, or facilities may be ordered, purchased, leased, or otherwise procured for the purposes of carrying out the duties of the United States Capitol Police by persons other than officers or employees of the Federal Government duly authorized by the Chairman of the Capitol Police Board to make such orders, purchases, leases, or procurements.

(3) Expenditures or obligation of funds

No funds may be expended or obligated for the purpose of carrying out this section other than funds specifically appropriated to the Capitol Police Board or the United States Capitol Police for those purposes with the exception of—

(A) expenditures made by the Department of Defense or the Coast Guard from funds appropriated to the Department of Defense or the Coast Guard in providing assistance on a temporary basis to the United States Capitol Police in the performance of its duties directly related to protection under sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40;[1] and

(B) expenditures made by Executive departments and agencies, in providing assistance at the request of the United States Capitol Police in the performance of its duties, and which will be reimbursed by the United States Capitol Police under this section.

(4) Provision of assistance

Assistance under this section shall be provided—

(A) consistent with the authority of the Capitol Police under sections 1961 and 1966 of this title;

(B) upon the advance written request of—

(i) the Capitol Police Board; or

(ii) in an emergency—

(I) the Sergeant at Arms and Doorkeeper of the Senate in any matter relating to the Senate; or

(II) the Sergeant at Arms of the House of Representatives in any matter relating to the House of Representatives; and

(C)(i) on a temporary and reimbursable basis;

(ii) on a permanent reimbursable basis upon advance written request of the Capitol Police Board; or

(iii) on a temporary basis without reimbursement by the Department of Defense and the Coast Guard as described under paragraph (1).

(b) Reports

(1) Submission

With respect to any fiscal year in which an executive department or executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 90 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) Content

The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or executive agency in providing assistance under this section during the applicable fiscal year.

(3) Summary

After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

[1] See References in Text note below.

(c) Effective date

This section shall take effect on January 10, 2002, and apply to each fiscal year occurring after such date.

(Pub. L. 107–117, div. B, § 911, Jan. 10, 2002, 115 Stat. 2322.)

REFERENCES IN TEXT

Sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40, referred to in subsec. (a)(1), (3)(A), was in the original a reference to the Act of July 31, 1946 (40 U.S.C. 212a–2), which is act July 31, 1946, ch. 707, 60 Stat. 718, as amended. Sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to sections 1961, 1966, 1967, 1922, and 1969 of this title, and section 16(b) of the Act is set out as a note under section 1961 of this title. Sections 1 to 8, 10 to 13, and 16(a) of the Act, which were classified to sections 193a to 193m of former Title 40, Public Buildings, Property, and Works, were repealed and reenacted as sections 5101 to 5107 and 5109 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1312, the first section of which enacted Title 40. Section 5(c) of Pub. L. 107–217, set out as a note preceding section 101 of Title 40, provides that a reference to a law replaced by section 1 of Pub. L. 107–217 is deemed to refer to the corresponding provision enacted by Pub. L. 107–217. For complete classification of the act of July 31, 1946, to the Code, see Tables. For disposition of sections of former Title 40, see table at the beginning of Title 40.

CODIFICATION

Section was classified to section 212c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1971. Contributions of meals and refreshments during emergency duty

At any time on or after November 12, 2001, the United States Capitol Police may accept contributions of meals and refreshments in support of activities of the United States Capitol Police during a period of emergency (as determined by the Capitol Police Board).

(Pub. L. 107–68, title I, § 121, Nov. 12, 2001, 115 Stat. 576.)

CODIFICATION

Section was classified to section 206d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1972. Contributions of comfort and other incidental items and services during emergency duty

In addition to the authority provided under section 1971 of this title, at any time on or after January 10, 2002, the Capitol Police Board may accept contributions of comfort and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in response to emergencies involving the safety of human life or the protection of property.

(Pub. L. 107–117, div. B, § 910, Jan. 10, 2002, 115 Stat. 2322.)

CODIFICATION

Section was classified to section 206d–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1973. Support and maintenance expenditures during emergency duty

At any time on or after November 12, 2001, the Capitol Police Board may incur obligations and make expenditures out of available appropriations for meals, refreshments and other support and maintenance for the Capitol Police when, in the judgment of the Capitol Police Board, such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.

(Pub. L. 107–68, title I, § 124, Nov. 12, 2001, 115 Stat. 576.)

CODIFICATION

Section was classified to section 206e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1974. Capitol Police special officers

(a) In general

In the event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress, the Chief of the Capitol Police may appoint—

(1) any law enforcement officer from any Federal agency or State or local government agency made available by that agency to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds; and

(2) any member of the uniformed services, including members of the National Guard, made available by the appropriate authority to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds.

(b) Conditions of appointment

An individual appointed as a special officer under this section shall—

(1) serve without pay for service performed as a special officer (other than pay received from the applicable employing agency or service);

(2) serve as a special officer no longer than a period specified at the time of appointment;

(3) not be a Federal employee by reason of service as a special officer, except as provided under paragraph (4); and

(4) shall be an employee of the Government for purposes of chapter 171 of title 28 if that individual is acting within the scope of his office or employment in service as a special officer.

(c) Qualifications

Any individual appointed under subsection (a) of this section shall be subject to—

(1) qualification requirements as the Chief of the Capitol Police determines necessary; and

(2) approval by the Capitol Police Board.

(d) Reimbursement agreements

Nothing in this section shall prohibit the Capitol Police from entering into an agreement for the reimbursement of services provided under

this section with any Federal, State, or local agency.

(e) Approval

Any appointment under this section shall be subject to initial approval by the Capitol Police Board and to final approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly.

(f) Regulations

Subject to approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly, the Capitol Police Board may prescribe regulations to carry out this section.

(g) Effective date

This section shall take effect on February 20, 2003, and shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108–7, div. H, title I, § 1017, Feb. 20, 2003, 117 Stat. 365.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

§ 1975. Overseas travel

(a) Definition

In this section, the term ''United States'' means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.

(b) In general

A member of the Capitol Police may travel outside of the United States if—

(1) that travel is with, or in preparation for, travel of a Senator, including travel of a Senator as part of a congressional delegation;

(2) the member of the Capitol Police is performing security advisory and liaison functions (including advance security liaison preparations) relating to the travel of that Senator; and

(3) the Sergeant at Arms and Doorkeeper of the Senate gives prior approval to the travel of the member of the Capitol Police.

(c) Law enforcement functions

Subsection (b) of this section shall not be construed to authorize the performance of law enforcement functions by a member of the Capitol Police in connection with the travel authorized under that subsection.

(d) Reimbursement

The Capitol Police shall be reimbursed for the overtime pay, travel, and related expenses of any member of the Capitol Police who travels under the authority of this section. Any reimbursement under this subsection shall be paid from the account under the heading ''SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE'' under the heading ''CONTINGENT EXPENSES OF THE SENATE''.

(e) Amounts received

Any amounts received by the Capitol Police for reimbursements under subsection (d) of this section shall be credited to the accounts established for the general expenses or salaries of the Capitol Police, and shall be available to carry out the purposes of such accounts during the fiscal year in which the amounts are received and the following fiscal year.

(f) Effective date

This section shall apply to fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108–447, div. G, title I, § 12, Dec. 8, 2004, 118 Stat. 3171.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1976. Acceptance of donations of animals

(a) In general

The Capitol Police may accept the donation of animals to be used in the canine units of the Capitol Police.

(b) Effective date

This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108–447, div. G, title I, § 1005, Dec. 8, 2004, 118 Stat. 3180.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1977. Settlement and payment of tort claims

(a) Federal Tort Claims Act

(1) In general

Except as provided in paragraph (2), the Chief of the Capitol Police, in accordance with regulations prescribed by the Attorney General and any regulations as the Capitol Police Board may prescribe, may consider, ascertain, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of title 28, any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Capitol Police while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(2) Special rule for claims made by Members of Congress and congressional employees

(A) In general

With respect to any claim described in paragraph (1) which is made by a Member of Congress or any officer or employee of Congress, the Chief of the Capitol Police shall—

(i) not later than 14 days after the receipt of such a claim, notify the Chairman of the applicable Committee of the receipt of the claim; and

(ii) not later than 90 days after the receipt of such a claim, submit a proposal for the resolution of such claim which shall be subject to the approval of the Chairman of the applicable Committee.

(B) Extension

The 90-day period in subparagraph (A)(ii) may be extended for an additional period (not to exceed 90 days) for good cause by the Chairman of the applicable Committee, upon the request of the Chief of the Capitol Police.

(C) Approval consistent with Federal Tort Claims Act

Nothing in this paragraph may be construed to permit the Chairman of an applicable Committee to approve a proposal for the resolution of a claim described in paragraph (1) which is not consistent with the terms and conditions applicable under chapter 171 of title 28 to the resolution of claims for money damages against the United States.

(D) Applicable Committee defined

In this paragraph, the term ''applicable Committee'' means—

(i) the Committee on Rules and Administration of the Senate, in the case of a claim of a Senator or an officer or employee whose pay is disbursed by the Secretary of the Senate; or

(ii) the Committee on House Administration of the House of Representatives, in the case of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or an officer or employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives.

(3) Head of agency

For purposes of section 2672 of title 28, the Chief of the Capitol Police shall be the head of a Federal agency with respect to the Capitol Police.

(4) Regulations

The Capitol Police Board may prescribe regulations to carry out this subsection.

(b) Claims of employees of Capitol Police

(1) In general

The Capitol Police Board may prescribe regulations to apply the provisions of section 3721 of title 31 for the settlement and payment of a claim against the Capitol Police by an employee of the Capitol Police for damage to, or loss of personal property incident to service.

(2) Limitation

No settlement and payment of a claim under regulations prescribed under this subsection may exceed the limits applicable to the settlement and payment of claims under section 3721 of title 31.

(c) Rule of construction

Nothing in this section may be construed to affect—

(1) any payment under section 1304 of title 31 of a final judgment, award, compromise settlement, and interest and costs specified in the judgment based on a claim against the Capitol Police; or

(2) any authority for any—

(A) settlement under section 1414 of this title, or

(B) payment under section 1415 of this title.

(d) Effective date

This section shall apply to fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108–447, div. G, title I, § 1006, Dec. 8, 2004, 118 Stat. 3180.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1978. Deployment outside of jurisdiction

(a) Requirements for prior notice and approval

The Chief of the Capitol Police may not deploy any officer outside of the areas established by law for the jurisdiction of the Capitol Police unless—

(1) the Chief provides prior notification to the Committees on Appropriations of the House of Representatives and Senate of the costs anticipated to be incurred with respect to the deployment; and

(2) the Capitol Police Board gives prior approval to the deployment.

(b) Exception for certain services

Subsection (a) of this section does not apply with respect to the deployment of any officer for any of the following purposes:

(1) Responding to an imminent threat or emergency.

(2) Intelligence gathering.

(3) Providing protective services.

(c) Effective date

This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108–447, div. G, title I, § 1007, Dec. 8, 2004, 118 Stat. 3182.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1979. Release of security information

(a) Definition

In this section, the term ''security information'' means information that—

(1) is sensitive with respect to the policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response relating to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds; and

(2) is obtained by, on behalf of, or concerning the Capitol Police Board, the Capitol Police, or any incident command relating to emergency response.

(b) Authority of Board to determine conditions of release

Notwithstanding any other provision of law, any security information in the possession of

the Capitol Police may be released by the Capitol Police to another entity, including an individual, only if the Capitol Police Board determines in consultation with other appropriate law enforcement officials, experts in security preparedness, and appropriate committees of Congress, that the release of the security information will not compromise the security and safety of the Capitol buildings and grounds or any individual whose protection and safety is under the jurisdiction of the Capitol Police.

(c) Rule of construction

Nothing in this section may be construed to affect the ability of the Senate and the House of Representatives (including any Member, officer, or committee of either House of Congress) to obtain information from the Capitol Police regarding the operations and activities of the Capitol Police that affect the Senate and House of Representatives.

(d) Regulations

The Capitol Police Board may promulgate regulations to carry out this section, with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(e) Effective date

This section shall take effect on December 8, 2004, and apply with respect to—

(1) any remaining portion of fiscal year 2004, if this Act is enacted before October 1, 2004; and

(2) fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108–447, div. G, title I, § 1009, Dec. 8, 2004, 118 Stat. 3182.)

REFERENCES IN TEXT

This Act, referred to in subsec. (e)(1), is div. G of Pub. L. 108–447, Dec. 8, 2004, 118 Stat. 3166, as amended, known as the Legislative Branch Appropriations Act, 2005, which was enacted Dec. 8, 2004.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1980. Mounted horse unit

(a) The United States Capitol Police may not operate a mounted horse unit during fiscal year 2006 or any succeeding fiscal year.

(b) Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall transfer to the Chief of the United States Park Police the horses, equipment, and supplies of the Capitol Police mounted horse unit which remain in the possession of the Capitol Police as of such date.

(Pub. L. 109–55, title I, § 1002, Aug. 2, 2005, 119 Stat. 572.)

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (b), is the date of the enactment of Pub. L. 109–55, which was approved Aug. 2, 2005.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2006.

CHAPTER 30—OPERATION AND MAINTENANCE OF CAPITOL COMPLEX

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SUBCHAPTER I—HOUSE OF REPRESENTATIVES

§2001. House Office Building; control, supervision, and care

The House of Representatives Office Building, which shall hereafter be designated as the House Office Building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Architect of the Capitol, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representatives in Congress, or otherwise in the membership of said commission shall be filled by the Speaker, and any two members of said commission shall constitute a quorum to do business. The Architect of the Capitol shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said commission herein referred to shall from time to time prescribe rules and regulations to govern said architect in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building.

(Mar. 4, 1907, ch. 2918, 34 Stat. 1365; May 28, 1908, No. 30, 35 Stat. 578; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 175 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act Mar. 4, 1907, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1908'' appropriating for the maintenance of such Building.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

ACQUISITION OF SITE

Act Mar. 3, 1903, ch. 1007, 32 Stat. 1113, authorized acquisition of a site for and the construction of the House Office Building, and appointment of a Commission to supervise its construction.

Joint Resolution May 28, 1908, provided that it should be designated the House Office Building.

HOUSE PUBLIC ADDRESS SOUND SYSTEM ACTIVITIES; TRANSFER OF EMPLOYEES AND FUNDING

Pub. L. 104–197, title III, §307, Sept. 16, 1996, 110 Stat. 2413, provided that:

''(a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight [now Committee on House Administration], positions in connection with House public address sound system activities and related funding shall be transferred from the appropriation for the Architect of the Capitol for Capitol buildings and grounds under the heading 'CAPITOL BUILDINGS' to the appropriation for salaries and expenses of the House of Representatives for the Office of the Clerk under the heading 'SALARIES, OFFICERS AND EMPLOYEES'.

''(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the

total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (*o*) of such section.

''(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a), the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.''

501 FIRST STREET SE., DISTRICT OF COLUMBIA; DISPOSAL OF REAL PROPERTY

Pub. L. 104–99, title I, § 121, Jan. 26, 1996, 110 Stat. 30, as amended by Pub. L. 105–275, title I, § 110, Oct. 21, 1998, 112 Stat. 2440, provided that:

''(a) DISPOSAL OF REAL PROPERTY.—

''(1) IN GENERAL.—The Architect of the Capitol shall dispose of by sale at fair market value all right, title, and interest of the United States in and to the parcel of real property described in paragraph (9), including all improvements to such real property. Such disposal shall be made by quitclaim deed.

''(2) HOUSE OFFICE BUILDING COMMISSION.—The Architect of the Capitol shall carry out this section under the direction of the House Office Building Commission.

''(3) PROCEDURES.—Notwithstanding any other provision of law, the disposal under paragraph (1) shall be made in accordance with such procedures as the Architect of the Capitol determines appropriate.

''(4) SENSE OF CONGRESS.—It is the sense of Congress that the child care center of the House of Representatives should remain in operation during the implementation of this section.

''(5) TERMS AND CONDITIONS.—The deed of conveyance for the property to be disposed of under paragraph (1) shall contain such terms and conditions as the Architect of the Capitol determines are necessary to protect the interests of the United States.

''(6) DEPOSIT OF PROCEEDS.—All proceeds from the disposal under paragraph (1) shall be deposited in the account established by subsection (b).

''(7) ADVERTISING AND MARKETING.—The Architect of the Capitol shall begin advertising and marketing the property to be disposed of under paragraph (1) not later than 30 days after the date of the enactment of this Act [Jan. 26, 1996].

''(8) LOCAL ZONING AND OCCUPANCY REQUIREMENTS.—Until such date as the purchaser of the property to be disposed of under paragraph (1) takes full occupancy of such property, such property and the tenants of such property shall be deemed to be in compliance with all applicable zoning and occupancy requirements of the District of Columbia.

''(9) PROPERTY DESCRIPTION.—The parcel of real property referred to in paragraph (1) is the approximately 31,725 square feet of land located at 501 First Street, SE., on square 736 S, Lot 801 (formerly part of Reservation 17) in the District of Columbia. Such parcel is bounded by E Street, SE., to the north, First Street, SE., to the east, New Jersey Avenue, SE., to the west, and Garfield Park to the south.

''(b) SEPARATE ACCOUNT IN THE TREASURY.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account which shall consist of amounts deposited into the account by the Architect of the Capitol under subsection (a).

''(2) AVAILABILITY OF FUNDS.—Funds in the account established by paragraph (1) shall be available, in such amounts as are specified in appropriations Acts, to the Architect of the Capitol for—

''(A) payment of expenses associated with relocating the tenants of the property to be disposed of under subsection (a)(1);

''(B) payment of expenses associated with renovating facilities under the jurisdiction of the Architect for the purpose of accommodating such tenants;

''(C) reimbursement of expenses incurred for advertising and marketing activities related to the disposal under subsection (a)(1) in a total amount of not to exceed $75,000; and

''(D) reimbursement of expenses incurred by the Chief Administrative Officer of the House of Representatives to cover the costs of furnishings and furniture to accommodate the needs of the House of Representatives Child Care Center.

Funds made available under this paragraph shall not be subject to any fiscal year limitation.

''(3) REPORTING OF TRANSACTIONS.—Receipts, obligations, and expenditures of funds in the account established by paragraph (1) shall be reported in annual estimates submitted to Congress by the Architect of the Capitol for the operation and maintenance of the Capitol Buildings and Grounds.

''(4) TERMINATION OF ACCOUNT.—Not later than 2 years after the date of settlement on the property to be disposed of under subsection (a)(1), the Architect of the Capitol shall terminate the account established by paragraph (1) and all amounts remaining in the account shall be deposited into the general fund of the Treasury of the United States and credited as miscellaneous receipts.

''(c) AUTHORITY TO FURNISH STEAM AND CHILLED WATER.—

''(1) IN GENERAL.—The Architect of the Capitol is authorized to furnish steam and chilled water from the Capitol Power Plant to the owner of the property to be disposed of under subsection (a)(1) if the owner agrees to pay for such steam and chilled water at market rates, as determined by the Architect of the Capitol.

''(2) AUTHORITY LIMITED TO EXISTING FACILITIES.—The Architect of the Capitol may furnish steam and chilled water under paragraph (1) only with respect to facilities which, on the date of the enactment of this Act [Jan. 26, 1996], are located on the property to be disposed of under subsection (a)(1).

''(3) PROCEEDS.—All proceeds from the sale of steam and chilled water under paragraph (1) shall be deposited into the general fund of the Treasury of the United States and credited as miscellaneous receipts.''

[Pub. L. 104–134, title II, § 21103, Apr. 26, 1996, 110 Stat. 1321–335, provided that: ''Notwithstanding section 106 of Public Law 104–99 [110 Stat. 27], sections 118 [110 Stat. 30], 121 [set out as a note above], and 129 [amending section 1611 of this title and enacting provisions set out as a note under section 1611 of this title] of Public Law 104–99 shall remain in effect as if enacted as part of this Act.'']

Pub. L. 98–367, title I, July 17, 1984, 98 Stat. 483, provided in part: ''That notwithstanding any other provision of law, the House Office Building Commission is authorized to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located at 501 First Street, S.E., on a portion of Reservation 17 in the District of Columbia when such building is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional House Office Building Act of 1955 [act Apr. 22, 1955, ch. 26, Ch. XIIA, 69 Stat. 41, see note below], and to incur any expenditures under this appropriation required for alterations, maintenance, and occupancy thereof: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.''

HOUSE PARKING ACTIVITIES; TRANSFER OF EMPLOYEES AND FUNDING

Pub. L. 104–53, title III, § 306, Nov. 19, 1995, 109 Stat. 536, provided that:

''(a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accord-

ance with conditions determined by the Committee on House Oversight [now Committee on House Administration], positions in connection with House parking activities and related funding shall be transferred from the appropriation 'Architect of the Capitol, Capitol buildings and grounds, House office buildings' to the appropriation 'House of Representatives, salaries, officers and employees, Office of the Sergeant at Arms': *Provided*, That the position of Superintendent of Garages shall be subject to authorization in annual appropriations Acts.

''(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (*o*) of such section.

''(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.''

DESIGNATION OF HOUSE OFFICE BUILDINGS

House Resolution No. 402, One Hundred First Congress, Sept. 10, 1990, provided that:

''SECTION 1. DESIGNATIONS.

''(a) THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at C Street and New Jersey Avenue, Southeast, in the District of Columbia, and known as House of Representatives Office Building Annex No. 1, shall be known and designated as the 'Thomas P. O'Neill, Jr. House of Representatives Office Building'.

''(b) GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at 3d and D Streets, Southwest, in the District of Columbia, and known as House of Representatives Office Building Annex No. 2, shall be known and designated as the 'Gerald R. Ford House of Representatives Office Building'.

''SEC. 2. REFERENCES.

''Any reference in a law, map, regulation, document, paper, or other record of the United States to a building referred to in section 1 shall be deemed to be a reference to the building as designated in that section.

''SEC. 3. STATUES.

''The Speaker of the House of Representatives may purchase or accept as a gift to the House of Representatives, for permanent display in the appropriate building designated in section 1, a suitable statue or bust of the individual for whom the building is named. Such purchase or acceptance shall be carried out—

''(1) in the case of the building referred to in section 1(a), in consultation with the majority leader of the House of Representatives; and

''(2) in the case of the building referred to in section 1(b), in consultation with the minority leader of the House of Representatives.''

ADDITIONAL HOUSE OFFICE BUILDING

Pub. L. 94–6, ch. I, Feb. 28, 1975, 89 Stat. 12, provided in part that: ''Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located on Square 581 in the District of Columbia when such Square, including the improvements thereon, is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional House Office Building Act of 1955 [act Apr. 22, 1955, ch. 26, Ch. XIIA, 69 Stat. 41, see note below] and to incur any expenditures under this appropriation [$15,000,000 for fiscal year ending June 30, 1975, to remain available until expended] required for alterations, maintenance, and occupancy thereof, and (2) prior to occupancy of the entire building by the House of Representatives, to permit the temporary occupancy by other governmental activities of any part of such building not so occupied, under such terms and conditions as such Commission may authorize: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.''

Act Apr. 22, 1955, ch. 26, Ch. XIIA, 69 Stat. 41, known as the Additional House Office Building Act of 1955, authorized the construction of an additional fireproof office building for use of the House of Representatives, on a site approved by the House Office Building Commission, in accordance with plans prepared by the Architect of the Capitol and approved by the Commission, authorized the Architect of the Capitol to acquire certain real property in the District of Columbia, subject to the approval of the Commission, for construction of the office building or for additions to the United States Capitol Grounds, designated the necessary procedure for condemnation proceedings conducted pursuant to such real property acquisition, authorized the demolition of certain buildings by the Architect, and appropriated $5,000,000 and authorized such additional appropriations as the Commission deemed necessary for the construction project.

USE OF CONGRESSIONAL HOTEL AS HOUSE OFFICE BUILDING; LEASE OF UNUSED SPACE

Pub. L. 92–313, §8, June 16, 1972, 86 Stat. 222, provided that:

''(a) Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purpose of providing office and other accommodations for the House of Representatives, the building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 [act Apr. 22, 1955, ch. 26, Ch. XIIA, 69 Stat. 41, see note above] and (2) to direct the Architect of the Capitol to lease, at fair market value, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

''(b) Any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.''

ADDITIONAL PARKING SPACE FOR HOUSE EMPLOYEES

House Resolution No. 208, Ninety-fourth Congress, Feb. 24, 1975, as enacted into permanent law by Pub. L. 94–59, title II, §201, July 25, 1975, 89 Stat. 282, and amended by Pub. L. 104–186, title II, §221(4)(B), Aug. 20, 1996, 110 Stat. 1749, provided: ''That the chairman, Committee on House Oversight [now Committee on House Administration] of the House of Representatives is authorized:

''(1) to lease or to otherwise provide additional indoor and outdoor parking facilities for employees of the House of Representatives in an area or areas in the District of Columbia outside but adjacent to the limits of the United States Capitol Grounds;

''(2) to regulate and assign such additional parking facilities;

''(3) to utilize the United States Capitol Police with respect to such parking areas, and transit routes; and

''(4) to utilize the services of the Architect of the Capitol to prepare bids, leases, or otherwise assist in obtaining such additional parking facilities.

Until otherwise provided by law, there shall be paid out of the applicable accounts of the House of Representatives such sums as may be necessary to carry out this authorization.''

INCLUSION OF ADDITIONAL AREAS AND BUILDINGS

For inclusion of additional areas and buildings as part of the United States Capitol grounds, see order of the House Office Building Commission affecting the Capitol grounds and buildings, set out as a note under section 5102 of Title 40, Public Buildings, Property, and Works.

COMPENSATION OF SUPERINTENDENT OF GARAGES OF HOUSE OFFICE BUILDINGS

Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2170, as amended by Pub. L. 102–90, title I, § 105, Aug. 14, 1991, 105 Stat. 460; Pub. L. 104–186, title II, § 221(4)(A), Aug. 20, 1996, 110 Stat. 1748, provided: ''That upon enactment of this Act [Oct. 1, 1988], the pay for the position of Superintendent of Garages shall be equivalent to the pay payable for positions at step 1 of level 12 of the House Employees Schedule, subject to the further increases authorized under section 5306(a)(1)(B) of title 5, United States Code, relating to the implementation of salary comparability policy, and subject to any increase which may be allowed by the Committee on House Oversight [now Committee on House Administration] based on performance exceeding an acceptable level of competence over a 52-week period (except that no such performance-based increase shall affect the waiting period or effective date of any longevity step-increase or increase under such section 5306(a)(1)(B)).''

COMPENSATION OF PERSONNEL ASSIGNED TO HOUSE GARAGES IN CONNECTION WITH PARKING ACTIVITIES

Pub. L. 93–245, ch. VI, Jan. 3, 1974, 87 Stat. 1079, provided that: ''Effective on the first day of the first applicable pay period which begins on or after the date of enactment of this Act [Jan. 3, 1974], the compensation of personnel assigned to the House garages in connection with parking activities and paid from the appropriation 'House Office Building' under the Architect of the Capitol, shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapters III and IV of chapter 53 of title 5, United States Code, and shall thereafter be adjusted in accordance with 5 U.S.C. 5307.''

§ 2002. Acquisition of buildings and facilities for use in emergency situation

(a) Acquisition of buildings and facilities

Notwithstanding any other provision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities, subject to the availability of appropriations, for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an executive agency, as defined in section 105 of title 5, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) Agreements

Notwithstanding any other provision of law, for purposes of carrying out subsection (a) of this section, the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) Authority of Capitol Police and Architect

(1) Architect of the Capitol

Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b) of this section.

(2) Omitted

(d) Transfer of certain funds

Subject to the approval of the Committee on Appropriations of the House of Representatives, the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a) of this section.

(e) Effective date

This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–117, div. B, § 903, Jan. 10, 2002, 115 Stat. 2317; Pub. L. 107–206, title I, § 903(a)(1), Aug. 2, 2002, 116 Stat. 876.)

REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (e), see Codification note below.

CODIFICATION

Section was classified to section 175a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is comprised of section 903 of Pub. L. 107–117. Subsec. (c)(2) of section 903 of Pub. L. 107–117 amended section 1961 of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–206 substituted ''buildings and facilities, subject to the availability of appropriations,'' for ''buildings and facilities''.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–206, title I, § 903(c), Aug. 2, 2002, 116 Stat. 876, provided that: ''The amendment made by this section [amending this section and section 1961 of this title] shall take effect as if included in the enactment of the Emergency Supplemental Act, 2002 [Pub. L. 107–117, div. B].''

§ 2003. Speaker as member of House Office Building commission

The Speaker shall continue a member of the commission in control of said building until his successor as Speaker is elected or his term as a Representative in Congress shall have expired.

(Mar. 4, 1911, ch. 240, 36 Stat. 1306.)

CODIFICATION

Section was classified to section 176 of former Title 40, prior to the enactment of Title 40, Public Buildings,

Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act Mar. 4, 1911, popularly known as the ''Deficiency Appropriation Act, fiscal year 1911''.

§ 2004. Assignment of rooms in House Office Building

The assignment of rooms in the House Office Building, made prior to May 28, 1908, by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of sections 2004 to 2011 of this title, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a Member or Member-elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of said sections, and no Representative shall allow his office room to be used for any other purpose.

(May 28, 1908, No. 30, 35 Stat. 578.)

CODIFICATION

Section was classified to section 177 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 2005. Vacant rooms; assignment to Representatives

Any Member or Member-elect of the House of Representatives may file with the Architect of the Capitol a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the room shall be assigned as requested. If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member-elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives-elect make request for the same room, preference shall be given to the one first preferring his request.

(May 28, 1908, No. 30, 35 Stat. 578; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 178 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 2006. Withdrawal by Representative of request for vacant rooms

A Representative or Representative-elect making request for the assignment of a vacant room may withdraw the same at any time and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his request, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him of the room previously assigned to him.

(May 28, 1908, No. 30, 35 Stat. 578.)

CODIFICATION

Section was classified to section 179 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 2007. Exchange of rooms

Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both Members making the exchange shall remain continuously Members or Members-elect of the House of Representatives.

(May 28, 1908, No. 30, 35 Stat. 578.)

CODIFICATION

Section was classified to section 180 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 2008. Record of assignment of rooms

The Architect of Capitol shall keep a record of the assignment of rooms made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives-elect of the House.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 181 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 2009. Assignment of rooms to Commissioner from Puerto Rico

In the matter of the assignment of rooms under sections 2004 to 2011 of this title, Delegates in Congress and the Commissioner from Puerto Rico shall be treated the same as Representatives.

(May 28, 1908, No. 30, 35 Stat. 579; May 17, 1932, ch. 190, 47 Stat. 158; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

Section was classified to section 182 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Words ''and the Philippine Islands'' after ''Puerto Rico'' were omitted pursuant to 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, which granted

independence to the Philippine Islands on July 4, 1946, under the authority of act Mar. 24, 1934, ch. 84, §10, 48 Stat. 463, as amended, which is classified to section 1394 of Title 22, Foreign Relations and Intercourse.

CHANGE OF NAME

''Puerto Rico'' substituted in text for ''Porto Rico'' pursuant to act May 17, 1932, which is classified to section 731a of Title 48, Territories and Insular Possessions.

COMMISSIONER FROM PUERTO RICO AS RESIDENT COMMISSIONER

Section 2106 of Title 5, Government Organization and Employees, provides that the term ''Members of Congress'' shall include the ''Resident Commissioner from Puerto Rico.''

§ 2010. Assignment of rooms; control of by House

The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise. Nothing in sections 2004 to 2011 of this title shall be construed to affect or repeal the provisions of section 2001 of this title, placing said House Office Building under the control of the Architect of the Capitol, subject to the approval and direction of the commission provided therein.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 183 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 2011. Assignment of unoccupied space

Unoccupied space in said building shall be assigned by the Architect of the Capitol under the direction of the commission and subject to the control of the House of Representatives.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 184 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 2012. Furniture for House of Representatives

The Architect of the Capitol shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the said Architect.

(Apr. 28, 1902, ch. 594, 32 Stat. 125.)

CODIFICATION

Section was classified to section 169 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on par. from act Apr. 28, 1902, popularly known as the ''Legislative, Executive, and Judicial Appropriation Act, fiscal year 1903''.

CHANGE OF NAME

Change of name of the Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

SUBCHAPTER II—SENATE

§ 2021. Additional Senate office building

Upon completion of the additional office building for the United States Senate, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of sections 1922, 1961, 1966, 1967, 1969, 2023, and 2024 of this title and sections 5101 to 5107 and 5109 of title 40, in the same manner and to the same extent as the present Senate Office Building and the grounds and sidewalks surrounding the same.

(June 25, 1948, ch. 658, title I, 62 Stat. 1029.)

REFERENCES IN TEXT

Sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40, referred to in text, was in the original a reference to the Act of July 31, 1946, ch. 707, 60 Stat. 718. Sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to sections 1961, 1966, 1967, 1922, and 1969 of this title, and section 16(b) of the Act is set out as a note under section 1961 of this title. Sections 1 to 8, 10 to 13, and 16(a) of the Act, which were classified to sections 193a to 193m of former Title 40, Public Buildings, Property, and Works, were repealed and reenacted as sections 5101 to 5107 and 5109 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1312, the first section of which enacted Title 40. Section 5(c) of Pub. L. 107–217, set out as a note preceding section 101 of Title 40, provides that a reference to a law replaced by section 1 of Pub. L. 107–217 is deemed to refer to the corresponding provision enacted by Pub. L. 107–217. For complete classification of the act of July 31, 1946, to the Code, see Tables. For disposition of sections of former Title 40, see table at the beginning of Title 40.

Sections 2023 and 2024 of this title, referred to in text, was in the original a reference to ''the Act of June 8, 1942 (U.S.C., title 40, sec. 174(c) and (d))'', which, to reflect the probable intent of Congress, was translated as meaning the provisions of the act of June 8, 1942, ch. 396, 56 Stat. 330, which were classified to sections 174c and 174d of former Title 40, Public Buildings, Property, and Works. Sections 174c and 174d of former Title 40 have been transferred to sections 2023 and 2024, respectively, of this title.

CODIFICATION

Section was classified to section 174b–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

ACQUISITION OF PROPERTY FOR USE AS RESIDENTIAL FACILITY FOR UNITED STATES SENATE PAGES

Pub. L. 102–330, §1, Aug. 3, 1992, 106 Stat. 849, as amended by Pub. L. 103–50, ch. XII, §1202, July 2, 1993, 107 Stat. 267, provided that:

''(a) ACQUISITION OF PROPERTY.—(1) The Architect of the Capitol, under the direction of the Senate Committee on Rules and Administration, may acquire, on behalf of the United States Government, by purchase, condemnation, transfer or otherwise, as an addition to the United States Capitol Grounds, such real property in the District of Columbia as may be necessary to carry out the provisions of this Act [this note]. Real property acquired for purposes of this Act, may, in the discretion of the Architect of the Capitol, extend to the outer face of the curbs of such property so acquired, including alleys or parts of alleys and streets within the lot lines and curblines surrounding such real property, together with any or all improvements thereon.

''(2) Subject to the approval by the Committee on Appropriations of the Senate, an amount necessary to enable the Architect of the Capitol to carry out the provisions of this section may be transferred from any appropriation under the heading 'SENATE' and the subheadings 'SALARIES, OFFICERS AND EMPLOYEES', and 'OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER', and the subheadings 'CONTINGENT EXPENSES OF THE SENATE' and 'SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE' to the account appropriated under the heading 'ARCHITECT OF THE CAPITOL' and the subheadings 'CAPITOL BUILDINGS AND GROUNDS' and 'SENATE OFFICE BUILDINGS'.

''(b) UNITED STATES CAPITOL GROUNDS AND BUILDINGS.—Immediately upon the acquisition by the Architect of the Capitol, on behalf of the United States, of the real property, and the improvements thereon, as provided under subsection (a), the real property acquired shall be a part of the United States Capitol Grounds, and the improvements on such real property shall be a part of the Senate Office Buildings. Such real property and improvements shall be subject to the Act of July 31, 1946 (40 U.S.C. 193a et seq.) [2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101 to 5107, 5109], and the Act of June 8, 1942 (40 U.S.C. 174c) [2 U.S.C. 2023, 2024].

''(c) BUILDING CODES.—The real property and improvements acquired in accordance with subsection (a) shall be repaired and altered, to the maximum extent feasible as determined by the Architect of the Capitol, in accordance with a nationally recognized model building code, and other applicable nationally recognized codes (including electrical codes, fire and life safety codes, and plumbing codes, as determined by the Architect of the Capitol), using the most current edition of the nationally recognized codes referred to in this subsection.

''(d) REPAIRS; EXPENDITURES.—The Architect of the Capitol is authorized, without regard to the provisions of section 3709 of the Revised Statutes of the United States [41 U.S.C. 5], to enter into contracts and to make expenditures for (1) necessary repairs to, and refurbishment of, the real property and the improvements on such real property acquired in accordance with subsection (a), including expenditures for personal and other services as may be necessary to carry out the purposes of this Act; and (2) for the construction on such real property of any facilities thereon as authorized under subsection (f). In no event shall the aggregate value of contracts and expenditures under this subsection exceed an amount equal to that authorized to be appropriated pursuant to subsection (e).

''(e) AUTHORIZATION.—There is authorized to be appropriated to the account under the heading 'Architect of the Capitol' and the subheadings 'Capitol Buildings and Grounds' and 'Senate Office Buildings', $2,000,000 for carrying out the purposes of this Act. Moneys appropriated pursuant to this authorization may remain available until expended.

''(f) USE OF PROPERTY.—The real property, and improvements thereon, acquired in accordance with subsection (a) shall be available to the Sergeant at Arms and Doorkeeper of the Senate for use as a residential facility for United States Senate Pages, and for such other purposes as the Senate Committee on Rules and Administration may provide.''

AUTHORIZATION OF ARCHITECT OF CAPITOL TO LEASE CITY POST OFFICE BUILDING FOR USE BY SENATE AND FOR OTHER PURPOSES

Pub. L. 101–520, title I, §107, Nov. 5, 1990, 104 Stat. 2267, provided that:

''(a) Notwithstanding any other provision of law, the Architect of the Capitol, subject to the approval of the Committee on Rules and Administration, is authorized to lease, for use by the United States Senate, and for such other purposes as such committee may approve, 150,000 square feet of space, more or less, in the property located at 2 Massachusetts Avenue, N.E., Washington, District of Columbia, known as the City Post Office Building: *Provided*, That rental payments shall be paid from the account 'Architect of the Capitol, Senate Office Buildings' upon vouchers approved by the Architect of the Capitol: *Provided further*, That nothing in this section shall be construed so as to obligate the Senate or any of its Members, officers, or employees to enter into any such lease or to imply any obligation to enter into any such lease.

''(b) Notwithstanding any other provision of law, property leased under authority of subsection (a) shall be maintained by the Architect of the Capitol as part of the 'Senate Office Buildings' subject to the laws, rules, and regulations governing such buildings, and the Architect is authorized to incur such expenses as may be necessary to provide for such occupancy.

''(c) There is hereby authorized to be appropriated to the 'Architect of the Capitol, Senate Office Buildings' such sums as may be necessary to carry out the provisions of subsections (a) and (b).

''(d) There is authorized to be appropriated to the Sergeant at Arms of the United States Senate such sums as may be necessary to provide for the planning and relocation of offices and equipment to the property described in subsection (a), subject to direction by the Committee on Rules and Administration.

''(e) The authority under this section shall continue until otherwise provided by law.''

NORTH CAPITOL PLAZA BUILDING; CONTINUATION OF AUTHORITY FOR LEASE AND SUBLEASE OF PROPERTY; LEASED PROPERTY AS PART OF SENATE OFFICE BUILDINGS; RENT LIMITATIONS; NECESSITY OF SENATE RESOLUTION; TERM OF LEASE; PURCHASE OPTION

Pub. L. 94–157, title I, §112, Dec. 18, 1975, 89 Stat. 832, as amended by Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

''(a) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration, and the Committee on Appropriations, is authorized to lease, for use by the United States Senate, and for such other purposes as such committees may approve, all or any part of the property located at 400 North Capitol Street, Washington, District of Columbia, known as the 'North Capitol Plaza Building': *Provided*, That rental payments under such lease for the entire property shall not exceed $3,375,000 per annum, exclusive of amounts for reimbursement for taxes paid and utilities furnished by the lessor: *Provided further*, That a lease shall not become effective until approved by Senate Resolution. Prior to such approval process the Government Accountability Office shall examine the terms of the proposed lease and shall report to the Senate on its reasonableness, taking into account such factors as rental rates for similar space, advantages of proximity, and possible alternative arrangements. Such payments shall be paid from the Contingent Fund of the Senate upon vouchers approved by the Sergeant at Arms: *Provided further*, That such lease may be for a term not in excess of five years, and shall contain an option to pur-

chase such property, and shall include such other terms and conditions as such committees may determine to be in the best interests of the Government: *Provided further*, That nothing in this section shall be construed so as to obligate the Senate or any of its Members, officers, or employees to enter into any such lease or to imply any obligation to enter into any such lease.

''(b) Notwithstanding any other provision of law, property leased under authority of subsection (a) shall be maintained by the Architect of the Capitol as part of the 'Senate Office Buildings' subject to the laws, rules, and regulations governing such buildings, and the Architect is authorized to incur such expenses as may be necessary to provide for such occupancy.

''(c) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration and the Committee on Appropriations, is authorized to sublease any part of the property leased under authority of subsection (a) which is in excess of the requirements of the Senate. All rental payments under any such sublease shall be paid to the Sergeant at Arms of the Senate and such amounts shall thereupon be added to and merged with the appropriation 'Miscellaneous Items' under the Contingent Fund of the Senate.

''(d) Notwithstanding any other provision of law, upon the approval of the Committee on Rules and Administration and the Committee on Appropriations, the Secretary of the Senate shall transfer by voucher or vouchers to the Architect of the Capitol from the 'Contingent Fund of the Senate' such amounts as may be necessary for the Architect of the Capitol to carry out the provisions of subsection (b) and such amounts shall thereupon be added to and merged with the appropriation 'Senate Office Buildings'.

''(e) The authority under this section shall continue until otherwise provided by law.''

CONSTRUCTION OF EXTENSION TO NEW SENATE OFFICE BUILDING

Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1510, appropriated funds for the construction and equipment of an extension to the New Senate Office Building and for structural and other changes in the existing New Senate Office Building necessitated by such construction and provided that the building and the grounds and sidewalks surrounding it are subject to the Act of July 31, 1946 (2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101 to 5107, 5109), and the Act of June 8, 1942 (2 U.S.C. 2023, 2024).

ACQUISITION OF PROPERTY AS SITE FOR PARKING FACILITIES FOR SENATE

Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1510, as amended by Pub. L. 93–305, title I, ch. VIII, § 801, June 8, 1974, 88 Stat. 206, authorized the Architect of the Capitol to acquire certain real property as a site for parking facilities for the Senate, with such property to become a part of the United States Capitol Grounds upon acquisition.

ACQUISITION OF PROPERTY TO EXTEND ADDITIONAL SENATE OFFICE BUILDING SITE

Pub. L. 85–429, May 29, 1958, 72 Stat. 148; Pub. L. 85–591, Aug. 6, 1958, 72 Stat. 495; Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 352; Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 819; Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 637, in part authorized the Architect of the Capitol to acquire certain real property for purposes of extension of Additional Senate Office Building Site and provided that such property become a part of the United States Capitol Grounds or that it be subject to the act of July 31, 1946 (2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101 to 5107, 5109).

§ 2022. Acquisition of buildings and facilities for use in emergency situation

(a) Acquisition of buildings and facilities

Notwithstanding any other provision of law, in order to respond to an emergency situation, the Sergeant at Arms of the Senate may acquire buildings and facilities, subject to the availability of appropriations, for the use of the Senate, as appropriate, by lease, purchase, or such other arrangement as the Sergeant at Arms of the Senate considers appropriate (including a memorandum of understanding with the head of an executive agency, as defined in section 105 of title 5, in the case of a building or facility under the control of such Agency). Actions taken by the Sergeant at Arms of the Senate must be approved by the Committees on Appropriations and Rules and Administration.

(b) Agreements

Notwithstanding any other provision of law, for purposes of carrying out subsection (a) of this section, the Sergeant at Arms of the Senate may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Sergeant at Arms of the Senate considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) Authority of Capitol Police and Architect

(1) Architect of the Capitol

Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Sergeant at Arms of the Senate pursuant to subsection (b) of this section.

(2) Omitted

(d) Transfer of certain funds

Subject to the approval of the Committee on Appropriations of the Senate, the Architect of the Capitol may transfer to the Sergeant at Arms of the Senate amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the Senate office buildings during a fiscal year in order to cover any portion of the costs incurred by the Sergeant at Arms of the Senate during the year in acquiring a building or facility pursuant to subsection (a) of this section.

(e) Effective date

This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–117, div. B, § 901, Jan. 10, 2002, 115 Stat. 2315; Pub. L. 107–206, title I, § 902(a)(1), Aug. 2, 2002, 116 Stat. 876.)

REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (e), see Codification note below.

CODIFICATION

Section was classified to section 174b–2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is comprised of section 901 of Pub. L. 107–117. Subsec. (c)(2) of section 901 of Pub. L. 107–117 amended section 1961 of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–206 substituted ''buildings and facilities, subject to the availability of appropriations,'' for ''buildings and facilities''.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–206, title I, § 902(c), Aug. 2, 2002, 116 Stat. 876, provided that: ''The amendment made by this section [amending this section and section 1961 of this title] shall take effect as if included in the enactment of the Emergency Supplemental Act, 2002 [Pub. L. 107–117, div. B].''

§ 2023. Control, care, and supervision of Senate Office Building

On and after June 8, 1942 the Senate Office Building, and the employment of all services (other than for officers and privates of the Capitol Police) necessary for its protection, care, and occupancy, together with all other items that may be appropriated for by the Congress for such purposes, shall be under the control and supervision of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy; and the Architect of the Capitol shall submit annually to the Congress estimates in detail for all services (other than for officers and privates of the Capitol Police) and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy.

(June 8, 1942, ch. 396, 56 Stat. 343; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838.)

CODIFICATION

Section was classified to section 174c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee on Rules''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall ''take effect on the day on which the Eightieth Congress convenes''. The Eightieth Congress convened on Jan. 3, 1947.

§ 2024. Assignment of space in Senate Office Building

On and after June 8, 1942 the assignment of rooms and other space in the Senate Office Building shall be under the direction and control of the Senate Committee on Rules and Administration and shall not be a part of the duties of the Architect of the Capitol.

(June 8, 1942, ch. 396, 56 Stat. 343; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838.)

CODIFICATION

Section was classified to section 174d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee on Rules''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall ''take effect on the day on which the Eightieth Congress convenes''. The Eightieth Congress convened on Jan. 3, 1947.

§ 2025. Senate Garage

(a) The employees of the Senate garage engaged by the Architect of the Capitol for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, shall, on October 1, 1980, be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate: *Provided further*, That, effective July 1, 1965, the underground space in the north extension of the Capitol Grounds, known as the Legislative Garage shall hereafter be known as the Senate Garage and shall be under the jurisdiction and control of the Architect of the Capitol, subject to such regulations respecting the use thereof as may be promulgated by the Senate Committee on Rules and Administration: *Provided further*, That, such regulations shall provide for the continued assignment of space and the continued furnishing of service in such garage for official motor vehicles of the House and the Senate and the Architect of the Capitol and Capitol Grounds maintenance equipment.

(b) As used in subsection (a) of this section, the term ''servicing'' includes, with respect to an official motor vehicle, the washing and fueling of such vehicle, the checking of its tires and battery, and checking and adding oil.

(June 30, 1932, ch. 314, 47 Stat. 391; Pub. L. 88–454, Aug. 20, 1964, 78 Stat. 545; Pub. L. 96–444, § 1(a)(1), (b), Oct. 13, 1980, 94 Stat. 1889.)

CODIFICATION

Section was classified to section 185a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96–444, § 1(a)(1), designated existing provision as subsec. (a) and substituted provision transferring, on October 1, 1980, employees of the Senate garage engaged by the Architect of the Capitol for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate for provision transferring, on July 1, 1932, employees engaged in the care and maintenance of the Senate garage to the jurisdiction of the Architect of the Capitol, without any reduction in compensation to these employees as the result of such transfer.

Subsec. (b). Pub. L. 96–444, § 1(b), added subsec. (b).

1964—Pub. L. 88–454 redesignated the Legislative Garage as the Senate Garage, transferred the authority to promulgate rules from the Vice President and the Speaker of the House to the Senate Committee on Rules and Administration, and directed that the regulations provide for the continued assignment of space and the continued furnishing of service for official motor vehicles of the House and the Senate and the Architect of the Capitol and Capitol Grounds maintenance equipment.

AVAILABILITY OF APPROPRIATIONS FOR EXPENSES OF SENATE GARAGE

Title I of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by ref-

erence in Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law, provided in part: ''That appropriations under this head [SENATE OFFICE BUILDINGS] shall hereafter be available for maintenance, alternations [alterations], personal and other services, and for all other necessary expenses of the Senate Garage as authorized by the paragraph beginning 'Capitol Garages' under the general heading 'ARCHITECT OF THE CAPITOL' in the first section of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1933 [1932] (40 U.S.C. 185a) [now this section] and Public Law 96–444 [amending this section and enacting provisions set out as notes under this section and section 185a of former Title 40, Public Buildings, Property, and Works].''

APPOINTMENT OF GARAGE ATTENDANTS; COMPENSATION; LONGEVITY COMPENSATION

Section 2 of Pub. L. 96–444 provided that:

''(a) Effective October 1, 1980, the Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint and fix the compensation of four garage attendants at not to exceed $14,100 per annum each.

''(b) If, and to the extent that, positions established by subsection (a) are first filled by individuals transferred under subsection (a)(1) of the first section [amending subsec. (a) of this section], the Sergeant at Arms and Doorkeeper of the Senate is authorized to fix, in lieu of the compensation prescribed in subsection (a), the compensation—

''(1) of not more than two of such positions so filled at not to exceed $16,560 per annum each;

''(2) of one of such positions so filled at not to exceed $15,485 per annum; and

''(3) of one of such positions so filled at not to exceed $14,390 per annum.

Compensation fixed under this subsection for a position first filled by an individual transferred under subsection (a)(1) of the first section shall cease to be applicable with respect to such position on the date that such individual first ceases to occupy such position.

''(c) During any period with respect to which subsection (b) is applicable to a position occupied by an individual described in such subsection, such individual shall be credited, for purposes of longevity compensation, as authorized by section 106(a), (b), and (d) of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j), for service performed by such individual in the position of garage attendant, as an employee of the Architect of the Capitol, as certified to the Secretary of the Senate by the Architect of the Capitol.''

SUBCHAPTER III—RESTAURANTS

§ 2041. House of Representatives restaurant, cafeteria, and food services

(a) Management and duties

Notwithstanding any other authority with respect to the jurisdiction and control over the management of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, the jurisdiction over such restaurant and facilities and authority over the direction and supervision of the immediate management and operation thereof shall be vested in the Committee on House Oversight; and the immediate management and operation of such restaurant and facilities may be vested in such official or other authority, acting as the agent of the committee, as the committee may designate; and the official or authority so designated shall perform the duties vested in the Architect of the Capitol by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy-sixth Congress).

(b) Transfer of accounts, records, supplies, equipment, and assets

The Architect of the Capitol is hereby authorized and directed to transfer, as the Committee on House Oversight directs, all accounts, records, supplies, equipment, and assets of the House Restaurant and the cafeteria and other food service facilities of the House which are in the possession or under the control of the Architect of the Capitol in order that all such items may be available for the maintenance and operation of the House Restaurant under the authority of, and as directed by, the Committee on House Oversight.

(c) Special deposit account

All authority, responsibility, and functions vested in or imposed upon the Architect of the Capitol in connection with the special deposit account established by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, shall be vested in or imposed upon such other official, authority, or authorities as the Committee on House Oversight may designate.

(d) Effective date

The provisions of this section shall become effective on the first day of the first calendar month beginning after the date of adoption of this resolution, until otherwise provided by law.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 133; Pub. L. 104–186, title II, § 221(3)(A), Aug. 20, 1996, 110 Stat. 1748.)

REFERENCES IN TEXT

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in subsecs. (a) and (c), means section 208 of act Oct. 9, 1940, ch. 780, title II, 54 Stat. 1056, which was classified to section 174k of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 104–186, title II, § 221(3)(B), Aug. 20, 1996, 110 Stat. 1748.

The date of adoption of this resolution, referred to in subsec. (d), is Mar. 25, 1971. See Codification note below.

CODIFICATION

Section was classified to section 174k of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 2 of House Resolution No. 317, Ninety-second Congress, Mar. 25, 1971, which was enacted into permanent law by Pub. L. 92–51.

AMENDMENTS

1996—Subsecs. (a) to (c). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration'' wherever appearing.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SPECIAL DEPOSIT ACCOUNT FROM VENDING OPERATIONS

Pub. L. 104–53, title I, § 107A, Nov. 19, 1995, 109 Stat. 522, as amended by Pub. L. 104–197, title I, § 101(a), Sept. 16, 1996, 110 Stat. 2400, provided that:

''(a) Subject to the direction of the Committee on House Oversight of the House of Representatives, the

amounts deposited in the account specified in subsection (b) from vending operations of the House of Representatives Restaurant System shall be available to pay the cost of goods sold for such operations.

''(b) The account referred to in subsection (a) is the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note) [former 40 U.S.C. 174k].''

[Pub. L. 104–197, title I, § 101(b), Sept. 16, 1996, 110 Stat. 2401, provided that: ''The amendments made by subsection (a) [amending section 107A of Pub. L. 104–53, set out above] shall apply with respect to fiscal years beginning after September 30, 1996.'']

TRANSFER OF FOOD SERVICE OPERATIONS; ELECTION BY CERTAIN AFFECTED EMPLOYEES; DISABILITY AND RETIREMENT BENEFITS; PROMULGATION OF REGULATIONS

Pub. L. 99–500, § 111, Oct. 18, 1986, 100 Stat. 1783–348, and Pub. L. 99–591, § 111, Oct. 30, 1986, 100 Stat. 3341–348, provided that:

''(a) Any individual who—

''(1) on the day before the date on which food services operations for the House of Representatives are transferred by contract to a corporation or other person—

''(A) is a congressional employee (as defined in section 2107 of title 5, United States Code), other than an employee of the Architect of the Capitol, engaged in providing such food services under the administrative control of the Architect of the Capitol; and

''(B) is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

''(2) as a result of such contract, ceases to be an employee described in paragraph (1); and

''(3) becomes employed to provide such food services under contract, including a successor contract;

may, for purposes of the provisions of law specified in subsection (b), elect to be treated, for so long as such individual continues to be employed (without a break in service) as described in paragraph (3), as if such individual had not ceased to be an employee described in paragraph (1). Such election shall be made on or before the day referred to in paragraph (1) and shall be available only to an individual whose transition from the employment described in paragraph (1) to the employment described in paragraph (3) takes place without a break in service.

''(b) The provisions of law referred to in subsection (a) are—

''(1) subchapter III of chapter 83 of title 5, United States Code (including section 8339(m) of such title (which shall be applied, when an employee retires on an immediate annuity or dies, as if the employment at the time of retirement or death were under a formal leave system), with respect to unused sick leave to the credit of an employee on the day referred to in subsection (a)(1));

''(2) chapter 84 of title 5, United States Code; and

''(3) title III of the Federal Employees' Retirement System Act of 1986 [sections 301 to 312 of Pub. L. 99–335, see Tables for classification].

''(c)(1) At the earliest practicable opportunity, the Director of the Office of Personnel Management shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Office, including regulations under which—

''(A) an individual who makes an election under subsection (a) shall pay into the Civil Service Retirement and Disability Fund any employee contributions which would be required if such individual were a Congressional employee; and

''(B) the employer furnishing food services under a contract referred to in subsection (a) shall pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions which would be required if the individual were a Congressional employee.

''(2) At the earliest practicable opportunity, the Executive Director of the Federal Retirement Thrift Investment Board shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Board.''

§ 2042. Senate Restaurants; management by Architect of the Capitol

Effective August 1, 1961, the management of the Senate Restaurants and all matters connected therewith, heretofore under the direction of the Senate Committee on Rules and Administration, shall be under the direction of the Architect of the Capitol under such rules and regulations as the Architect may prescribe for the operation and the employment of necessary assistance for the conduct of said restaurants by such business methods as may produce the best results consistent with economical and modern management, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy: *Provided*, That the management of the Senate Restaurants by the Architect of the Capitol shall cease and the restaurants revert from the jurisdiction of the Architect of the Capitol to the jurisdiction of the Senate Committee on Rules and Administration upon adoption by that committee of a resolution ordering such transfer of jurisdiction at any time hereafter. The provisions of section 5104(c) of title 40, except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to the approval of such activities by the Committee on Rules and Administration.

(Pub. L. 87–82, § 1, July 6, 1961, 75 Stat. 199; Pub. L. 106–57, title I, § 5, Sept. 29, 1999, 113 Stat. 412.)

CODIFICATION

''Section 5104(c) of title 40'' substituted in text for ''section 4 of the Act of July 31, 1946 (40 U.S.C. 193d)'' on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

Section was classified to section 174j–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1999—Pub. L. 106–57 inserted at end: ''The provisions of section 193d of this title, except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to the approval of such activities by the Committee on Rules and Administration.''

§ 2043. Authorization and direction to effectuate purposes of sections 2042 to 2047 of this title

The Architect of the Capitol is authorized and directed to carry into effect for the United States Senate the provisions of sections 2042 to 2047 of this title and to exercise the authorities contained herein, and any resolution of the Senate amendatory hereof or supplementary hereto hereafter adopted. Such authority and direction shall continue until the United States Senate shall by resolution otherwise order, or until the Senate Committee on Rules and Administration shall by resolution order the restaurants to be returned to the committee's jurisdiction.

(Pub. L. 87–82, § 3, July 6, 1961, 75 Stat. 199.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 87–82, July 6, 1961, 75 Stat. 199, as amended, which enacted sections 2042 to 2047 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was classified to section 174j–3 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2044. Special deposit account

There is established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the United States Senate Restaurants, into which shall be deposited all sums received pursuant to sections 2042 to 2047 of this title or any amendatory or supplementary resolutions hereafter adopted and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under sections 2042 to 2047 of this title or any amendatory or supplementary resolutions and the operations thereunder. Any amounts appropriated for fiscal year 1973 and thereafter from the Treasury of the United States, which shall be part of a ''Contingent Expenses of the Senate'' item for the particular fiscal year involved, shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under such special deposit account.

(Pub. L. 87–82, § 4, July 6, 1961, 75 Stat. 199; Pub. L. 92–51, July 9, 1971, 85 Stat. 129; Pub. L. 92–342, § 101, July 10, 1972, 86 Stat. 435.)

CODIFICATION

Section was classified to section 174j–4 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1972—Pub. L. 92–342 substituted provision that amounts appropriated for 1973 and thereafter which shall be part of ''Contingent Expenses of the Senate'' be paid to the Architect of the Capitol, for provision that amounts appropriated for 1972 and thereafter specifically for Senate Restaurants as ''Contingent Expenses of the Senate'' be paid to Architect of the Capitol.

1971—Pub. L. 92–51 substituted ''amounts appropriated for fiscal year 1972 and thereafter'' for Senate Restaurants for ''amounts hereafter appropriated'' for such Restaurants, provision that amounts appropriated specifically for such Restaurants as a Contingent Expense of the Senate item for fiscal year involved shall be paid to Architect of the Capitol, for prior provision declaring amounts appropriated for such Restaurants shall be a part of such Restaurants as a Contingent Expense of Senate for fiscal year involved and for payment of such part to Architect of the Capitol, and provision for approval of payments by Senate Committee on Rules and Administration, including times for payments, for prior provision for payments as appropriations shall specify.

§ 2045. Deposits and disbursements under special deposit account

Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the Government Accountability Office at such times and in such manner as the Comptroller General may direct: *Provided*, That payments made by or under the direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the Government.

(Pub. L. 87–82, § 5, July 6, 1961, 75 Stat. 200; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

Section was classified to section 174j–5 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2004—Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

§ 2046. Bond of Architect, Assistant Architect, and other employees

The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under section 2045 of this title shall each give bond in the sum of $5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account.

(Pub. L. 87–82, § 6, July 6, 1961, 75 Stat. 200.)

CODIFICATION

Section was classified to section 174j–6 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2047. Supersedure of prior provisions for maintenance and operation of Senate Restaurants

Sections 2042 to 2047 of this title shall supersede any other Acts or resolutions heretofore approved for the maintenance and operation of the Senate Restaurants: *Provided*, *however*, That any Acts or resolutions now in effect shall again become effective, should the restaurants at any future time revert to the jurisdiction of the Senate Committee on Rules and Administration.

(Pub. L. 87–82, § 7, July 6, 1961, 75 Stat. 200.)

CODIFICATION

Section was classified to section 174j–7 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2048. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave

On and after July 9, 1971, appropriations for the ''Senate Office Buildings'' shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales) and, in fixing the compensa-

tion of such personnel, the compensation of four positions hereafter to be designated as Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapter III and IV of chapter 53 of title 5, and shall thereafter be adjusted in accordance with section 5306 of title 5. Annual and sick leave balances of such personnel, as of July 9, 1971, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of title 5, upon their transfer to the appropriation for Senate Office Buildings and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 138; Pub. L. 94–59, title V, July 25, 1975, 89 Stat. 289; Pub. L. 101–509, title V, § 529 [title I, § 101(b)(5)], Nov. 5, 1990, 104 Stat. 1427, 1440.)

CODIFICATION

Section was classified to section 174j–8 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1990—Pub. L. 101–509 substituted ''5306'' for ''5307''.

1975—Pub. L. 94–59 inserted references to compensation of Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101–509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

§ 2049. Loans for Senate Restaurants

(a) Borrowing authority

Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for ''Miscellaneous Items'', such amount as he may determine necessary to carry out the provisions of the joint resolution entitled ''Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes'', approved July 6, 1961, as amended (40 U.S.C. 174j–1 through 174j–8) [2 U.S.C. 2042 et seq.],[1] and resolutions of the Senate amendatory thereof or supplementary thereto.

(b) Amount and period of loan; voucher

Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

[1] See References in Text note below.

(c) Deposit, credit, and future availability of proceeds from repayment

All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for ''Miscellaneous Items'', shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

(Pub. L. 98–396, title I, Aug. 22, 1984, 98 Stat. 1395.)

REFERENCES IN TEXT

The Joint Resolution entitled ''Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes'', approved July 6, 1961, referred to in subsec. (a), is Pub. L. 87–82, July 6, 1961, 75 Stat. 199, as amended, which enacted sections 174j–1 to 174j–7 of former Title 40, Public Buildings, Property, and Works. Sections 174j–1 and 174j–3 to 174j–7 of former Title 40 were transferred to sections 2042 and 2043 to 2047 of this title, respectively. Section 174j–2 of former Title 40 was repealed by Pub. L. 107–217, § 6(b), Aug. 21, 2002, 116 Stat. 1304. Section 174j–8 of former Title 40, which was not enacted by Pub. L. 87–82, was transferred to section 2048 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was classified to section 174j–9 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2050. Transfer of appropriations for management personnel and miscellaneous restaurant expenses to special deposit account

Appropriations under this heading for management personnel and miscellaneous restaurant expenses on and after October 7, 1997, shall be transferred at the beginning of each fiscal year to the special deposit account in the United States Treasury established under section 2044 of this title, and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

(Pub. L. 105–55, title I, Oct. 7, 1997, 111 Stat. 1189.)

REFERENCES IN TEXT

Appropriations under this heading, referred to in text, probably means appropriations under the headings ''ARCHITECT OF THE CAPITOL'', ''CAPITAL BUILDINGS AND GROUNDS'', and ''SENATE OFFICE BUILDINGS'' in the annual Legislative Branch Appropriations Act.

CODIFICATION

Section was classified to section 174j–10 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

SUBCHAPTER IV—CHILD CARE

§ 2061. Designation of play areas on Capitol grounds for children attending day care center

(a) Authority of Capitol Police Board

Notwithstanding any other provision of law and subject to the provisions of paragraph (1) of subsection (b) of this section, the Capitol Police Board is authorized to designate certain portions of the Capitol grounds (other than a portion within the area bounded on the North by Constitution Avenue, on the South by Independence Avenue, on the East by First Street, and on the West by First Street) for use exclusively as play areas for the benefit of children attending a day care center which is established for the primary purpose of providing child care for the children of Members and employees of the Senate or the House of Representatives.

(b) Required approval; fences; termination of authority

(1) In the case of any such designation referred to in subsection (a) of this section involving a day care center established for the benefit of children of Members and employees of the Senate, the designation shall be with the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the designation shall be with the approval of the House Committee on House Oversight, with the concurrence of the House Office Building Commission.

(2) The Architect of the Capitol shall enclose with a fence any area designated pursuant to subsection (a) of this section as a play area.

(3) The authority to use an area designated pursuant to subsection (a) of this section as a play area may be terminated at any time by the Committee which approved such designation.

(c) Playground equipment; required approval

Nothing in this or any other Act shall be construed as prohibiting any day care center referred to in subsection (a) of this section from placing playground equipment within an area designated pursuant to subsection (a) of this section for use solely in connection with the operation of such center, subject to, in the case of a day care center established for the benefit of children of Members and employees of the Senate, the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the approval of the House Committee on House Oversight, with the concurrence of the House Office Building Commission.

(d) Day care center

The day care center referred to in S. Res. 269, Ninety-eighth Congress, first session, is a day care center for which space may be designated under subsection (a) of this section for use as a play area.

(Pub. L. 98–392, § 3, Aug. 21, 1984, 98 Stat. 1362; Pub. L. 104–186, title II, § 221(14), Aug. 20, 1996, 110 Stat. 1750.)

REFERENCES IN TEXT

S. Res. 269, Ninety-eighth Congress, first session, referred to in subsec. (d), is dated Nov. 14, 1983, and reads as follows: ''*Resolved*, That payment is authorized from the contingent fund of the Senate in an amount not to exceed $20,000 for the start-up costs, including the procurement of the services of individual consultants or organizations, for a Senate day care center, which shall be ready for occupancy by January 1, 1984.

''SEC. 2. Payments under this resolution shall be paid from the appropriation account for 'Miscellaneous Items' in the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Rules and Administration.

''SEC. 3. The Committee on Rules and Administration shall supervise any contract entered into on behalf of the Senate, under authority of this resolution. Such contract shall not be subject to the provisions of section 5 of title 41 of the United States Code or any other provision of law requiring advertising.''

CODIFICATION

Section was classified to section 214b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1996—Subsecs. (b)(1), (c). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 2062. House of Representatives Child Care Center

(a) Maintenance and operation; admission of children

(1) The Chief Administrative Officer of the House of Representatives shall maintain and operate a child care center (to be known as the ''House of Representatives Child Care Center'') to furnish pre-school child care—

(A) for children of individuals whose pay is disbursed by the Chief Administrative Officer of the House of Representatives and children of support personnel of the House of Representatives;

(B) if places are available after admission of all children who are eligible under subparagraph (A), for children of individuals whose pay is disbursed by the Secretary of the Senate and children of employees of agencies of the legislative branch; and

(C) if places are available after admission of all children who are eligible under subparagraph (A) or (B), for children of employees of other offices, departments, and agencies of the Federal Government.

(2) Children shall be admitted to the center on a nondiscriminatory basis and without regard to any office or position held by their parents.

(b) Advisory board; membership, functions, etc.

(1)(A) The Speaker of the House of Representatives shall appoint 15 individuals (of whom 7 shall be upon recommendation of the minority leader of the House of Representatives), to serve without pay, as members of an advisory board for the center. The board shall—

(i) provide advice to the Chief Administrative Officer on matters of policy relating to the administration and operation of the center (including the selection of the director of the center);

(ii) be chosen from among Members of the House of Representatives, spouses of Members, parents of children enrolled in the center, and other individuals with expertise in child care or interest in the center; and

(iii) serve during the Congress in which they are appointed, except that a member of the board may continue to serve after the expiration of a term until a successor is appointed.

(B) The director of the center shall serve as an additional member of the board, ex officio and without the right to vote.

(2) A vacancy on the board shall be filled in the manner in which the original appointment is made.

(3) The chairman of the board shall be elected by the members of the board.

(c) Duties of Chief Administrative Officer of House of Representatives

In carrying out subsection (a) of this section, the Chief Administrative Officer is authorized—

(1) to collect fees for child care services;

(2) to accept such gifts of money and property as may be approved by the Chairman and the ranking minority party member of the Committee on House Oversight of the House of Representatives, acting jointly; and

(3) to employ a director and other employees for the center.

(d) Salaries and expenses; funding limits

(1) There is established an account which, subject to appropriation, and except as provided in paragraphs (2) and (3), shall be the exclusive source for all salaries and expenses for activities carried out under this section. The Chief Administrative Officer shall deposit in the account any amounts received under subsection (c) of this section.

(2) With respect to employees of the center, the House of Representatives shall make Government contributions and payments for health insurance, retirement, employment taxes, and similar benefits and programs in the same manner as such contributions and payments are made for other employees of the House of Representatives.

(3) The House of Representatives shall make payments from amounts provided in appropriations acts for salaries and expenses of the Office of the Chief Administrative Officer for the following activities carried out under this section:

(A) The payment of the salary of the director of the center.

(B) The reimbursement of individuals employed by the center for the cost of training classes and conferences in connection with the provision of child care services, together with the cost of travel (including transportation and subsistence) incurred in connection with such classes and conferences.

(e) Definitions

As used in this section—

(1) the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term ''agency of the legislative branch'' means the Office of the Architect of the Capitol, the Botanic Garden, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

(3) the term ''support personnel'' means, with respect to the House of Representatives, any employee of a credit union or of the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.

(Pub. L. 102–90, title III, § 312, Aug. 14, 1991, 105 Stat. 467; Pub. L. 102–392, title III, § 319(a), Oct. 6, 1992, 106 Stat. 1725; Pub. L. 104–186, title II, § 221(5), (6), Aug. 20, 1996, 110 Stat. 1749; Pub. L. 106–100, § 1(a), Nov. 12, 1999, 113 Stat. 1332; Pub. L. 108–7, div. H, title I, § 108(a), Feb. 20, 2003, 117 Stat. 355; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

Section was classified to section 184g of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is comprised of section 312 of Pub. L. 102–90. Subsec. (f) of section 312 of Pub. L. 102–90 repealed sections 184b to 184f of former Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2004—Subsec. (e)(2). Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

2003—Subsec. (d)(1). Pub. L. 108–7, § 108(a)(1), substituted ''paragraphs (2) and (3)'' for ''paragraph (2)''.

Subsec. (d)(3). Pub. L. 108–7, § 108(a)(2), added par. (3).

1999—Subsec. (a)(1)(C). Pub. L. 106–100 added subpar. (C).

1996—Pub. L. 104–186, § 221(5)(A), substituted ''Chief Administrative Officer'' for ''Clerk'' wherever appearing.

Subsec. (a)(1)(A). Pub. L. 104–186, § 221(5)(B), struck out ''or the Sergeant at Arms of the House of Representatives'' before ''and children''.

Subsec. (b)(1)(A). Pub. L. 104–186, § 221(6)(A), substituted ''minority leader'' for ''Minority Leader''.

Subsec. (c)(2). Pub. L. 104–186, § 221(6)(B), substituted ''House Oversight'' for ''House Administration''.

Subsec. (d)(1). Pub. L. 104–186, § 221(6)(C), struck out ''in the contingent fund of the House of Representatives'' after ''established''.

Subsec. (d)(2). Pub. L. 104–186, § 221(5)(C), substituted ''With respect'' for ''with respect''.

1992—Subsec. (d)(2). Pub. L. 102–392 amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''During fiscal year 1992, of the funds provided in this Act for the 'HOUSE OF REPRESENTATIVES' under 'SALARIES AND EXPENSES', not more than $45,000 may be expended to carry out this section, subject to approval of the Committee on Appropriations of the House of Representatives. Any amount under this paragraph shall be in addition to any amount made available under paragraph (1).''

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, §108(b), Feb. 20, 2003, 117 Stat. 355, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal year 2003 and each succeeding fiscal year.''

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–100, §1(b), Nov. 12, 1999, 113 Stat. 1332, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to children admitted to the House of Representatives Child Care Center on or after the date of the enactment of this Act [Nov. 12, 1999].''

EFFECTIVE DATE OF 1992 AMENDMENT

Section 319(b) of Pub. L. 102–392 provided that: ''The amendment made by subsection (a) [amending this section] shall apply to fiscal years beginning after September 30, 1992.''

RETIREMENT CREDIT FOR CERTAIN PRIOR SERVICE WITH HOUSE CHILD CARE CENTER

Pub. L. 103–69, title III, §309, Aug. 11, 1993, 107 Stat. 711, provided that:

''(a) DEFINITIONS.—For the purpose of this section—

''(1) the term 'House Child Care Center' means the House of Representatives Child Care Center; and

''(2) the term 'Congressional employee' has the meaning given such term—

''(A) in subchapter III of chapter 83 of title 5, United States Code, to the extent that this section relates to the Civil Service Retirement System; or

''(B) in chapter 84 of title 5, United States Code, to the extent that this section relates to the Federal Employees' Retirement System.

''(b) CSRS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act [Aug. 11, 1993] shall be allowed credit under subchapter III of chapter 83 of title 5, United States Code, as a Congressional employee, for any service if—

''(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

''(B) the employee is subject to subchapter III of chapter 83 of such title as of the date of enactment of this Act.

''(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been applicable under section 8334(c) of title 5, United States Code, for the period of service involved, if such employee were then a Congressional employee, including interest. Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

''(c) FERS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act [Aug. 11, 1993] shall be allowed credit under chapter 84 of title 5, United States Code, as a Congressional employee, for any service if—

''(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

''(B) the employee is subject to chapter 84 of such title as of the date of enactment of this Act.

''(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been payable under applicable provisions of law, for the period of service involved, if such employee were then a Congressional employee, including interest (computed in the same way as interest under subsection (b)(2)). Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

''(d) CLARIFICATION.—Nothing in this section shall be considered to relate to the Thrift Savings Plan.

''(e) OPM FUNCTIONS.—The Office of Personnel Management shall—

''(1) prescribe any regulations which may be necessary to carry out this section; and

''(2) with respect to any service for which credit is sought under this section, accept the certification of the Clerk of the House of Representatives concerning the period of such service and the amount of pay which was paid for such service.''

AVAILABILITY OF AMOUNTS DEPOSITED IN ACCOUNT FOR SALARIES AND EXPENSES

Section 307 of Pub. L. 102–392 provided that: ''The amounts deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)) [now 2 U.S.C. 2062(d)(1)] shall be available for salaries and expenses of the House of Representatives Child Care Center without fiscal year limitation, subject to the approval of the Committee on Appropriations of the House of Representatives.''

§ 2063. Senate Employee Child Care Center

(a) Applicability of provisions

The provisions of this section shall apply to any individual who is employed by the Senate day care center (known as the ''Senate Employee Child Care Center'' and hereafter in this section referred to as the ''Center'') established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 2061 of this title.

(b) Employee election of health care insurance coverage

Any individual described under subsection (a) of this section who is employed by the Center on or after August 14, 1991, shall be deemed an employee under section 8901(1) of title 5 for purposes of health insurance coverage under chapter 89 of such title. An individual described under subsection (a) of this section who is an employee of the Center on August 14, 1991, may elect coverage under this subsection during the 31-day period beginning on August 14, 1991, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after August 14, 1991.

(c) Deductions and withholding from employee pay

The Center shall make such deductions and withholdings from the pay of an individual described under subsection (a) of this section who is an employee of the Center in accordance with subsection (d) of this section.

(d) Employee records; amount of deductions

The Center shall—

(1) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes; and

(2) after consultation with the Secretary of the Senate—

(A) make deductions from the pay of employees of amounts determined in accordance with section 8906 of title 5; and

(B) transmit such deductions to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(e) Government contributions

Government contributions for individuals receiving benefits under this section, as computed under section 8906 of title 5, shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, ''miscellaneous items''.

(f) Regulations

The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

(Pub. L. 102–90, title III, § 311, Aug. 14, 1991, 105 Stat. 467.)

REFERENCES IN TEXT

For Senate Resolution 269, referred to in subsec. (a), see References in Text note set out under section 2061 of this title.

CODIFICATION

Section was classified to section 214c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2064. Senate Employee Child Care Center employee benefits

(a) Election for coverage

The provisions of this section shall apply to any individual who—

(1)(A) on October 6, 1992, is employed by the Senate day care center (known as the ''Senate Employee Child Care Center'') established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 2061 of this title; and

(B) makes an election to be covered by this section with the Secretary of the Senate, no later than 60 days after October 6, 1992; or

(2) is hired by the Center after October 6, 1992, and makes an election to be covered by this section with the Secretary of the Senate, no later than 60 days after the date such individual begins employment.

(b) Payment of deposit; payroll deduction

(1) Any individual described under subsection (a) of this section may be credited,[1] under section 8411 of title 5 for service as an employee of the Senate day care center before January 1, 1993, if such employee makes a payment of the deposit under section 8411(f)(2) of such title without application of the provisions of section 8411(b)(3) of such title.

(2) An individual described under subsection (a) of this section shall be credited under section 8411 of title 5 for any service as an employee of the Senate day care center on or after October 6, 1992, if such employee has such amounts deducted and withheld from his pay as determined by the Office of Personnel Management (in accordance with regulations prescribed by such Office subject to subsection (h) of this section) which would be deducted and withheld from the basic pay of an employee under section 8422 of title 5.

[1] So in original. The comma probably should not appear.

(c) Survivor annuities and disability benefits

Notwithstanding any other provision of this section, any service performed by an individual described under subsection (a) of this section as an employee of the Senate day care center is deemed to be civilian service creditable under section 8411 of title 5 for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of such title, if such individual makes payment of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual if such individual had been an employee subject to section 8422 of title 5 for such period so credited, together with interest thereon.

(d) Participation in Thrift Savings Plan

An individual described under subsection (a) of this section shall be deemed a congressional employee for purposes of chapter 84 of title 5 including subchapter III thereof and may make contributions under section 8432 of such title effective for the first applicable pay period beginning on or after October 6, 1992.

(e) Life insurance coverage

An individual described under subsection (a) of this section shall be deemed an employee under section 8701(a)(3) of title 5 for purposes of life insurance coverage under chapter 87 of such title.

(f) Government contributions

Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, and 8708,[2] shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, ''Miscellaneous Items''.

(g) Certification of creditable service

The Office of Personnel Management shall accept the certification of the Secretary of the Senate concerning creditable service for the purpose of this section.

(h) Payment to center of amounts equal to Federal tax on employers

(1) Subject to the provisions of paragraph (2), the Secretary of the Senate shall pay such amounts to the Senate day care center equal to the tax on employers under section 3111 of title 26 with respect to each employee of the Senate day care center. Such payments shall be made from the appropriations account, within the contingent fund of the Senate, ''Miscellaneous Items''.

(2) The Senate day care center shall provide appropriate documentation to the Secretary of the Senate of payment by such center of the tax described under paragraph (1), before the Secretary of the Senate may pay any amount to such center as provided under paragraph (1).

(i) Administrative provisions

The Center shall—

(1) consult with the Secretary of the Senate on the administration of this section;

(2) maintain records on all employees covered under this section in such manner as the

[2] So in original. The words ''of title 5'' probably should precede the comma.

Secretary of the Senate may require for administrative purposes;

(3) make deductions and withholdings from the pay of employees in the amounts determined under sections 8422, 8432, and 8707 of title 5; and

(4) transmit such deductions and withholdings to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(j) Regulations

The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

(Pub. L. 102–392, title III, § 320, Oct. 6, 1992, 106 Stat. 1725; Pub. L. 103–50, ch. XII, § 1203(a)(1), (b)(1), July 2, 1993, 107 Stat. 268.)

REFERENCES IN TEXT

For Senate Resolution 269, referred to in subsec. (a)(1)(A), see References in Text note set out under section 2061 of this title.

CODIFICATION

Section was classified to section 214d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1993—Subsec. (b)(1). Pub. L. 103–50, § 1203(b)(1), substituted ''January 1, 1993'' for ''October 6, 1992''.

Subsecs. (h) to (j). Pub. L. 103–50, § 1203(a)(1), added subsec. (h) and redesignated former subsecs. (h) and (i) as (i) and (j), respectively.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1203(a)(2) of Pub. L. 103–50 provided that: ''The amendments made by paragraph (1) [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [July 2, 1993].''

Section 1203(b)(2) of Pub. L. 103–50 provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [July 2, 1993].''

§ 2065. Reimbursement of Senate day care center employees

(a) Cost of training classes, conferences, and related expenses

Notwithstanding section 1345 of title 31, the Secretary of the Senate may reimburse any individual employed by the Senate day care center for the cost of training classes and conferences in connection with the provision of child care services and for travel, transportation, and subsistence expenses incurred in connection with the training classes and conferences.

(b) Documentation

The Senate day care center shall certify and provide appropriate documentation to the Secretary of the Senate with respect to any reimbursement under this section. Reimbursements under this section shall be made from the appropriations account ''MISCELLANEOUS ITEMS'' within the contingent fund of the Senate on vouchers approved by the Secretary of the Senate.

(c) Regulations and limitations

Reimbursements under this section shall be subject to the regulations and limitations prescribed by the Committee on Rules and Administration of the Senate for travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

(d) Effective date

This section shall be effective on and after October 1, 1996.

(Pub. L. 104–197, title I, § 6, Sept. 16, 1996, 110 Stat. 2397.)

CODIFICATION

Section was classified to section 214e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

SUBCHAPTER V—HISTORICAL PRESERVATION AND FINE ARTS

PART A—UNITED STATES CAPITOL PRESERVATION COMMISSION

§ 2081. United States Capitol Preservation Commission

(a) Establishment and purposes

There is established in the Congress the United States Capitol Preservation Commission (hereinafter in this part referred to as the ''Commission'') for the purposes of—

(1) providing for improvements in, preservation of, and acquisitions for, the United States Capitol;

(2) providing for works of fine art and other property for display in the United States Capitol and at other locations under the control of the Congress; and

(3) conducting other activities that directly facilitate, encourage, or otherwise support any purposes specified in paragraph (1) or (2).

(b) Membership

The Commission shall be composed of the following Members of Congress:

(1) The President pro tempore of the Senate and the Speaker of the House of Representatives, who shall be co-chairmen.

(2) The Chairman and Vice-Chairman of the Joint Committee on the Library.

(3) The Chairman and the ranking minority party member of the Committee on Rules and Administration of the Senate, and the Chairman and the ranking minority party member of the Committee on House Oversight of the House of Representatives.

(4) The majority leader and the minority leader of the Senate.

(5) The majority leader and the minority leader of the House of Representatives.

(6) The Chairman of the Commission on the Bicentennial of the United States Senate and the Chairman of the Commission of the House of Representatives Bicentenary, to be succeeded upon expiration of such commissions, by a Senator or Member of the House of Representatives, as appropriate, appointed by the Senate or House of Representatives co-chairman of the Commission, respectively.

(7) One Senator appointed by the President pro tempore of the Senate and one Senator appointed by the minority leader of the Senate.

(8) One Member of the House of Representatives appointed by the Speaker of the House of Representatives and one Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(c) Designees

Each member of the Commission specified under subsection (b) of this section (other than a member under paragraph (7) or (8) of such subsection) may designate a Senator or Member of the House of Representatives, as the case may be, to serve as a member of the Commission in place of the member so specified.

(d) Architect of the Capitol

In addition to the members under subsection (b) of this section, the Architect of the Capitol shall participate in the activities of the Commission, ex officio, and without the right to vote.

(e) Staff support and assistance

The Senate Commission on Art, the House of Representatives Fine Arts Board, and the Architect of the Capitol shall provide to the Commission such staff support and assistance as the Commission may request.

(Pub. L. 100–696, title VIII, § 801, Nov. 18, 1988, 102 Stat. 4608; Pub. L. 104–186, title II, § 221(7), Aug. 20, 1996, 110 Stat. 1749.)

CODIFICATION

Section was classified to section 188a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1996—Subsec. (b)(3). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 2082. Authority of Commission to accept gifts and conduct other transactions relating to works of fine art and other property

(a) In general

In carrying out the purposes referred to in section 2081(a) of this title the Commission is authorized—

(1) to accept gifts of works of fine art, gifts of other property, and gifts of money; and

(2) to acquire property, administer property, dispose of property, and conduct other transactions related to such purposes.

(b) Transfer and disposition of works of fine art and other property

The Commission shall, with respect to works of fine art and other property received by the Commission—

(1) in consultation with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity consulted;

(2) if a transfer described in paragraph (1) is not appropriate, dispose of the work of fine art by sale or other transaction; and

(3) in the case of property that is not directly related to the purposes referred to in section 2081(a) of this title, dispose of such property by sale or other transaction.

(c) Requirements for conduct of transactions

In conducting transactions under this section, the Commission shall—

(1) accept money only in the form of a check or similar instrument made payable to the Treasury of the United States and shall deposit any such check or instrument in accordance with section 2083 of this title;

(2) in making sales and engaging in other property transactions, take into consideration market conditions and other relevant factors; and

(3) assure that each transaction is directly related to the purposes referred to in section 2081(a) of this title.

(Pub. L. 100–696, title VIII, § 802, Nov. 18, 1988, 102 Stat. 4609; Pub. L. 101–302, title III, § 312(a), May 25, 1990, 104 Stat. 245.)

CODIFICATION

Section was classified to section 188a–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1990—Subsec. (b)(1). Pub. L. 101–302 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''upon agreement with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity with which the agreement is made;''.

§ 2083. Capitol Preservation Fund

(a) In general

There is established in the Treasury a fund, to be known as the ''Capitol Preservation Fund'' (hereafter in this part referred to as the ''fund''), which shall consist of (1) amounts deposited, and interest and proceeds credited, under subsection (d) of this section, (2) obligations obtained under subsection (e) of this section, and (3) all surcharges received by the Secretary of the Treasury from the sale of coins minted under the Bicentennial of the United States Congress Commemorative Coin Act.

(b) Availability of fund

The fund shall be available to the Commission—

(1) for payment of transaction costs and similar expenses incurred under section 2082 of this title;

(2) subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, for improvement and preservation projects for the United States Capitol;

(3) for disbursement with respect to works of fine art and other property as provided in section 2082 of this title; and

(4) for such other payments as may be required to carry out section 2081 of this title or section 2082 of this title.

(c) Transaction costs and proportionality

In carrying out this section, the Commission shall, to the extent practicable, take such action as may be necessary—

(1) to minimize disbursements under subsection (b)(1) of this section; and

(2) to equalize disbursements under subsection (b) of this section between the Senate and the House of Representatives.

(d) Deposits, credits, and disbursements

The Commission shall deposit in the fund gifts of money and proceeds of transactions under section 2082 of this title. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund. Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the co-chairmen.

(e) Investments

The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission has a maturity suitable for the fund. In carrying out this subsection, the Secretary may make such purchases, sales, and redemptions of obligations as may be approved by the Commission.

(Pub. L. 100–696, title VIII, § 803, Nov. 18, 1988, 102 Stat. 4609; Pub. L. 101–302, title III, § 312(b), May 25, 1990, 104 Stat. 245.)

REFERENCES IN TEXT

The Bicentennial of the United States Congress Commemorative Coin Act, referred to in subsec. (a), is Pub. L. 100–673, Nov. 17, 1988, 102 Stat. 3992, which is set out as a note under section 5112 of Title 31, Money and Finance.

CODIFICATION

Section was classified to section 188a–2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101–302, § 312(b)(1), struck out ''subject to the approval, except for the purchase of fine art and antiques, of the Committees on Appropriations of the House of Representatives and Senate, respectively'' after ''The fund shall be available to the Commission''.

Subsec. (b)(2). Pub. L. 101–302, § 312(b)(2), inserted ''subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate,'' before ''For improvement''.

CAPITOL VISITOR CENTER FUNDING

Pub. L. 107–117, div. B, § 913, Jan. 10, 2002, 115 Stat. 2324, provided that:

''(a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) [now 2 U.S.C. 2081] may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a–2) [now 2 U.S.C. 2083] if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

''(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

''(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.''

§ 2084. Audits by the Comptroller General

The Comptroller General shall conduct annual audits of the transactions of the Commission and shall report the results of each audit to the Congress.

(Pub. L. 100–696, title VIII, § 804, Nov. 18, 1988, 102 Stat. 4610.)

CODIFICATION

Section was classified to section 188a–3 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to the requirement that the Comptroller General report the results of annual audits to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 2 of House Document No. 103–7.

§ 2085. Advisory boards

The Commission may establish appropriate boards to provide advice and assistance to the Commission and to further the purposes of the Commission. The boards shall be composed of members (including chairmen) who shall be appointed by the Commission from public and private life and shall serve at the pleasure of the Commission and each co-chairman of the Commission may appoint one member to any such board. The members of boards under this section may be reimbursed for actual and necessary expenses incurred in the performance of the duties of the boards, at the discretion of the Commission.

(Pub. L. 100–696, title VIII, § 805, Nov. 18, 1988, 102 Stat. 4610.)

CODIFICATION

Section was classified to section 188a–4 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2086. Definition

As used in this part, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(Pub. L. 100–696, title VIII, § 806, Nov. 18, 1988, 102 Stat. 4610.)

CODIFICATION

Section was classified to section 188a–5 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

PART B—SENATE COMMISSION ON ART

§ 2101. Senate Commission on Art

(a) Establishment

There is hereby established a Senate Commission on Art (hereinafter referred to as ''the Commission'') consisting of the President pro tem-

pore of the Senate, the chairman and ranking minority member of the Committee on Rules and Administration of the Senate, and the majority and minority leaders of the Senate.

(b) Chairman and Vice Chairman; quorum; Executive Secretary

The Majority Leader and Minority Leader of the Senate shall be the chairman and vice chairman, respectively, of the Commission. Three members of the Commission shall constitute a quorum for the transaction of business, except that the Commission may fix a lesser number which shall constitute a quorum for the taking of testimony. The Secretary of the Senate shall be the Executive Secretary of the Commission[1]

(c) Appointment of Senate Curator; assignment of assistants

The Secretary of the Senate shall appoint a Senate Curator approved by the Senate Commission on Art. The Senate Curator shall be an employee of the Secretary of the Senate assigned to assist the Commission. The Secretary of the Senate shall assign additional employees to assist the Commission, and provide such other assistance, as the Commission determines necessary.

(d) Hearings and meetings

The Commission shall be empowered to hold hearings, summon witnesses, administer oaths, employ reporters, request the production of papers and records, take such testimony, and adopt such rules for the conduct of its hearings and meetings, as it deems necessary.

(Pub. L. 100–696, title IX, § 901(a), (b)(1), (3), Nov. 18, 1988, 102 Stat. 4610, 4611; Pub. L. 108–83, title I, § 3(d)(1), Sept. 30, 2003, 117 Stat. 1012.)

CODIFICATION

Section was classified to section 188b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 1 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law and amended by Pub. L. 100–696.

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–83, § 3(d)(1)(A), substituted ''The Majority Leader and Minority Leader of the Senate shall be the chairman and vice chairman, respectively, of the Commission.'' for ''The Commission shall elect a Chairman and a Vice Chairman at the beginning of each Congress.''

Subsec. (c). Pub. L. 108–83, § 3(d)(1)(B), added subsec. (c) and struck out former subsec. (c) which read as follows: ''The Commission shall select a Curator of Art and Antiquities of the Senate who shall be appointed by and be an employee of the Secretary of the Senate. The Curator shall serve at the pleasure of the Commission, shall perform such duties as it may prescribe, and shall receive compensation at a gross rate, not to exceed $22,089 per annum to be fixed by the Commission. At the request of the Commission the Secretary of the Senate shall detail to the Commission such additional professional, clerical, and other assistants as, from time to time, it deems necessary.''

1988—Subsec. (a). Pub. L. 100–696, § 901(b)(3), substituted ''Senate Commission on Art'' for ''Commission on Art and Antiquities of the United States Senate''.

Subsec. (b). Pub. L. 100–696, § 901(b)(1), inserted ''The Secretary of the Senate shall be the Executive Secretary of the Commission''.

[1] So in original. Probably should be followed by a period.

SENATE RULEMAKING POWER

Section 901(d) of Pub. L. 100–696 provided that: ''The provisions of this section [enacting sections 2101 to 2106 of this title and amending sections 2101, 2102, and 2106 of this title] are enacted by the Congress—

''(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.''

INCREASES IN COMPENSATION

Increases in compensation for officers and employees of the Senate under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

§ 2102. Duties of Commission

(a) In general

The Commission is hereby authorized and directed to supervise, hold, place, protect, and make known all works of art, historical objects, and exhibits within the Senate wing of the United States Capitol, any Senate Office Buildings, and in all rooms, spaces, and corridors thereof, which are the property of the United States, and in its judgment to accept any works of art, historical objects, or exhibits which may hereafter be offered, given, or devised to the Senate, its committees, and its officers for placement and exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) Issuance and publication of regulations

The Commission shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, exhibits, and historical objects in the Senate wing of the Capitol and the Senate Office Buildings, and for their acceptance on behalf of the Senate, its committees, and officers. Such regulations shall be published in the Congressional Record at such time or times as the Commission may deem necessary for the information of the Members of the Senate and the public.

(c) Consistency of regulations

Regulations authorized by the provisions of section 2183 of this title to be issued by the Sergeant at Arms of the Senate for the protection of the Capitol, and any regulations issued, or activities undertaken, by the Committee on Rules and Administration of the Senate, or the Architect of the Capitol, in carrying out duties relating to the care, preservation, and protection of the Senate wing of the Capitol and the Senate Office Buildings, shall be consistent with such rules and regulations as the Commission may issue pursuant to subsection (b) of this section.

(d) Responsibilities of Committee on Rules and Administration of Senate

The Committee on Rules and Administration of the Senate in consultation with the Architect of the Capitol and consistent with regulations prescribed by the Commission under subsection (b) of this section, shall have responsibility for

the supervision, protection, and placement of all works of art, historical objects, and exhibits which shall have been accepted on behalf of the Senate by the Commission or acknowledged as United States property by inventory of the Commission, and which may be lodged in the Senate wing of the Capitol or the Senate Office Buildings by the Commission.

(Pub. L. 100–696, title IX, § 901(a), (b)(2), Nov. 18, 1988, 102 Stat. 4610, 4611.)

CODIFICATION

Section was classified to section 188b–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 2 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law and amended by Pub. L. 100–696.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–696, § 901(b)(2), substituted ''protect, and make known'' for ''and protect'' and ''Senate wing of the United States Capitol, any Senate Office Buildings'' for ''Senate wing of the Capitol''.

§ 2103. Supervision and maintenance of Old Senate Chamber

The Commission shall have responsibility for the supervision and maintenance of the Old Senate Chamber on the principal floor of the Senate wing of the Capitol and of the Old Supreme Court Chamber insofar as each is to be preserved as a patriotic shrine in the Capitol for the benefit of the people of the United States.

(Pub. L. 100–696, title IX, § 901(a), Nov. 18, 1988, 102 Stat. 4610; Pub. L. 107–68, title I, § 108(a), Nov. 12, 2001, 115 Stat. 569.)

CODIFICATION

Section was classified to section 188b–2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 3 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100–696.

AMENDMENTS

2001—Pub. L. 107–68 substituted ''and of the Old Supreme Court Chamber insofar as each'' for ''insofar as it''.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, § 108(c), Nov. 12, 2001, 115 Stat. 569, provided that: ''The amendments made by this section [amending this section and section 2105 of this title] shall apply to fiscal year 2002 and all succeeding fiscal years.''

§ 2104. Publication of list of works of art, historical objects, and exhibits

The Commission shall, from time to time, but at least once every ten years, publish as a Senate document a list of all works of art, historical objects, and exhibits currently within the Senate wing of the Capitol and the Senate Office Buildings, together with their description, location, and with such notes as may be pertinent to their history.

(Pub. L. 100–696, title IX, § 901(a), Nov. 18, 1988, 102 Stat. 4610.)

CODIFICATION

Section was classified to section 188b–3 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 4 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100–696.

§ 2105. Authorization of appropriations

There is hereby authorized to be appropriated out of the contingent fund of the Senate for the expenses of the Commission such amount as may be necessary each fiscal year, to be disbursed by the Secretary of the Senate on vouchers signed by the Executive Secretary of the Commission and approved by the Committee on Rules and Administration of the Senate: *Provided*, That no payment shall be made from such appropriation as salary.

(Pub. L. 100–696, title IX, § 901(a), Nov. 18, 1988, 102 Stat. 4610; Pub. L. 107–68, title I, § 108(b), Nov. 12, 2001, 115 Stat. 569.)

CODIFICATION

Section was classified to section 188b–4 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 5 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100–696.

AMENDMENTS

2001—Pub. L. 107–68 substituted ''such amount as may be necessary each fiscal year,'' for ''the sum of $15,000 each fiscal year,'' and ''the Executive Secretary of the Commission and approved by the Committee on Rules and Administration of the Senate'' for ''the Chairman or Vice Chairman of the Commission''.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107–68 applicable to fiscal year 2002 and all succeeding fiscal years, see section 108(c) of Pub. L. 107–68, set out as a note under section 2103 of this title.

§ 2106. Repealed. Pub. L. 108–83, title I, § 3(a)(3), Sept. 30, 2003, 117 Stat. 1010

Section, based on S. Res. No. 95, Ninety-second Congress, Apr. 1, 1971, enacted into permanent law and amended by Pub. L. 100–696, title IX, § 901(a), (c), Nov. 18, 1988, 102 Stat. 4610, 4611, related to additional authority of the Senate Commission on Art to acquire works of art, historical objects, documents, or exhibits.

Section was classified to section 188b–5 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2107. Conservation, restoration, replication, or replacement of items in United States Senate Collection

(a) Use of moneys in Senate contingent fund

Effective with the fiscal year ending September 30, 2006, and each fiscal year thereafter, subject to the approval of the Committee on Appropriations of the Senate, any unexpended and unobligated funds in the appropriation account for the ''Secretary of the Senate'' within the contingent fund of the Senate which have not been withdrawn in accordance with section 102a of this title, shall be available for the expenses in-

curred, without regard to the fiscal year in which incurred, for the purchase of art and historical objects for the United States Senate Collection, for exhibits and public education relating to the United States Senate Collection, for administrative and transitional expenses of the Senate Commission on Art, and for the conservation, restoration, and replication or replacement, in whole or in part, of works of art, historical objects, documents, or material relating to historical matters for placement or exhibition within the Senate wing of the United States Capitol, any Senate Office Building, or any room, corridor, or other space therein. In the case of replication or replacement of such works, objects, documents, or material, the funds available under this subsection shall be available for any such works, objects, documents, or material previously contained within the Senate wing of the Capitol, or a work, object, document, or material historically accurate.

(b) United States Senate Collection

All such works, objects, documents, or materials referred to in subsection (a) of this section may be known as the ''United States Senate Collection''.

(c) Approval of disbursements by Chairman or Executive Secretary of Senate Commission on Art

Disbursements for expenses incurred for the purposes in subsection (a) of this section shall be made upon vouchers approved by the Chairman of the Senate Commission on Art or the Executive Secretary of the Senate Commission on Art.

(Pub. L. 101–302, title III, § 316, May 25, 1990, 104 Stat. 246; Pub. L. 101–520, title III, § 323, Nov. 5, 1990, 104 Stat. 2285; Pub. L. 102–90, title III, § 310, Aug. 14, 1991, 105 Stat. 467; Pub. L. 102–392, title III, § 312, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 103–69, title III, § 314, Aug. 11, 1993, 107 Stat. 713; Pub. L. 103–283, title III, § 309, July 22, 1994, 108 Stat. 1442; Pub. L. 104–53, title III, § 311, Nov. 19, 1995, 109 Stat. 538; Pub. L. 104–197, title III, § 313, Sept. 16, 1996, 110 Stat. 2415; Pub. L. 105–55, title III, § 309, Oct. 7, 1997, 111 Stat. 1198; Pub. L. 105–275, title III, § 311, Oct. 21, 1998, 112 Stat. 2457; Pub. L. 106–57, title III, § 309, Sept. 29, 1999, 113 Stat. 427; Pub. L. 106–554, § 1(a)(2) [title I, § 8, title III, § 309], Dec. 21, 2000, 114 Stat. 2763, 2763A–98, 2763A–119; Pub. L. 107–68, title III, § 308, Nov. 12, 2001, 115 Stat. 592; Pub. L. 108–7, div. H, title II, § 207, Feb. 20, 2003, 117 Stat. 383; Pub. L. 108–83, title I, §§ 3(d)(2), 7, Sept. 30, 2003, 117 Stat. 1013; Pub. L. 108–447, div. G, title I, § 3, Dec. 8, 2004, 118 Stat. 3169; Pub. L. 109–55, title I, § 3, Aug. 2, 2005, 119 Stat. 568.)

CODIFICATION

Section was classified to section 188b–6 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–55 substituted ''2006'' for ''2005'' in first sentence.

2004—Subsec. (a). Pub. L. 108–447 substituted ''2005'' for ''2004'' in first sentence.

2003—Subsec. (a). Pub. L. 108–83, in first sentence, substituted ''2004'' for ''2003'' and inserted ''for the purchase of art and historical objects for the United States Senate Collection, for exhibits and public education relating to the United States Senate Collection, for administrative and transitional expenses of the Senate Commission on Art, and'' after ''in which incurred,''.

Pub. L. 108–7 substituted ''2003'' for ''2002'' in first sentence.

2001—Subsec. (a). Pub. L. 107–68 substituted ''2002'' for ''2001'' in first sentence.

2000—Subsec. (a). Pub. L. 106–554, § 1(a)(2) [title III, § 309], substituted ''2001'' for ''2000'' in first sentence.

Pub. L. 106–554, § 1(a)(2) [title I, § 8(1), (2)], in first sentence, substituted ''works of art, historical objects, documents, or material relating to historical matters for placement or exhibition'' for ''items of art, fine art, and historical items'' and, in second sentence, substituted ''such works, objects, documents, or material'' for ''such items'' in two places and ''a work, object, document, or material'' for ''an item''.

Subsec. (b). Pub. L. 106–554, § 1(a)(2) [title I, § 8(3)], substituted ''such works, objects, documents, or materials'' for ''such items of art'' and ''may'' for ''shall''.

1999—Subsec. (a). Pub. L. 106–57 substituted ''2000'' for ''1999''.

1998—Subsec. (a). Pub. L. 105–275 substituted ''1999'' for ''1998''.

1997—Subsec. (a). Pub. L. 105–55 substituted ''1998'' for ''1997''.

1996—Subsec. (a). Pub. L. 104–197 substituted ''1997'' for ''1996''.

1995—Subsec. (a). Pub. L. 104–53 substituted ''1996'' for ''1995''.

1994—Subsec. (a). Pub. L. 103–283 substituted ''1995'' for ''1994''.

1993—Subsec. (a). Pub. L. 103–69 substituted ''1994'' for ''1993''.

1992—Subsec. (a). Pub. L. 102–392 substituted ''1993'' for ''1992''.

1991—Subsec. (a). Pub. L. 102–90 substituted ''1992'' for ''1991''.

1990—Subsec. (a). Pub. L. 101–520 substituted ''1991'' for ''1990''.

§ 2108. Provisions relating to Senate Commission on Art

(a) Authority to acquire and dispose

(1) In general

The Senate Commission on Art (referred to in this section as the ''Commission'') may—

(A) accept gifts of money; and

(B) acquire (by gift, purchase, or otherwise) any work of art, historical object, document, or material relating to historical matters, or exhibit, for placement or exhibition in the Senate Wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(2) Accession or disposal

All works of art, historical objects, documents, or material related to historical matters, or exhibits, acquired by the Commission may, as determined by the Commission and after consultation with the Curatorial Advisory Board, be—

(A) retained for accession to the United States Senate Collection or other use; or

(B) disposed of by sale or other transaction.

(3) Omitted

(b) Advisory boards

(1) Curatorial Advisory Board

There is established a Board which shall be chaired by the Senate Curator. The Curatorial

Advisory Board shall provide advice and assistance to the Commission on the acquisition, care, and disposition of items for or within the United States Senate Collection, and on such other matters as the Commission determines appropriate.

(2) Additional advisory boards

(A) In general

The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, may establish 1 or more additional advisory boards.

(B) Term

The term of existence for an additional advisory board—

(i) shall be specified by the Commission but no longer than 4 years; and

(ii) shall be renewable.

(C) Purpose

The purpose of an additional advisory board shall be to provide advice and assistance to the Commission and to further the purposes of the Commission.

(3) Appointments

(A) In general

Subject to subparagraph (B), the Curatorial Advisory Board and other advisory boards established by the Commission under paragraph (2) shall be composed of members appointed by the Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission.

(B) Applicable rules

Members appointed under subparagraph (A)—

(i) shall be appointed from public and private life and shall serve at the pleasure of the Commission; and

(ii) in the case of individuals appointed to the Curatorial Advisory Board, shall be experts or have significant experience in the field of arts, historic preservation, or other appropriate fields.

Each member of the Commission may have appointed to an advisory board created by the Commission at least 1 individual requested by that member.

(4) Members

A member of a board under this subsection—

(A) may, at the discretion of the Commission, be reimbursed for actual and necessary expenses incurred in the performance of the official duties of the board from any funds available to the Commission in accordance with applicable Senate regulations for such expenses; and

(B) shall not, by virtue of such member's service on the board, be deemed to be an officer, employee, or agent of the Senate and may not bind the Senate in any contract or obligation.

(5) Terms for additional advisory board members

Members appointed to the other advisory boards created under paragraph (2) shall serve for terms as stated in their appointment, but no longer than a term of 4 years, except that any member may be reappointed upon the expiration of their term.

(6) Regulations

The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, in consultation with the Committee on Rules and Administration, may promulgate such regulations governing advisory boards established under this subsection as are necessary to carry out the purposes of this subsection.

(7) Assistance

The Executive Secretary of the Commission shall provide assistance to an advisory board as authorized by the Commission.

(c) Establishment of Senate Preservation Fund

(1) Establishment

There is established in the Treasury a fund, to be known as the ''Senate Preservation Fund'' (in this section referred to as the ''fund''), which shall consist of amounts deposited and credited under paragraph (3).

(2) Payment of costs

The fund shall be available to the Commission for the payment of acquisition and transaction costs incurred for acquisitions under subsection (a) of this section, for official activities of any advisory board established under subsection (b) of this section, for any purposes for which funds from the contingent fund of the Senate may be used under section 2107(a) of this title, and for expenditures, not to exceed $10,000 in any fiscal year, for meals and refreshments in Capitol facilities in connection with official activities of the Commission or other authorized programs or activities.

(3) Deposits, credits, and disbursements

(A) Deposits

The Commission shall deposit in the fund amounts appropriated for use of the fund, gifts of money, and proceeds of transactions under subsection (a) of this section.

(B) Credits

The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(C) Disbursements

Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the Executive Secretary of the Commission.

(4) Investments

(A) In general

The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals.

(B) Type of obligation

Each investment required by this paragraph shall be made in an interest bearing

obligation of the United States or an obligation guaranteed as to the principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

(C) Commission approval

In carrying out this subsection, the Secretary of the Treasury may make such purchases, sales, and redemption of obligations as may be approved by the Commission.

(5) Services and support

The Library of Congress shall provide financial management and disbursing services and support to the Commission as may be required and mutually agreed to by the Librarian of Congress and the Executive Secretary of the Commission.

(6) Audits

The Comptroller General of the United States shall conduct annual audits of the Senate Preservation Fund and shall report the results of each audit to the Commission.

(Pub. L. 108–83, title I, § 3, Sept. 30, 2003, 117 Stat. 1010; Pub. L. 109–55, title I, § 4, Aug. 2, 2005, 119 Stat. 568.)

CODIFICATION

Section is comprised of section 3 of Pub. L. 108–83. Subsec. (a)(3) of section 3 of Pub. L. 108–83 repealed section 2106 of this title. Subsec. (d) of section 3 of Pub. L. 108–83 amended sections 2101 and 2107 of this title.

Section is from the Legislative Branch Appropriations Act, 2004.

AMENDMENTS

2005—Subsec. (c)(2). Pub. L. 109–55 substituted ''for any purposes for which funds from the contingent fund of the Senate may be used under section 2107(a) of this title, and for expenditures, not to exceed $10,000 in any fiscal year, for meals and refreshments in Capitol facilities in connection with official activities of the Commission or other authorized programs or activities'' for ''and for any purposes for which funds from the contingent fund of the Senate may be used under section 2107(a) of this title''.

PART C—HOUSE OF REPRESENTATIVES FINE ARTS BOARD

§ 2121. House of Representatives Fine Arts Board

(a) Establishment and authority

There is established in the House of Representatives a Fine Arts Board (hereafter in sections 2121 and 2122 of this title referred to as the ''Board''), comprised of the House of Representatives members of the Joint Committee on the Library. The chairman of the Committee on House Oversight of the House of Representatives shall be the chairman of the Board. The Board, in consultation with the House Office Building Commission, shall have authority over all works of fine art, historical objects, and similar property that are the property of the Congress and are for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

(b) Clerk of the House of Representatives

Under the supervision and direction of the Board, the Clerk of the House of Representatives shall be responsible for the administration, maintenance, and display of the works of fine art and other property referred to in subsection (a) of this section.

(c) Architect of the Capitol

The Architect of the Capitol shall provide assistance to the Board and to the Clerk of the House of Representatives in the carrying out of their responsibilities under sections 2121 and 2122 of this title.

(Pub. L. 100–696, title X, § 1001, Nov. 18, 1988, 102 Stat. 4611; Pub. L. 104–186, title II, § 221(8), Aug. 20, 1996, 110 Stat. 1749.)

CODIFICATION

Section was classified to section 188c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 2122. Acceptance of gifts on behalf of the House of Representatives

The Board is authorized to accept, on behalf of the House of Representatives, gifts of works of fine art, historical objects, and similar property, including transfers from the United States Capitol Preservation Commission under section 2082 of this title, for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

(Pub. L. 100–696, title X, § 1002, Nov. 18, 1988, 102 Stat. 4612.)

CODIFICATION

Section was classified to section 188c–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

PART D—MISCELLANEOUS

§ 2131. National Statuary Hall

Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Architect of the Capitol. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not ex-

ceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

(R.S. § 1814; Aug. 15, 1876, ch. 287, 19 Stat. 147.)

CODIFICATION

Section was classified to section 187 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1814 derived from act July 2, 1864, ch. 210, § 2, 13 Stat. 347.

Section 2 of act July 2, 1864, gave the supervision and direction of the National Statuary Hall to the Commissioner of Public Buildings.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 2131a. Eligibility for placement of statues in National Statuary Hall

(a) Eligibility

No statue of any individual may be placed in National Statuary Hall until after the expiration of the 10-year period which begins on the date of the individual's death.

(b) Exceptions

Subsection (a) of this section does not apply with respect to—

(1) the statue obtained and placed in National Statuary Hall under this Act; or

(2) any statue provided and furnished by a State under section 2131 of this title or any replacement statue provided by a State under section 2132 of this title.

(Pub. L. 109–116, § 2, Dec. 1, 2005, 119 Stat. 2524.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1), is Pub. L. 109–116, Dec. 1, 2005, 119 Stat. 2524, which enacted this section and provisions set out as a note under this section. For complete classification of this Act to the Code, see Tables.

PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL

Pub. L. 109–116, § 1, Dec. 1, 2005, 119 Stat. 2524, provided that:

''(a) OBTAINING STATUE.—Not later than 2 years after the date of the enactment of this Act [Dec. 1, 2005], the Joint Committee on the Library shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Joint Committee considers appropriate consistent with applicable law.

''(b) PLACEMENT.—The Joint Committee shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.''

§ 2132. Replacement of statue in Statuary Hall

(a) Request by State

(1) Any State may request the Joint Committee on the Library of Congress to approve the replacement of a statue the State has provided for display in Statuary Hall in the Capitol of the United States under section 2131 of this title.

(2) A request shall be considered under paragraph (1) only if—

(A) the request has been approved by a resolution adopted by the legislature of the State and the request has been approved by the Governor of the State, and

(B) the statue to be replaced has been displayed in the Capitol of the United States for at least 10 years as of the time the request is made, except that the Joint Committee may waive this requirement for cause at the request of a State.

(b) Agreement upon approval

If the Joint Committee on the Library of Congress approves a request under subsection (a) of this section, the Architect of the Capitol shall enter into an agreement with the State to carry out the replacement in accordance with the request and any conditions the Joint Committee may require for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by a State under section 2131 of this title, and

(2) the State shall pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) Limitation on number of State statues

Nothing in this section shall be interpreted to permit a State to have more than two statues on display in the Capitol of the United States.

(d) Ownership of replaced statue; removal

(1) Subject to the approval of the Joint Committee on the Library, ownership of any statue replaced under this section shall be transferred to the State.

(2) If any statue is removed from the Capitol of the United States as part of a transfer of ownership under paragraph (1), then it may not be returned to the Capitol for display unless such display is specifically authorized by Federal law.

(e) Relocation of statues

The Architect of the Capitol, upon the approval of the Joint Committee on the Library and with the advice of the Commission of Fine Arts as requested, is authorized and directed to relocate within the United States Capitol any of the statues received from the States under section 2131 of this title prior to December 21, 2000, and to provide for the reception, location, and relocation of the statues received on and after December 21, 2000, from the States under such section.

(Pub. L. 106–554, § 1(a)(2) [title III, § 311], Dec. 21, 2000, 114 Stat. 2763, 2763A–119.)

CODIFICATION

Section was classified to section 187a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

LOCATION OF STATUES

House Concurrent Resolution 47, passed Feb. 24, 1933, 47 Stat. Part 2, 1784, provided: ''That the Architect of the Capitol, upon the approval of the Joint Committee on the Library, with the advice of the Commission of Fine Arts, is hereby authorized and directed to relocate within the Capitol any of the statues already received and placed in Statuary Hall, and to provide for the reception and location of the statues received hereafter from the States.''

§ 2133. Acceptance and supervision of works of fine arts

The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol.

(R.S. § 1831.)

CODIFICATION

Section was classified to section 188 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1831 derived from act June 10, 1872, ch. 415, § 1, 17 Stat. 362.

§ 2134. Art exhibits

No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the Rotunda, or the corridors of the Capitol.

(R.S. § 1815; Mar. 3, 1875, ch. 130, 18 Stat. 376; Mar. 3, 1879, ch. 182, 20 Stat. 391.)

CODIFICATION

Section was classified to section 189 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act Mar. 3, 1879, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1879''.

R.S. § 1815 derived from act July 20, 1868, ch. 176, § 6, 15 Stat. 110.

§ 2135. Private studios and works of art

No room in the Capitol shall be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the Architect of the Capitol to carry this provision into effect.

(Mar. 3, 1875, ch. 130, 18 Stat. 376.)

CODIFICATION

Section was classified to section 190 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

SUBCHAPTER VI—BOTANIC GARDEN AND NATIONAL GARDEN

§ 2141. Supervision of Botanic Garden

The supervision of the Capitol police shall extend over the Botanical Garden.

(R.S. § 1826.)

CODIFICATION

Section was classified to section 215 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1826 derived from Res. July 15, 1870, No. 131, 16 Stat. 391.

§ 2142. Superintendent of Botanic Garden and greenhouses

There shall be a superintendent and assistants in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library.

(R.S. § 1827.)

CODIFICATION

Section was classified to section 216 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1827 derived from act Mar. 3, 1873, ch. 226, § 1, 17 Stat. 491.

§ 2143. Utilization of personnel by Architect of the Capitol for maintenance and operation of Botanic Garden

On and after December 27, 1974, with the approval of the Joint Committee on the Library, the Architect of the Capitol may utilize personnel paid from appropriations under his control for performance of administrative and clerical duties in connection with the maintenance and operation of the United States Botanic Garden, to such extent as he may deem feasible.

(Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777.)

CODIFICATION

Section was classified to section 216b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2144. Disbursement of appropriations for Botanic Garden

On and after November 5, 1990, all appropriations made on account of the Botanic Garden shall be disbursed for that purpose in the same manner as other appropriations under the control of the Architect of the Capitol.

(Pub. L. 101–520, title II, Nov. 5, 1990, 104 Stat. 2270.)

CODIFICATION

Section was classified to section 216d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2145. Restriction on use of appropriation for Botanic Garden

On and after July 31, 1958, no part of any appropriation for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

(Pub. L. 85–570, July 31, 1958, 72 Stat. 450.)

CODIFICATION

Section was classified to section 216a of former Title 40, prior to the enactment of Title 40, Public Buildings,

Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 2146. National Garden

(a) Establishment; gifts

The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the Botanic Garden Conservatory to Third Streets, S.W., in the District of Columbia; and

(2) solicit, receive, accept, and hold gifts, including money, plant material, and other property, on behalf of the Botanic Garden, and to dispose of, utilize, obligate, expend, disburse, and administer such gifts for the benefit of the Botanic Garden, including among other things, the carrying out of any programs, duties, or functions of the Botanic Garden, and for constructing, equipping, and maintaining the National Garden referred to in paragraph (1).

(b) Gifts and bequests of money; investment; appropriations

(1) Gifts or bequests of money under subsection (a)(2) of this section shall, when received by the Architect, be deposited with the Treasurer of the United States, who shall credit these deposits as offsetting collections to an account entitled ''Botanic Garden, Gifts and Donations''. The gifts or bequests described under subsection (a)(2) of this section shall be accepted only in the total amount provided in appropriations Acts.

(2) The Secretary of the Treasury shall invest any portion of the account designated in paragraph (1) that, as determined by the Architect, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed both as to principal and interest by the United States that, as determined by the Architect, has a maturity date suitable for the purposes of the account. The Secretary of the Treasury shall credit interest earned on the obligations to the account.

(3) Receipts, obligations, and expenditures of funds under this section shall be included in annual estimates submitted by the Architect for the operation and maintenance of the Botanic Garden and such funds shall be expended by the Architect, without regard to section 5 of title 41, for the purposes of this section after approval in appropriation Acts. All such sums shall remain available until expended, without fiscal year limitation.

(c) Donations of personal services

(1) In carrying out this section and his duties, the Architect of the Capitol may accept personal services, including educationally related work assignments for students in nonpay status, if the service is to be rendered without compensation.

(2) No person shall be permitted to donate his or her personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or in connection with such services, other than a claim under the provisions of chapter 81 of title 5.

(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5.

(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Botanic Garden.

(d) Tax deductions

Any gift accepted by the Architect of the Capitol under this section shall be considered a gift to the United States for purposes of income, estate, and gift tax laws of the United States.

(Pub. L. 100–458, title III, §307E, Oct. 1, 1988, 102 Stat. 2183; Pub. L. 102–229, title II, §209(a), Dec. 12, 1991, 105 Stat. 1716; Pub. L. 104–53, title II, §201(b), Nov. 19, 1995, 109 Stat. 529; Pub. L. 105–275, title II, §201, Oct. 21, 1998, 112 Stat. 2445.)

REFERENCES IN TEXT

The income, estate, and gift tax laws of the United States, referred to in subsec. (d), are classified generally to Title 26, Internal Revenue Code.

CODIFICATION

Section was classified to section 216c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1998—Subsec. (b)(2), (3). Pub. L. 105–275 added par. (2) and redesignated former par. (2) as (3).

1995—Subsec. (a)(1). Pub. L. 104–53 substituted ''plants'' for ''plans''.

1991—Pub. L. 102–229 amended section generally. Prior to amendment, section read as follows: ''The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

''(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the United States Botanic Garden Conservatory to Third Street, S.W., in the District of Columbia; and

''(2) accept gifts, including money, plants, volunteer time, planning, construction and installation expenses, assistance and implements, and garden structures, on behalf of the United States Botanic Garden for the purpose of constructing the National Garden described in paragraph (1).''

FUNDS AVAILABLE FOR CONSTRUCTING, EQUIPPING, AND MAINTAINING NATIONAL GARDEN

Pub. L. 102–392, title II, §201, Oct. 6, 1992, 106 Stat. 1716, as amended by Pub. L. 104–53, title II, §201(a), Nov. 19, 1995, 109 Stat. 529; Pub. L. 106–554, §1(a)(2) [title III, §312], Dec. 21, 2000, 114 Stat. 2763, 2763A–120; Pub. L. 107–68, title I, §135, Nov. 12, 2001, 115 Stat. 583, provided that:

''(a) Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c) [now 2 U.S.C. 2146], not more than $16,500,000 shall be accepted and not more than $16,500,000 of the amounts accepted shall be available for obligation by the Architect of the Capitol for constructing, equipping, and maintaining the National Garden.

''(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations

Act, 1989 (40 U.S.C. 216c(a)(2)) [now 2 U.S.C. 2146(a)(2)] in excess of the $16,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)) [now 2 U.S.C. 2146(b)(3)].''

RENOVATION OF CONSERVATORY OF BOTANIC GARDEN

Section 209(b) of Pub. L. 102–229 provided that: ''Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 [2 U.S.C. 2146], not more than $2,000,000 shall be accepted and not more than $2,000,000 of the amounts accepted shall be available for obligation by the Architect for preparation of working drawings, specifications, and cost estimates for renovation of the Conservatory of the Botanic Garden.''

§ 2147. Plant material exchanges

On and after July 8, 1935, plant material exchanges may be made with botanic gardens, institutions, municipal parks, and gardens.

(July 8, 1935, ch. 374, 49 Stat. 471.)

CODIFICATION

Section was classified to section 217a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on par. under heading ''BOTANIC GARDEN'' in act of July 8, 1935, known as the ''Legislative Branch Appropriation Act, 1936''.

SUBCHAPTER VII—OTHER ENTITIES AND SERVICES

§ 2161. John W. McCormack Residential Page School

(a) Construction authorization for dormitory and classroom facilities complex

There is hereby authorized to be constructed, on a site jointly approved by the Senate Office Building Commission and the House Office Building Commission, in accordance with plans which shall be prepared by or under the direction of the Architect of the Capitol and which shall be submitted to and jointly approved by the Senate Office Building Commission and the House Office Building Commission, a fireproof building containing dormitory and classroom facilities, including necessary furnishings and equipment, for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(b) Acquisition of property in District of Columbia

The Architect of the Capitol, under the joint direction and supervision of the Senate Office Building Commission and the House Office Building Commission, is authorized to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, such publicly or privately owned real property in the District of Columbia (including all alleys, and parts of alleys, and streets within the curblines surrounding such real property) located in the vicinity of the United States Capitol Grounds, as may be approved jointly by the Senate Office Building Commission and the House Office Building Commission, for the purpose of constructing on such real property, in accordance with this section, a suitable dormitory and classroom facilities complex for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(c) Condemnation proceedings

Any proceeding for condemnation instituted under subsection (b) of this section shall be conducted in accordance with subchapter IV of chapter 13 of title 16 of the District of Columbia Code.

(d) Transfer of United States owned property

Notwithstanding any other provision of law, any real property owned by the United States, and any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be transferred, upon the request of the Architect of the Capitol made with the joint approval of the Senate Office Building Commission and the House Office Building Commission, to the jurisdiction and control of the Architect of the Capitol.

(e) Alley and street closures by Mayor of the District of Columbia

Notwithstanding any other provision of law, any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be closed and vacated by the Mayor of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the joint approval of the Senate Office Building Commission and the House Office Building Commission.

(f) United States Capitol Grounds provisions applicable

Upon the acquisition on behalf of the United States of all real property under this section, such property shall be a part of the United States Capitol Grounds and shall be subject to the provisions of sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40.

(g) Designation; employment of services under supervision and control of Architect of the Capitol: joint approval and direction of Speaker and President pro tempore; annual estimates to Congress; regulations governing Architect of the Capitol

The building constructed on the real property acquired under this section shall be designated the ''John W. McCormack Residential Page School''. The employment of all services (other than that of the United States Capitol Police) necessary for its protection, care, maintenance, and use, for which appropriations are made by Congress, shall be under the control and supervision of the Architect of the Capitol. Such supervision and control shall be subject to the joint approval and direction of the Speaker and the President pro tempore. The Architect shall submit annually to the Congress estimates in detail for all services, other than those of the United States Capitol Police or those provided in connection with the conduct of school operations and the personal supervision of pages, and for all other expenses in connection with the protection, care, maintenance, and use of the John W. McCormack Residential Page School.

The Speaker and the President pro tempore shall prescribe, from time to time, regulations governing the Architect in the provision of services and the protection, care, and maintenance, of the John W. McCormack Residential Page School.

(h) Joint appointee for supervision and control over page activities; regulations; Residence Superintendent of Pages: appointment, compensation, and duties; additional personnel: appointment and compensation

The Speaker of the House of Representatives and the President pro tempore of the Senate jointly shall designate an officer of the House and an officer of the Senate, other than a Member of the House or Senate, who shall jointly exercise supervision and control over the activities of the pages resident in the John W. McCormack Residential Page School. With the approval of the Speaker and the President pro tempore, such officers so designated shall prescribe regulations governing—

(1) the actual use and occupancy of the John W. McCormack Residential Page School including, if necessary, the imposition of a curfew for pages;

(2) the conduct of pages generally; and

(3) other matters pertaining to the supervision, direction, safety, and well-being of pages in off-duty hours.

Such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rate of pay of a Residence Superintendent of Pages, who shall perform such duties with respect to the supervision of pages resident therein as those officials shall prescribe. In addition, such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rates of pay of such additional personnel as may be necessary to assist those officers and the Residence Superintendent of Pages in carrying out their functions under this section.

(i) Section 88b of this title unaffected

Nothing in section 88b–1 of this title and this section shall affect the operation of section 88b of this title, relating to educational facilities of pages and other minors who are congressional employees.

(Pub. L. 91–510, title IV, § 492, Oct. 26, 1970, 84 Stat. 1199; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 104–186, title II, § 204(34)(C), Aug. 20, 1996, 110 Stat. 1734.)

REFERENCES IN TEXT

Sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40, referred to in subsec. (f), was in the original a reference to the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'', approved July 31, 1946, which is act July 31, 1946, ch. 707, 60 Stat. 718, as amended. Sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to sections 1961, 1966, 1967, 1922, and 1969 of this title, and section 16(b) of the Act is set out as a note under section 1961 of this title. Sections 1 to 8, 10 to 13, and 16(a) of the Act, which were classified to sections 193a to 193m of former Title 40, Public Buildings, Property, and Works, were repealed and reenacted as sections 5101 to 5107 and 5109 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1312, the first section of which enacted Title 40. Section 5(c) of Pub. L. 107–217, set out as a note preceding section 101 of Title 40, provides that a reference to a law replaced by section 1 of Pub. L. 107–217 is deemed to refer to the corresponding provision enacted by Pub. L. 107–217. For complete classification of the act of July 31, 1946, to the Code, see Tables. For disposition of sections of former Title 40, see table at the beginning of Title 40.

Section 88b–1 of this title and this section, referred to in subsec. (i), were in the original ''this part'', meaning part 9 of title IV of Pub. L. 91–510, Oct. 26, 1970, 84 Stat. 1199, which enacted section 88b–1 of this title and this section, repealed section 88c of this title, and enacted a provision set out as a note under section 88b–1 of this title.

CODIFICATION

Section was classified to section 184a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1996—Subsec. (i). Pub. L. 104–186 struck out ''section 88a of title 2 or'' after ''affect the operation of''.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93–198. Accordingly, ''Mayor'' substituted in subsec. (e) for ''commissioners''.

ACQUISITION OF PROPERTY AS SITE FOR JOHN W. MCCORMACK RESIDENTIAL PAGE SCHOOL

Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1512, authorized Architect of the Capitol to acquire certain specified real estate for use as a green park area pending its development for permanent use as site of John W. McCormack Residential Page School.

§ 2162. Capitol power plant

The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904, shall be known as the ''Capitol power plant''; and all vacancies occurring in the force operating said plant and the substations in connection therewith shall be filled by the Architect of the Capitol with the approval of the commission in control of the House Office Building appointed under section 2001 of this title.

(Mar. 4, 1911, ch. 285, 36 Stat. 1414; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

REFERENCES IN TEXT

Act approved April 28, 1904, referred to in text, is act Apr. 28, 1904, ch. 1762, § 1 (part), 33 Stat. 452 (479), which provided an appropriation for the construction of a heating, lighting and power plant in connection with the office building for the House of Representatives to furnish the necessary heat, light, and power for the office building for the House of Representatives, the Capitol building, the Congressional Library building, and for such other public buildings erected after Apr. 28, 1904, on grounds adjacent to the Capitol grounds at the east of the Capitol building and facing the same.

CODIFICATION

Section was classified to section 185 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act Mar. 4, 1911, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1912''. It followed an appropriation for the Capitol power plant.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

MANAGEMENT AND OPERATION OF THE CAPITOL POWER PLANT

Pub. L. 108–447, div. G, title I, §1101, Dec. 8, 2004, 118 Stat. 3185, provided that:

''(a) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations of the Senate and the House of Representatives;

''(2) the Committee on Rules and Administration of the Senate; and

''(3) the House Office Building Commission.

''(b) STUDY OF CONTRACT WITH A PRIVATE ENTITY.—Not later than 180 days after the date of enactment of this Act [Dec. 8, 2004], the Comptroller General shall conduct a study and submit to the appropriate congressional committees and the Architect of the Capitol a report that—

''(1) analyzes the costs, cost effectiveness, benefits, and feasibility of the Architect of the Capitol entering into a contract with a private entity for the management and operation of the Capitol Power Plant; and

''(2) makes a recommendation on whether the Architect of the Capitol should enter into such a contract.

''(c) IMPLEMENTATION PLAN.—If the Comptroller General makes a recommendation under subsection (b)(2) in favor of entering into a contract, the Architect of the Capitol shall submit an implementation plan for that contract to the appropriate congressional committees not later than the later of—

''(1) 270 days after the date of enactment of this Act [Dec. 8, 2004]; or

''(2) the date of the completion of the West Refrigeration Plant.

''(d) CONTRACT.—Subject to the approval of the appropriate congressional committees, the Architect of the Capitol shall enter into a contract with a private entity for the management and operation of the Capitol Power Plant.

''(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.''

GENERAL SERVICES ADMINISTRATION COAL YARD

Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2170, provided: ''That appropriations under this head [''CAPITOL POWER PLANT''] shall hereafter be available for maintenance, alterations, personal and other services, and for all other necessary expenses of the Government owned property, buildings and facilities located in Lot 803, Square 695, formerly known as the General Services Administration Coal Yard at 42 I Street, S.E., in the District of Columbia.''

§ 2163. Capitol Grounds shuttle service

Funds appropriated for the Capitol Grounds after October 1, 1976, shall be available for the purchase or rental, maintenance and operation of passenger motor vehicles to provide shuttle service for Members and employees of Congress to and from the buildings in the Legislative group.

(Pub. L. 94–440, title VI, Oct. 1, 1976, 90 Stat. 1453.)

CODIFICATION

Section was classified to section 223 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 2164. Transportation of House Pages by Capitol Grounds shuttle service

The passenger motor vehicles authorized by section 2163 of this title to provide a shuttle service for Members and employees of Congress may be used for the transportation of House Pages to and from special events associated with their education when approved by the House of Representatives Page Board: *Provided further*, That the use of the said passenger motor vehicles for transportation of House Pages shall not interfere with the shuttle service for Members and employees of the Congress.

(Pub. L. 99–151, title I, Nov. 13, 1985, 99 Stat. 801.)

CODIFICATION

Section was classified to section 224 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 2165. Capitol educational and informational center and information and distribution stations; operation agreements

Notwithstanding any other provision of law, the Architect of the Capitol, in consultation with the House Office Building Commission and the Senate Office Building Commission, is hereby authorized and directed to provide adequate space and facilities in the Capitol Building for an educational and informational center and information and distribution stations to afford visitors to the Capitol Building an opportunity to acquire (1) information relative to Congressional offices, (2) assistance relative to their visit to the Capitol, (3) pamphlets, books, drawings, slides and photographs, and related materials, and (4) information about the Capitol and the history of the Capitol Building and past and present Congresses. All materials distributed by such educational and informational center and such stations shall first be approved by the Architect of the Capitol, after consultation with the Committee on House Oversight of the House of Representatives, the Senate Committee on Rules and Administration, the United States Capitol Historical Society, and such other educational and historical groups as the Architect of the Capitol deems appropriate. The Architect of the Capitol is hereby authorized to enter into such agreements as may be reasonably necessary to operate such educational and informational center and stations.

(Pub. L. 90–264, title III, §301, Mar. 12, 1968, 82 Stat. 46; Pub. L. 104–186, title II, §221(16), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Section was classified to section 831 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Committee on House Oversight of the House of Representatives'' for ''House Committee on House Administration''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 2166. Capitol Guide Service

(a) Establishment; designation; supervision of Capitol Guide Board; membership of Board

There is hereby established an organization under the Congress of the United States, to be designated the ''Capitol Guide Service'', which shall be subject to the direction, supervision, and control of a Capitol Guide Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

(b) Guided tours; regulations

The Capitol Guide Service is authorized and directed to provide guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public, without charge for such tours. All such tours shall be conducted in compliance with regulations prescribed by the Capitol Guide Board.

(c) Duties of Capitol Guide Board; positions of Guide in Capitol Guide Service; establishment and revision; Chief, Deputy Chief, and Assistant Chief Guide and Guides: appointment, duties, pay, and termination of employment

The Capitol Guide Board is authorized—

(1) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives, to establish and revise such number of positions of Guide in the Capitol Guide Service as the Board considers necessary to carry out effectively the activities of the Capitol Guide Service;

(2) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform their duties, a Chief Guide, a Deputy Chief Guide, and an Assistant Chief Guide, and, in addition, such number of Guides as may be authorized under subparagraph (1) of this subsection;

(3) to prescribe their duties and responsibilities;

(4) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives, to fix, and adjust from time to time, their respective rates of pay at single per annum (gross) rates; and

(5) to terminate their employment as the Board considers appropriate.

(d) Uniforms

The Capitol Guide Board shall—

(1) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service when on duty; and

(2) from time to time, as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel.

(e) Acceptance of fees; prohibition

An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of his official services.

(f) Personnel detail

The Capitol Guide Board may detail personnel of the Capitol Guide Service to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

(g) Historical and educational information

The Capitol Guide Board may receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public.

(h) Regulations for operation of Service

With the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives, the Capitol Guide Board shall prescribe such regulations as the Board considers necessary and appropriate for the operation of the Capitol Guide Service.

(i) Disciplinary action

The Capitol Guide Board may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulations prescribed by the Board pursuant to this section.

(j) Volunteers

(1) Notwithstanding section 1342 of title 31, the Capitol Guide Service is authorized to accept voluntary personal services.

(2) No person shall be permitted to donate personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5.

(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5.

(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Capitol Guide Service.

(Pub. L. 91–510, title IV, § 441, Oct. 26, 1970, 84 Stat. 1190; Pub. L. 95–94, title I, Aug. 5, 1977, 91

Stat. 671; Pub. L. 104–186, title II, § 221(17), Aug. 20, 1996, 110 Stat. 1750; Pub. L. 104–279, Oct. 9, 1996, 110 Stat. 3358.)

CODIFICATION

Section was classified to section 851 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1996—Subsecs. (c)(1), (4), (h). Pub. L. 104–186, § 221(17)(A), substituted ''House Oversight'' for ''House Administration''.

Subsec. (j). Pub. L. 104–279 added subsec. (j).

Pub. L. 104–186, § 221(17)(B), struck out subsec. (j) which read as follows: ''The expenses of the Capitol Guide Service shall be paid from the contingent fund of the House of Representatives, until appropriations are available for the payment of such expenses.''

1977—Subsec. (c)(2). Pub. L. 95–94 inserted reference to Deputy Chief Guide.

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95–94 provided that the amendment is effective Oct. 1, 1977.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

TRANSFER OF FUNCTIONS

Certain functions of Sergeant at Arms of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

INCREASES IN COMPENSATION

Increases in compensation for the Capitol Guide Board, the Chief Guide, the Deputy Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a–1 of this title.

TRANSITIONAL PROVISIONS

Section 443 of Pub. L. 91–510 provided that:

''(a) The initial appointments, under section 441(c)(2) of this Act [subsec. (c)(2) of this section], of personnel of the Capitol Guide Service shall be effective on the effective date of this section. The Capitol Guide Board shall afford, to each person who is a member of the United States Capitol Guides immediately prior to such effective date, the opportunity to be appointed to a comparable position in the Capitol Guide Service without reduction in level of rank and seniority. For the purposes of the initial appointments of such persons, the number of such persons shall be considered to have been authorized for the Capitol Guide Service under section 441(c)(1) of this Act [subsec. (c)(1) of this section]. The per annum (gross) rate of pay of each such person so initially appointed shall be a rate equal to the per annum rate of pay received by the United States Capitol Guides, who worked full tours of duty, averaged over the last five calendar years (excluding 1968) ending prior to the date of enactment of this Act [Oct. 26, 1970]. Subject to section 441(i) of this Act [subsec. (i) of this section], the rate of each such person so initially appointed shall not, at any time after such initial appointment, be less than the rate at which he was initially appointed so long as he remains in the same position; but, when such position becomes vacant, the rate of pay of any subsequent appointee thereto shall be fixed in accordance with section 441 of this Act [this section].

''(b) The United States Capitol Police Board shall transfer, on the effective date of this section, to the Capitol Guide Board, all personnel records, financial records, assets, and other property of the United States Capitol Guides, which exist immediately prior to such effective date.

''(c) As soon as practicable after the effective date of this section but not later than the close of the sixtieth day after such effective date, the Capitol Guide Board shall, out of the assets and property transferred under subsection (b) of this section, on the basis of a special audit which shall be conducted by the General Accounting Office [now Government Accountability Office]—

''(1) settle and pay any outstanding accounts payable of the United States Capitol Guides,

''(2) discharge the financial and other obligations of the United States Capitol Guides (including reimbursement to purchasers of tickets for guided tours which are purchased and paid for in advance of intended use and are unused), and

''(3) otherwise wind up the affairs of the United States Capitol Guides,

which exist immediately prior to such effective date. The Capitol Guide Board shall dispose of any net monetary amounts remaining after the winding up of the affairs of the United States Capitol Guides, in accordance with the practices and procedures of the United States Capitol Guides, existing immediately prior to the effective date of this section, with respect to disposal of monetary surpluses.''

[Section 443 of Pub. L. 91–510, set out as a note above, effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.]

§ 2167. Congressional Award Youth Park

(a) Designation

The parcel of approximately 5 acres of land located on the Capitol Grounds and described in subsection (b) of this section shall be known and designated as the ''Congressional Award Youth Park''.

(b) Area included

(1) In general

The parcel of land described in subsection (a) of this section is—

(A) bounded on the north by Constitution Avenue, N.W.;

(B) bounded on the east by First Street, N.W.;

(C) bounded on the south by Pennsylvania Avenue, N.W.; and

(D) bounded on the west by Third Street N.W.

(2) Extension

The park shall extend to the curbs of the streets described in paragraph (1).

(c) Design

(1) Competition

The Architect of the Capitol shall sponsor a competition for the design of the park, based on specifications developed by the Architect.

(2) Specifications

(A) In general

Not later than June 30, 2002, the Architect, in consultation with the majority leader and

the minority leader of the Senate, and the Speaker and the minority leader of the House of Representatives, shall develop the specifications for the park.

(B) Requirements

(i) In general

The specifications shall require an outdoor design that is accessible to the public.

(ii) Inclusions

To the maximum extent practicable, the specifications shall include requirements for—

(I) a fountain;

(II) extensive use of trees and flowering plants from each of the 50 States;

(III) large-scale replicas of the medals awarded under the Congressional Award Program; and

(IV) the inscription of the names of all Congressional Award recipients.

(3) Selection

(A) In general

As soon as practicable after the competition is completed, the Architect shall forward at least 3 designs, with recommendations, to the United States Capitol Preservation Commission.

(B) Final selection

The United States Capitol Preservation Commission shall select and approve the final design from among the 3 designs submitted under subparagraph (A).

(d) Funding

Funds otherwise made available to the Architect of the Capitol under this Act shall be available to carry out this section.

(Pub. L. 107–68, title I, § 134, Nov. 12, 2001, 115 Stat. 582.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 107–68, Nov. 12, 2001, 115 Stat. 560, as amended, known as the Legislative Branch Appropriations Act, 2002. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was classified to section 217c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2168. Memorandum of understanding for provision of services of the United States Capitol telephone exchange for the House

(a) In general

The Chief Administrative Officer of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate may enter into a memorandum of understanding under which the Sergeant at Arms and Doorkeeper shall provide all services of the United States Capitol telephone exchange for the House of Representatives, in accordance with such terms and conditions as may be provided in the memorandum of understanding.

(b) Transfer of positions and personnel

For any period during which a memorandum of understanding is in effect pursuant to this section—

(1) all positions in the United States Capitol telephone exchange for which the employing authority is the Chief Administrative Officer shall be transferred to the Sergeant at Arms and Doorkeeper;

(2) all employees in the United States Capitol telephone exchange for whom the employing authority is the Chief Administrative Officer shall be transferred to, and appointed by, the Sergeant at Arms and Doorkeeper; and

(3) the Sergeant at Arms and Doorkeeper shall serve as the employing authority for all personnel of the United States Capitol telephone exchange.

(c) Pay and leave accrual

In carrying out a memorandum of understanding pursuant to this section, the Sergeant at Arms and Doorkeeper shall ensure that, with respect to any employee of the United States Capitol telephone exchange whose employing authority prior to the effective date of the memorandum was the Chief Administrative Officer—

(1) the rate of pay and leave accrual for the employee shall not be less than the employee's rate of pay and leave accrual for the most recent pay period prior to such date, unless—

(A) the employee does not remain in the same position with the exchange; or

(B) the rate of pay or leave accrual is reduced for cause; and

(2) any leave accrued by the employee that remains unused as of such date shall be transferred to the employee and made available for the employee to use under the same terms and conditions that applied to the use of the leave prior to such date.

(d) Omitted

(e) Reimbursement of expenses by House

(1) A memorandum of understanding under this section may include a provision requiring the reimbursement by the House of Representatives during a fiscal year (paid out of the applicable accounts of the House) of the expenses incurred by the Sergeant at Arms and Doorkeeper during the fiscal year in carrying out the memorandum with respect to the employees of the United States Capitol telephone exchange whose employing authority prior to the effective date of the memorandum was the Chief Administrative Officer.

(2) Any reimbursement made pursuant to this subsection—

(A) in the case of a reimbursement for salaries or agency contributions and related expenses, shall be deposited in the account under the heading ''OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER'' or ''AGENCY CONTRIBUTIONS AND RELATED EXPENSES'', under the heading ''SALARIES, OFFICERS AND EMPLOYEES''; and

(B) in the case of a reimbursement for expenses, shall be deposited in the account under the heading ''SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE'' under the heading ''CONTINGENT EXPENSES OF THE SENATE''.

(3) Any funds deposited under paragraph (2) shall be available in like manner and for the same purposes as are other funds in the account to which the funds were deposited.

(f) Effective date

This section and the amendment made by this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108–447, div. G, title II, § 215, Dec. 8, 2004, 118 Stat. 3197.)

CODIFICATION

Section is comprised of section 215 of div. G of Pub. L. 108–447. Subsec. (d) of section 215 of div. G of Pub. L. 108–447 amended section 293 of this title.

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

SUBCHAPTER VIII—MISCELLANEOUS

§ 2181. Assignment of space for meetings of joint committees, conference committees, etc.

The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings.

(Aug. 2, 1946, ch. 753, title II, § 242, 60 Stat. 839.)

CODIFICATION

Section was classified to section 174d–1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE

Section effective Aug. 2, 1946, see section 245 of act Aug. 2, 1946, set out as a note under section 72a of this title.

§ 2182. Use of space formerly occupied by Library of Congress

The rooms and space recently occupied by the Library of Congress in the Capitol building shall be divided into three stories, the third story of which shall be fitted up and used for a reference library for the Senate and House of Representatives, and that portion of the other two stories north of a line drawn east and west through the center of the Rotunda shall be used for such purpose as may be designated by the Senate of the United States, and that portion of the first and second stories south of said line shall be used for such purpose as may be designated by the House of Representatives.

(June 6, 1900, No. 33, 31 Stat. 719.)

CODIFICATION

Section was classified to section 190b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 2183. Protection of buildings and property

The Sergeants at Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial.

(R.S. § 1820.)

CODIFICATION

Section was classified to section 193 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1820 derived from acts Mar. 30, 1867, ch. 20, § 2, 15 Stat. 12; Apr. 29, 1876, ch. 86, 19 Stat. 41.

§ 2184. Purchase of furniture or carpets for House or Senate

No furniture or carpets for either House shall be purchased without the written order of the chairman of the Committee on Rules and Administration, for the Senate, or without the written order of the chairman of the Committee on House Oversight of the House of Representatives, for the House of Representatives.

(R.S. § 1816; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838; Pub. L. 104–186, title II, § 221(2), Aug. 20, 1996, 110 Stat. 1748.)

CODIFICATION

Section was classified to section 170 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1816 derived from Res. Apr. 16, 1862, No. 28, 12 Stat. 617; acts Mar. 30, 1867, ch. 24, § 2, 15 Stat. 13; July 20, 1868, ch. 177, § 1, 15 Stat. 115; Mar. 3, 1869, ch. 121, § 1, 15 Stat. 283, 284; Mar. 3, 1871, ch. 114, § 1, 16 Stat. 500; Aug. 15, 1876, ch. 287, 19 Stat. 147.

Provision of R.S. § 1816 relating to repairs of Capitol is classified to section 1814 of this title.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight of the House of Representatives, for the House of Representatives'' for ''Accounts of the House of Representatives, for the House''.

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee to Audit and Control the Contingent Expenses of the Senate''.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall ''take effect on the day on which the Eightieth Congress convenes''. The Eightieth Congress convened on Jan. 3, 1947.

§ 2185. Estimates for improvements in grounds

All changes and improvements in the Capitol grounds, including approaches to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimate cost of the same.

(Mar. 3, 1883, ch. 143, 22 Stat. 621.)

CODIFICATION

Section was classified to section 173 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act Mar. 3, 1883, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1884''.

SIMILAR PROVISIONS

Enlargement of the Capitol grounds by the acquisition of certain squares in the city of Washington, provided by the following Sundry Civil Appropriation Acts for the fiscal years 1911, 1912, 1913, and 1914.

June 23, 1913, ch. 3, 38 Stat. 44.
Aug. 24, 1912, ch. 355, 37 Stat. 454.
Mar. 4, 1911, ch. 285, 36 Stat. 1414.
June 25, 1910, ch. 384, 36 Stat. 738.