

TITLE 2—THE CONGRESS

Chap.		Sec.	Chap.		Sec.
1.	Election of Senators and Representatives	1	25.	Unfunded Mandates Reform	1501
2.	Organization of Congress	21	26.	Disclosure of Lobbying Activities ...	1601
3.	Compensation and Allowances of Members	31	27.	Sound Recording Preservation by the Library of Congress	1701
4.	Officers and Employees of Senate and House of Representatives	60	28.	Architect of the Capitol	1801
5.	Library of Congress	131	29.	Capitol Police	1901
6.	Congressional and Committee Procedure; Investigations	190	30.	Operation and Maintenance of Capitol Complex	2001
7.	Contested Elections [Repealed]	201	CHAPTER 1—ELECTION OF SENATORS AND REPRESENTATIVES		
8.	Federal Corrupt Practices [Repealed]	241	Sec.		
8A.	Regulation of Lobbying [Repealed]	261	1.	Time for election of Senators.	
9.	Office of Legislative Counsel	271	1a.	Election to be certified by governor.	
9A.	Office of Law Revision Counsel	285	1b.	Countersignature of certificate of election.	
9B.	Legislative Classification Office [Repealed]	286	2.	Omitted.	
9C.	Office of Parliamentarian of House of Representatives	287	2a.	Reapportionment of Representatives; time and manner; existing decennial census figures as basis; statement by President; duty of clerk.	
9D.	Office of Senate Legal Counsel	288	2b.	Number of Representatives from each State in 78th and subsequent Congresses.	
10.	Classification of Employees of House of Representatives	291	2c.	Number of Congressional Districts; number of Representatives from each District.	
10A.	Payroll Administration in House of Representatives	331	3, 4.	Omitted.	
11.	Citizens' Commission on Public Service and Compensation	351	5.	Nominations for Representatives at large.	
12.	Contested Elections	381	6.	Reduction of representation.	
13.	Joint Committee on Congressional Operations [Repealed]	411	7.	Time of election.	
14.	Federal Election Campaigns	431	8.	Vacancies.	
15.	Office of Technology Assessment ...	471	9.	Voting for Representatives.	
16.	Congressional Mailing Standards ...	501	§ 1. Time for election of Senators		
17.	Congressional Budget Office	601	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.		
17A.	Congressional Budget and Fiscal Operations	621	(June 4, 1914, ch. 103, § 1, 38 Stat. 384; June 5, 1934, ch. 390, § 3, 48 Stat. 879.)		
17B.	Impoundment Control	681	AMENDMENTS		
18.	Legislative Personnel Financial Disclosure Requirements [Transferred]	701	1934—Act June 5, 1934, substituted “3d day of January” for “fourth day of March”.		
19.	Congressional Award Program	801	CONSTITUTIONAL PROVISIONS		
19A.	John Heinz Competitive Excellence Award	831	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.”		
20.	Emergency Powers To Eliminate Budget Deficits	900	Time for election of Senators, see Const. Art. I, § 4, cl. 1.		
21.	Civic Achievement Award Program in Honor of Office of Speaker of House of Representatives [Repealed]	1001	1. Vacancies in the Senate, see Const. Amend. XVII.		
22.	John C. Stennis Center for Public Service Training and Development	1101			
22A.	Open World Leadership Center	1151			
22B.	Hunger Fellowship Program	1161			
23.	Government Employee Rights [Transferred or Repealed]	1201			
24.	Congressional Accountability	1301			

§ 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. Brown*, 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. Brown*, 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

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.

(R.S. § 26.)

CODIFICATION

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

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.
25b. Repealed.
26. Roll of Representatives-elect.
27. Change of place of meeting.
28. Parliamentary precedents of House of Representatives.
 (a) Periodic compilation; other useful materials; index digest; date of completion.
 (b) Form, number, and distribution of compilation.
 (c) Appointment and compensation of personnel; utilization of services of personnel of Federal agencies.
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.
 (a) Delivery to Members of Ninety-fifth Congress; marking of volumes.
 (b) Members of Congress following Ninety-fifth Congress not already having sets of Precedents; necessity of written request to Superintendent of Documents for set.
 (c) Additional distribution of sets.
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.
 (a) Caucus or conference for incumbent Members reelected to and Members-elect of ensuing Congress; time and procedure for calling.
 (b) Payment and reimbursement for travel and per diem expenses for Members attending caucus or conference; exceptions; regulations governing payments and reimbursements; reimbursement vouchers.
 (c) Availability of applicable accounts of House.
 (d) Orientation programs for new Members.
29b, 29c. Omitted.
29d. Committee on Standards of Official Conduct of House of Representatives.

Sec.

- (a) Omitted.
(b) Committee composition.
(c) Investigative subcommittees.
(d) Adjudicatory subcommittees.
(e) to (h) Omitted.
(i) Advice and education.
(j) Effective date.
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