

US Code

(Unofficial compilation from the Legal Information Institute)

TITLE 2 - THE CONGRESS

CHAPTER 9—OFFICE OF LEGISLATIVE COUNSEL

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TITLE 2 - THE CONGRESS	1
CHAPTER 9 - OFFICE OF LEGISLATIVE COUNSEL	2
SUBCHAPTER I - SENATE	3
§ 271. Establishment	3
§ 272. Legislative Counsel	3
§ 273. Compensation	3
§ 274. Staff; office equipment and supplies	5
§ 275. Functions	6
§ 276. Disbursement of appropriations	6
§ 276a. Expenditures	7
§ 276b. Travel and related expenses	7
§ 277. Repealed. Pub. L. 93-191, § 13, Dec. 18, 1973, 87 Stat. 746	7
SUBCHAPTER II - HOUSE OF REPRESENTATIVES	8
Part I - Purpose, Policy, and Function	9
§ 281. Establishment	9
§ 281a. Purpose and policy	9
§ 281b. Functions	9
Part II - Administration	11
§ 282. Legislative Counsel	11
§ 282a. Staff; Deputy Legislative Counsel; delegation of functions	11
§ 282b. Compensation	11
§ 282c. Expenditures	12
§ 282d. Official mail matter	12
§ 282e. Authorization of appropriations	13

TITLE 2 THE CONGRESS

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TITLE 2—THE CONGRESS

Chap. ...Sec.	
1. Election of Senators and Representatives ...1	
2. Organization of Congress ...21	
3. Compensation and Allowances of Members ...31	
4. Officers and Employees of Senate and House of Representatives ...60	
5. Library of Congress ...131	
6. Congressional and Committee Procedure; Investigations ...190	
7. Contested Elections [Repealed] ...201	
8. Federal Corrupt Practices [Repealed] ...241	
8A. Regulation of Lobbying [Repealed] ...261	
9. Office of Legislative Counsel ...271	
9A. Office of Law Revision Counsel ...285	
9B. Legislative Classification Office [Repealed] ...286	
9C. Office of Parliamentarian of House of Representatives ...287	
9D. Office of Senate Legal Counsel ...288	
10. Classification of Employees of House of Representatives ...291	
10A. Payroll Administration in House of Representatives ...331	
11. Citizens' Commission on Public Service and Compensation ...351	
12. Contested Elections ...381	
13. Joint Committee on Congressional Operations [Repealed] ...411	
14. Federal Election Campaigns ...431	
15. Office of Technology Assessment ...471	
16. Congressional Mailing Standards ...501	
17. Congressional Budget Office ...601	
17A. Congressional Budget and Fiscal Operations ...621	
17B. Impoundment Control ...681	
18. Legislative Personnel Financial Disclosure Requirements [Transferred] ...701	
19. Congressional Award Program ...801	
19A. John Heinz Competitive Excellence Award ...831	
20. Emergency Powers To Eliminate Budget Deficits ...900	
20A. Statutory Pay-as-You-Go ...931	
21. Civic Achievement Award Program in Honor of Office of Speaker of House of Representatives [Repealed] ...1001	
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	
25. Unfunded Mandates Reform ...1501	
26. Disclosure of Lobbying Activities ...1601	
27. Sound Recording Preservation by the Library of Congress ...1701	
28. Architect of the Capitol ...1801	
29. Capitol Police ...1901	
30. Operation and Maintenance of Capitol Complex ...2001	
31. Capitol Visitor Center ...2201	

CHAPTER 9—OFFICE OF LEGISLATIVE COUNSEL

SUBCHAPTER I—SENATE

Sec.

- 271. Establishment.
- 272. Legislative Counsel.
- 273. Compensation.
- 274. Staff; office equipment and supplies.
- 275. Functions.
- 276. Disbursement of appropriations.
- 276a. Expenditures.
- 276b. Travel and related expenses.
- 277. Repealed.

SUBCHAPTER II—HOUSE OF REPRESENTATIVES

Part I—Purpose, Policy, and Function

- 281. Establishment.
- 281a. Purpose and policy.
- 281b. Functions.

Part II—Administration

- 282. Legislative Counsel.
- 282a. Staff; Deputy Legislative Counsel; delegation of functions.
- 282b. Compensation.
- 282c. Expenditures.
- 282d. Official mail matter.
- 282e. Authorization of appropriations.

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, title XIII, § 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, title XIII, § 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.

TITLE 2 - Section 273 - Compensation

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(Feb. 24, 1919, ch. 18, title XIII, § 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, title XIII, § 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.

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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.

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§ 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, title XIII, § 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, title XIII, § 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.

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§ 277. Repealed. Pub. L. 93–191, § 13, Dec. 18, 1973, 87 Stat. 746

Section, act Feb. 24, 1919, ch. 18, title XIII, § 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 established 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

TITLE 2 - CHAPTER 9 - SUBCHAPTER II - Part II Administration

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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.

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§ 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.)

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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.)

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§ 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.

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§ 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.)