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[1]

STANDING RULES OF THE SENATE

[The 1979 general revision of the rules was accomplished by the adoption of S. Res. 274 on Nov. 14, 1979, a resolution submitted by Mr. Robert C. Byrd for himself and Mr. Baker; the preparation of the proposed revision was pursuant to the adoption of S. Res. 156 on May 10, 1976, a resolution by Mr. Robert C. Byrd; the general revision of the rules set forth in S. Res. 274 was somewhat altered in form by the adoption of S. Res. 389 on Mar. 25, 1980, to consolidate and renumber certain standing rules of the Senate.

[Changes to Senate rules since the last general revision in 1979 are indicated by footnotes in each succeeding edition of the Senate Manual.

[For the origin of various changes in Senate procedure between 1884 and 1979, as set forth in rules changes, adopted resolutions, and Legislative Reorganization Acts, see the table on p. XVI of *Riddick's Senate Procedure,* 1992.]

RULE I 1

APPOINTMENT OF A SENATOR TO THE CHAIR

1. In the absence of the Vice President, the Senate shall 1.1
choose a President pro tempore, who shall hold the office and execute the duties thereof during the pleasure of the Senate and until another is elected or his term of office as a Senator expires.

2. In the absence of the Vice President, and pending the 1.2
election of a President pro tempore, the Acting President pro tempore or the Secretary of the Senate, or in his absence the Assistant Secretary, shall perform the duties of the Chair.

3. The President pro tempore shall have the right to 1.3
name in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly enrolled bills and joint resolutions but such substitution shall not extend beyond an adjournment, except by unanimous consent; and the Senator so named shall have the right to name in open session, or, if absent, in writing, a Senator to perform the duties of the Chair, but not to

extend beyond an adjournment, except by unanimous consent.

2 RULE II

PRESENTATION OF CREDENTIALS AND QUESTIONS OF PRIVILEGE

2.1 1. The presentation of the credentials of Senators elect or of Senators designate and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2.2 2. The Secretary shall keep a record of the certificates of election and certificates of appointment of Senators by entering in a well-bound book kept for that purpose the date of the election or appointment, the name of the person elected or appointed, the date of the certificate, the name of the governor and the secretary of state signing and counter-signing the same, and the State from which such Senator is elected or appointed.

2.3 3. The Secretary of the Senate shall send copies of the following recommended forms to the governor and secretary of state of each State wherein an election is about to take place or an appointment is to be made so that they may use such forms if they see fit.

THE RECOMMENDED FORMS FOR CERTIFICATES OF ELECTION AND CERTIFICATE OF APPOINTMENT ARE AS FOLLOWS: [1]

"CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

"To the President of the Senate of the United States:

"This is to certify that on the — day of —, 20—, A—— B—— was duly chosen by the qualified electors of the State of —— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 20—.

"Witness: His excellency our governor ——, and our seal hereto affixed at —— this — day of —, in the year of our Lord 20—.

[1] All year designations within the following certificates were changed from 19 to 20 by S. Res. 99, 106–2, Apr. 27, 2000.

"By the governor:

"C—— D——,
"Governor.

"E—— F——,
"Secretary of State."

"CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

"To the President of the Senate of the United States:

"This is to certify that on the — day of ——, 20—, A—— B—— was duly chosen by the qualified electors of the State of —— a Senator for the unexpired term ending at noon on the 3d day of January, 20—, to fill the vacancy in the representation from said State in the Senate of the United States caused by the — of C—— D——.

"Witness: His excellency our governor ——, and our seal hereto affixed at —— this — day of —, in the year of our Lord 20—.

"By the governor:

"E—— F——,
"Governor.

"G—— H——,
"Secretary of State."

"CERTIFICATE OF APPOINTMENT

"To the President of the Senate of the United States:

"This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of ——, I, A—— B——, the governor of said State, do hereby appoint C—— D—— a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the —— of E—— F——, is filled by election as provided by law.

"Witness: His excellency our governor ——, and our seal hereto affixed at —— this — day of —, in the year of our Lord 20—.

"By the governor:

"G—— H——,
"Governor.

"I—— J——,
"Secretary of State."

3

RULE III

OATHS

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

OATH REQUIRED BY THE CONSTITUTION AND BY LAW TO BE TAKEN BY SENATORS

"I, A—— B—— do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God." (5 U.S.C. 3331.)

4

RULE IV

COMMENCEMENT OF DAILY SESSIONS

4.1a 1. (a)[2] The Presiding Officer having taken the chair, following the prayer by the Chaplain, and after the Presiding Officer, or a Senator designated by the Presiding Officer, leads the Senate from the dais in reciting the Pledge of Allegiance to the Flag of the United States, and a Quorum being present, the Journal of the preceding day shall be read unless by nondebatable motion the reading shall be waived, the question being, "Shall the Journal stand approved to date?", and any mistake made in the entries corrected. Except as provided in subparagraph (b) the reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

4.1b (b) Whenever the Senate is proceeding under paragraph 2 of rule XXII, the reading of the Journal shall be dispensed with and shall be considered approved to date.

4.1c (c) The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the President in full; titles of bills and resolutions, and such parts as shall be affected by proposed amendments; every vote, and

[2] As amended by S. Res. 28, 99–2, Feb. 27, 1986; S. Res. 113, 106–1, June 23, 1999.

a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

(d) The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book. **4.1d**

2. During a session of the Senate when that body is in continuous session, the Presiding Officer shall temporarily suspend the business of the Senate at noon each day for the purpose of having the customary daily prayer by the Chaplain. **4.2**

RULE V **5**

SUSPENSION AND AMENDMENT OF THE RULES

1. No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided by the rules. **5.1**

2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules. **5.2**

RULE VI **6**

QUORUM—ABSENT SENATORS MAY BE SENT FOR

1. A quorum shall consist of a majority of the Senators duly chosen and sworn. **6.1**

2. No Senator shall absent himself from the service of the Senate without leave. **6.2**

3. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate. **6.3**

4. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, or to re- **6.4**

cess pursuant to a previous order entered by unanimous consent, shall be in order.

7 RULE VII

MORNING BUSINESS

7.1 1. On each legislative day after the Journal is read, the Presiding Officer on demand of any Senator shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer on demand of any Senator shall then call for, in the following order:

The presentation of petitions and memorials.

Reports of committees.

The introduction of bills and joint resolutions.

The submission of other resolutions.

All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given, with newly offered resolutions being called for before resolutions coming over from a previous legislative day are laid before the Senate.

7.2 2. Until the morning business shall have been concluded, and so announced from the Chair, or until one hour after the Senate convenes at the beginning of a new legislative day, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent: *Provided, however,* That on Mondays which are the beginning of a legislative day the Calendar shall be called under rule VIII, and until two hours after the Senate convenes no motion shall be entertained to proceed to the consideration of any bill, resolution, or other subject upon the Calendar except the motion to continue the consideration of a bill, resolution, or other subject against objection as provided in rule VIII, or until the call of the Calendar has been completed.

7.3 3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives for appropriate action allowed under the rules and any question

pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

4. Petitions or memorials shall be referred, without debate, to the appropriate committee according to subject matter on the same basis as bills and resolutions, if signed by the petitioner or memorialist. A question of receiving or reference may be raised and determined without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President. **7.4**

5. Only a brief statement of the contents of petitions and memorials shall be printed in the Congressional Record; and no other portion of any petition or memorial shall be printed in the Record unless specifically so ordered by vote of the Senate, as provided for in paragraph 4 of rule XI, in which case the order shall be deemed to apply to the body of the petition or memorial only; and names attached to the petition or memorial shall not be printed unless specially ordered, except that petitions and memorials from the legislatures or conventions, lawfully called, of the respective States, Territories, and insular possessions shall be printed in full in the Record whenever presented. **7.5**

6. Senators having petitions, memorials, bills, or resolutions to present after the morning hour may deliver them in the absence of objection to the Presiding Officer's desk, endorsing upon them their names, and with the approval of the Presiding Officer, they shall be entered on the Journal with the names of the Senators presenting them and in the absence of objection shall be considered as having been read twice and referred to the appropriate committees, and a transcript of such entries shall be furnished to the official reporter of debates for publication in the Congressional Record, under the direction of the Secretary of the Senate. **7.6**

RULE VIII **8**

ORDER OF BUSINESS

1. At the conclusion of the morning business at the beginning of a new legislative day, unless upon motion the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of the Calendar of Bills and Resolutions, and shall continue such consideration until 2 hours after the Senate convenes on such day (the end of the morning hour); and bills and resolutions that are not ob- **8.1**

jected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and an objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "other resolutions", or after disposition of resolutions coming "over under the rule", and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed on motion with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

8.2 2. All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.

9 RULE IX

MESSAGES

9.1 1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is voting or ascertaining the presence of a quorum, or while the Journal is being read, or while a question of order or a motion to adjourn is pending.

9.2 2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.

10 RULE X

SPECIAL ORDERS

10.1 1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order of business for consideration and when the time so fixed for its consideration

arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business in which case it takes its place on the Calendar of Special Orders in the order of time at which it was made special, to be considered in that order when there is no unfinished business.

2. All motions to change such order, or to proceed to the consideration of other business, shall be decided without debate. **10.2**

RULE XI **11**

PAPERS—WITHDRAWAL, PRINTING, READING OF, AND REFERENCE

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. **11.1**

2. The Secretary of the Senate shall obtain at the close of each Congress all the noncurrent records of the Senate and of each Senate committee and transfer them to the General Services Administration for preservation, subject to the orders of the Senate. **11.2**

3. When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate. **11.3**

4. Every motion or resolution to print documents, reports, and other matter transmitted by the executive departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, shall, unless the Senate otherwise order, be referred to the Committee on Rules and Administration. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print. **11.4**

5. Motions or resolutions to print additional numbers shall also be referred to the Committee on Rules and Administration; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum established by law, the concurrence of the House of Representatives shall be necessary for an order to print the same. **11.5**

6. Every bill and joint resolution introduced or reported from a committee, and all bills and joint resolutions re- **11.6**

ceived from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

12

RULE XII

VOTING PROCEDURE

12.1 1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

12.2 2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the rollcall and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

12.3 3. A Member, notwithstanding any other provisions of this rule, may decline to vote, in committee or on the floor, on any matter when he believes that his voting on such a matter would be a conflict of interest.

12.4 4. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until after a quorum call ordered for the purpose by the Presiding Officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

RULE XIII 13

RECONSIDERATION

1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider such a motion entered, or if such a motion is withdrawn by leave of the Senate, or if upon reconsideration the Senate shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion. 13.1

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider. 13.2

RULE XIV 14

BILLS, JOINT RESOLUTIONS, RESOLUTIONS, AND PREAMBLES THERETO

1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day. 14.1

2. Every bill and joint resolution shall receive three readings previous to its passage which readings on demand of any Senator shall be on three different legislative days, and the Presiding Officer shall give notice at each reading whether it be the first, second, or third: *Provided*, That each reading may be by title only, unless the Senate in any case shall otherwise order. 14.2

3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and 14.3

may be read twice, if not objected to, on the same day for reference, but shall not be considered on that day nor debated, except for reference, unless by unanimous consent.

14.4 4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.

14.5 5. All bills, amendments, and joint resolutions shall be examined under the supervision of the Secretary of the Senate before they go out of the possession of the Senate, and all bills and joint resolutions which shall have passed both Houses shall be examined under the supervision of the Secretary of the Senate, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, the Secretary of the Senate shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

14.6 6. All other resolutions shall lie over one day for consideration, if not referred, unless by unanimous consent the Senate shall otherwise direct. When objection is heard to the immediate consideration of a resolution or motion when it is submitted, it shall be placed on the Calendar under the heading of "Resolutions and Motions over, under the Rule," to be laid before the Senate on the next legislative day when there is no further morning business but before the close of morning business and before the termination of the morning hour.

14.7 7. When a bill or joint resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar.

14.8 8. When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolu-

tion and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

9. Whenever a private bill, except a bill for a pension, is under consideration, it shall be in order to move the adoption of a resolution to refer the bill to the Chief Commissioner of the Court of Claims for a report in conformity with section 2509 of Title 28, United States Code. **14.9**

10. 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, personal injuries, or death, for which a claim may be filed under chapter 171 of Title 28, United States Code, 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. **14.10**

RULE XV **15**

AMENDMENTS AND MOTIONS

1. (a)[3] An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority Leader before being debated. **15.1a**

(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated. **15.1b**

2. Any motion, amendment, or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave. **15.2**

3. If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert **15.3**

[3] Pursuant to Pub. L. 110–81, Sep. 14, 2007, paragraph 1 was amended.

a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question, and motions to amend the part to be stricken out shall have precedence.

15.4 4. When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

15.5 5. It shall not be in order to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) which contains any significant matter not within the jurisdiction of the committee proposing such amendment.

16 RULE XVI

APPROPRIATIONS AND AMENDMENTS TO GENERAL APPROPRIATIONS BILLS

16.1 1. On a point of order made by any Senator, no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of the Committee on Appropriations or of a committee of the Senate having legislative jurisdiction of the subject matter, or proposed in pursuance of an estimate submitted in accordance with law.

16.2 2. The Committee on Appropriations shall not report an appropriation bill containing amendments to such bill proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments to such bill proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

3. All amendments to general appropriation bills moved by direction of a committee having legislative jurisdiction of the subject matter proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received on a point of order made by any Senator. **16.3**

4. On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill. **16.4**

5. On a point of order made by any Senator, no amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment. **16.5**

6. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order. **16.6**

7. Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session. **16.7**

8. On a point of order made by any Senator, no general appropriation bill or amendment thereto shall be received **16.8**

or considered 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.

17 RULE XVII

REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE; REPORTS OF COMMITTEES; AND HEARINGS AVAILABLE

17.1 1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

17.2 2. A motion simply to refer shall not be open to amendment, except to add instructions.

17.3a 3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

17.3b (b) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

17.3c (c) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

17.3d (d) Any motion under this paragraph may specify the portion or portions of proposed legislation to be considered

by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

(e) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation. **17.3e**

4. (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct. **17.4a**

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI. **17.4b**

5.[4] Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph— **17.5**

(1) may be waived by joint agreement of the majority leader and the minority leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effec-

[4] As amended by S. Res. 28, 99–2, Feb. 27, 1986.

tive unless disapproved or otherwise invalidated by one or both Houses of Congress.

18 RULE XVIII

BUSINESS CONTINUED FROM SESSION TO SESSION

At the second or any subsequent session of a Congress the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place.

19 RULE XIX

DEBATE

19.1a 1. (a) When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate.

19.1b (b) At the conclusion of the morning hour at the beginning of a new legislative day or after the unfinished business or any pending business has first been laid before the Senate on any calendar day, and until after the duration of three hours of actual session after such business is laid down except as determined to the contrary by unanimous consent or on motion without debate, all debate shall be germane and confined to the specific question then pending before the Senate.

19.2 2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

19.3 3. No Senator in debate shall refer offensively to any State of the Union.

19.4 4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and

when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate. **19.5**

6. Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. **19.6**

7. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the galleries of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent. **19.7**

8. Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements. **19.8**

RULE XX **20**

QUESTIONS OF ORDER

1. A question of order may be raised at any stage of the proceedings, except when the Senate is voting or ascertaining the presence of a quorum, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. **20.1**

20.2 2. The Presiding Officer may submit any question of order for the decision of the Senate.

21 RULE XXI

SESSION WITH CLOSED DOORS

21.1 1. On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

21.2 2. When the Senate meets in closed session, any applicable provisions of rules XXIX and XXXI, including the confidentiality of information shall apply to any information and to the conduct of any debate transacted.

22 RULE XXII

PRECEDENCE OF MOTIONS

22.1 1. When a question is pending, no motion shall be received but—

To adjourn.

To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

To take a recess.

To proceed to the consideration of executive business.

To lay on the table.

To postpone indefinitely.

To postpone to a day certain.

To commit.

To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

22.2 2.[5] Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate,

[5] As amended by S. Res. 28, 99–2, Feb. 27, 1986.

and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion,

decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

23 RULE XXIII

PRIVILEGE OF THE FLOOR

23.1 1.[6] Other than the Vice President and Senators, no person shall be admitted to the floor of the Senate while in session, except as follows:

The President of the United States and his private secretary.

The President elect and Vice President elect of the United States.

Ex-Presidents and ex-Vice Presidents of the United States.

[6] Paragraph numbered pursuant to Pub. L. 110–81, Sep. 14, 2007.

Judges of the Supreme Court.

Ex-Senators and Senators elect, except as provided in paragraph 2.[7]

The officers and employees of the Senate in the discharge of their official duties.

Ex-Secretaries and ex-Sergeants at Arms of the Senate, except as provided in paragraph 2.[8]

Members of the House of Representatives and Members elect.

Ex-Speakers of the House of Representatives, except as provided in paragraph 2.[9]

The Sergeant at Arms of the House and his chief deputy and the Clerk of the House and his deputy.

Heads of the Executive Departments.

Ambassadors and Ministers of the United States.

Governors of States and Territories.

Members of the Joint Chiefs of Staff.

The General Commanding the Army.

The Senior Admiral of the Navy on the active list.

Members of National Legislatures of foreign countries and Members of the European Parliament.

Judges of the Court of Claims.

The Mayor of the District of Columbia.

The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

The Architect of the Capitol.

The Chaplain of the House of Representatives.

The Secretary of the Smithsonian Institution.

The Parliamentarian Emeritus of the Senate.

Members of the staffs of committees of the Senate and joint committees of the Congress when in the discharge of their official duties and employees in the office of a Senator when in the discharge of their official duties (but in each case subject to such rules or regulations as may be prescribed by the Committee on Rules and Administration). Senate committee staff members and employees in the office of a Senator must be on the payroll of the Senate and members of joint committee staffs must be on the payroll of the Senate or the House of Representatives.

[7] As amended pursuant to Pub. L. 110–81, Sep. 14, 2007.
[8] As amended pursuant to Pub. L. 110–81, Sep. 14, 2007.
[9] As amended pursuant to Pub. L. 110–81, Sep. 14, 2007.

23.2a 2. (a)[10] The floor privilege provided in paragraph 1 shall not apply, when the Senate is in session, to an individual covered by this paragraph who is—

(1) a registered lobbyist or agent of a foreign principal; or

(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any Federal legislative proposal.

23.2b (b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.

23.3 3. A former Member of the Senate may not exercise privileges to use Senate athletic facilities or Member-only parking spaces if such Member is—

23.3a (a) a registered lobbyist or agent of a foreign principal; or

23.3b (b) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any Federal legislative proposal.

24 RULE XXIV

APPOINTMENT OF COMMITTEES

24.1 1. In the appointment of the standing committees, or to fill vacancies thereon, the Senate, unless otherwise ordered, shall by resolution appoint the chairman of each such committee and the other members thereof. On demand of any Senator, a separate vote shall be had on the appointment of the chairman of any such committee and on the appointment of the other members thereof. Each such resolution shall be subject to amendment and to division of the question.

24.2 2. On demand of one-fifth of the Senators present, a quorum being present, any vote taken pursuant to paragraph 1 shall be by ballot.

24.3 3. Except as otherwise provided or unless otherwise ordered, all other committees, and the chairmen thereof, shall be appointed in the same manner as standing committees.

[10] Paragraphs 2 and 3 added pursuant to Pub. L. 110–81, Sep. 14, 2007.

4. When a chairman of a committee shall resign or cease to serve on a committee, action by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, shall be only to fill up the number of members of the committee, and the election of a new chairman. **24.4**

RULE XXV **25**

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions: **25.1**

(**a**)(1) **Committee on Agriculture, Nutrition, and Forestry,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects: **25.1a**

1. Agricultural economics and research.
2. Agricultural extension services and experiment stations.
3. Agricultural production, marketing, and stabilization of prices.
4. Agriculture and agricultural commodities.
5. Animal industry and diseases.
6. Crop insurance and soil conservation.
7. Farm credit and farm security.
8. Food from fresh waters.
9. Food stamp programs.
10. Forestry, and forest reserves and wilderness areas other than those created from the public domain.
11. Home economics.
12. Human nutrition.
13. Inspection of livestock, meat, and agricultural products.
14. Pests and pesticides.
15. Plant industry, soils, and agricultural engineering.
16. Rural development, rural electrification, and watersheds.
17. School nutrition programs.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to food, nutrition, and hunger, both in the United States and in foreign coun-

tries, and rural affairs, and report thereon from time to time.

25.1b (**b**) **Committee on Appropriations,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Appropriation of the revenue for the support of the Government, except as provided in subparagraph (e).

2. Rescission of appropriations contained in appropriation Acts (referred to in section 105 of Title 1, United States Code).

3. The amount of new spending authority described in section 401(c)(2) (A) and (B) of the Congressional Budget Act of 1974 which is to be effective for a fiscal year.

4. New spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act).

25.1c (**c**)(1) **Committee on Armed Services,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

2. Common defense.

3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.

4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.

5. Military research and development.

6. National security aspects of nuclear energy.

7. Naval petroleum reserves, except those in Alaska.

8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.

9. Selective service system.

10. Strategic and critical materials necessary for the common defense.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the common defense policy of the United States, and report thereon from time to time.

(**d**)(1) **Committee on Banking, Housing, and Urban Affairs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: **25.1d**

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

(**e**)(1)[11] **Committee on the Budget,** to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to that committee under Titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto. **25.1e**

(2) Such committee shall have the duty—

(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

[11] Pursuant to S. Res. 445, 108–2, Oct. 9, 2004, the Committee on Budget's jurisdiction was amended although the Standing Rules were not modified. (See appendix for Titles I, III and V of S. Res. 445, 108–2).

(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

25.1f (**f**)(1) **Committee on Commerce, Science, and Transportation,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Coast Guard.
2. Coastal zone management.
3. Communications.
4. Highway safety.
5. Inland waterways, except construction.
6. Interstate commerce.
7. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.
8. Marine fisheries.
9. Merchant marine and navigation.
10. Nonmilitary aeronautical and space sciences.
11. Oceans, weather, and atmospheric activities.
12. Panama Canal and interoceanic canals generally, except as provided in subparagraph (c).
13. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services, and housing.
14. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.
15. Science, engineering, and technology research and development and policy.
16. Sports.
17. Standards and measurement.
18. Transportation.
19. Transportation and commerce aspects of Outer Continental Shelf lands.

(2) Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.

(**g**)(1) **Committee on Energy and Natural Resources,** 25.1g
to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Coal production, distribution, and utilization.
2. Energy policy.
3. Energy regulation and conservation.
4. Energy related aspects of deepwater ports.
5. Energy research and development.
6. Extraction of minerals from oceans and Outer Continental Shelf lands.
7. Hydroelectric power, irrigation, and reclamation.
8. Mining education and research.
9. Mining, mineral lands, mining claims, and mineral conservation.
10. National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest.
11. Naval petroleum reserves in Alaska.
12. Nonmilitary development of nuclear energy.
13. Oil and gas production and distribution.
14. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.
15. Solar energy systems.
16. Territorial possessions of the United States, including trusteeships.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to energy and resources development, and report thereon from time to time.

(**h**)(1) **Committee on Environment and Public** 25.1h
Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.

5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deep-water ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

25.1i (**i**) **Committee on Finance,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.
2. Customs, collection districts, and ports of entry and delivery.
3. Deposit of public moneys.
4. General revenue sharing.
5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.
6. National social security.
7. Reciprocal trade agreements.
8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.
9. Revenue measures relating to the insular possessions.
10. Tariffs and import quotas, and matters related thereto.
11. Transportation of dutiable goods.

25.1j (**j**)(1) **Committee on Foreign Relations,** to which committee shall be referred all proposed legislation, messages,

petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Oceans and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy

as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

25.1k (**k**)(1)[12] **Committee on Governmental Affairs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Archives of the United States.

2. Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

3. Census and collection of statistics, including economic and social statistics.

4. Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

5. Federal Civil Service.

6. Government information.

7. Intergovernmental relations.

8. Municipal affairs of the District of Columbia, except appropriations therefor.

9. Organization and management of United States nuclear export policy.

10. Organization and reorganization of the executive branch of the Government.

11. Postal Service.

12. Status of officers and employees of the United States, including their classification, compensation, and benefits.

(2) Such committee shall have the duty of—

(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(B) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

[12] Pursuant to S. Res. 445, 108–2, Oct. 9, 2004, the Committee on Homeland Security and Governmental Affairs shall be treated as the Committee on Governmental Affairs listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate. The resolution also amended the jurisdiction of the Committee although the Standing Rules were not modified. (See appendix for Titles I, III and V of S. Res. 445, 108–2).

(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(D) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(**l**)(1)[13] **Committee on Health, Education, Labor, and Pensions,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: 25.1l

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.[14]
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

[13] Name changed pursuant to S. Res. 28, 106–1, Jan. 21, 1999; redesignated as subparagraph (l) by S. Res. 299, 106–2, Apr. 27, 2000.

[14] As amended, S. Res. 28, 106–1, Jan. 21, 1999.

25.1m (**m**)[15] **Committee on the Judiciary,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Apportionment of Representatives.
2. Bankruptcy, mutiny, espionage, and counterfeiting.
3. Civil liberties.
4. Constitutional amendments.
5. Federal courts and judges.
6. Government information.
7. Holidays and celebrations.
8. Immigration and naturalization.
9. Interstate compacts generally.
10. Judicial proceedings, civil and criminal, generally.
11. Local courts in the territories and possessions.
12. Measures relating to claims against the United States.
13. National penitentiaries.
14. Patent Office.
15. Patents, copyrights, and trademarks.
16. Protection of trade and commerce against unlawful restraints and monopolies.
17. Revision and codification of the statutes of the United States.
18. State and territorial boundary lines.

25.1n (**n**)(1) **Committee on Rules and Administration,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Administration of the Senate Office Buildings and the Senate wing of the Capitol, including the assignment of office space.
2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.
3. Corrupt practices.
4. Credentials and qualifications of Members of the Senate, contested elections, and acceptance of incompatible offices.
5. Federal elections generally, including the election of the President, Vice President, and Members of the Congress.

[15] Redesignated as subparagraph (m) by S. Res. 299, 106–2, Apr. 27, 2000.

6. Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided for under rule XI.

7. Meetings of the Congress and attendance of Members.

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee).

9. Presidential succession.

10. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

11. Senate Library and statuary, art, and pictures in the Capitol and Senate Office Buildings.

12. Services to the Senate, including the Senate restaurant.

13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

(2) Such committee shall also—

(A) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States;

(B) identify any court proceeding or action which, in the opinion of the Committee, is of vital interest to the Congress as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of the Senate; and

(C)[16] develop, implement, and update as necessary a strategy planning process and a strategic plan for the functional and technical infrastructure support of the Senate and provide oversight over plans developed

[16] As added, S. Res. 151, 105–1, Nov. 9, 1997.

by Senate officers and others in accordance with the strategic planning process.

25.1o (**o**)(1)[17] **Committee on Small Business and Entrepreneurship,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration.

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the chairman of the Committee on Small Business, be referred to the Committee on Small Business and Entrepreneurship for its consideration of any portions of the measure dealing with the Small Business Administration, and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of American small business enterprises, and report thereon from time to time.

25.1p (**p**)[18] **Committee on Veterans' Affairs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Compensation of veterans.
2. Life insurance issued by the Government on account of service in the Armed Forces.
3. National cemeteries.
4. Pensions of all wars of the United States, general and special.
5. Readjustment of servicemen to civil life.
6. Soldiers' and sailors' civil relief.
7. Veterans' hospitals, medical care and treatment of veterans.
8. Veterans' measures generally.

[17] As added, S. Res. 101, 97–1, Mar. 25, 1981; name changed pursuant to S. Res. 123, 107–1, June 29, 2001.

[18] Redesignated as subparagraph (p) by S. Res. 101, 97–1, Mar. 25, 1981.

9. Vocational rehabilitation and education of veterans.

2.[19] Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears: **25.2**

Committee:	Members
Agriculture, Nutrition, and Forestry	20
Appropriations	28
Armed Services	18
Banking, Housing, and Urban Affairs	22
Commerce, Science, and Transportation	20
Energy and Natural Resources	20
Environment and Public Works	18
Finance	20
Foreign Relations	18
Health, Education, Labor, and Pensions	18
Homeland Security and Governmental Affairs	16
Judiciary	18

3. (a)[20] Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears: **25.3a**

Committee:	Members
Budget	22
Rules and Administration	16
Veterans' Affairs	14
Small Business and Entrepreneurship	18

(b)[21] Each of the following committees and joint committees shall consist of the number of Senators (or Senate **25.3b**

[19] As amended, S. Res. 13, 97–1, Jan. 5, 1981; S. Res. 365, 97–2, Apr. 20, 1982; S. Res. 380, 97–2, Apr. 27, 1982; S. Res. 6, 98–1, Jan. 3, 1983; S. Res. 20, 98–1, Jan. 27, 1983; S. Res. 53, 98–1, Feb. 3, 1983; S. Res. 338, 98–2, Feb. 9, 1984; S. Res. 74, 99–1, Feb. 21, 1985; S. Res. 14, 100–1, Jan. 6, 1987; S. Res. 211, 100–1, May 12, 1987; S. Res. 43, 101–1, Feb. 2, 1989; S. Res. 43, 102–1, Feb. 5, 1991; S. Res. 135, 102–1, June 4, 1991; S. Res. 4, 103–1, Jan. 7, 1993; S. Res. 130, 103–1, July 1, 1993; S. Res. 132, 103–1, July 15, 1993; S. Res. 14, 104–1, Jan. 5, 1995; S. Res. 92, 104–1, Mar. 24, 1995; S. Res. 9, 105–1, Jan. 9, 1997; HELP/Judiciary reversed pursuant to S. Res. 299, 106–2, Apr. 27, 2000; S. Res. 354, 106–2, Sept. 12, 2000.

[20] As amended, S. Res. 13, 97–1, Jan. 5, 1981; S. Res. 101, 97–1, Mar. 25, 1981; S. Res. 6, 98–1, Jan 3, 1983; S. Res. 88, 99–1, Mar. 5, 1985; S. Res. 14, 100–1, Jan. 6, 1987; S. Res. 211, 100–1, May 12, 1987; S. Res. 43, 101–1, Feb. 2, 1989; S. Res. 85, 102–1, Mar. 19, 1991; S. Res. 135, 102–1, June 4, 1991; S. Res. 18, 103–1, Jan. 21, 1993; S. Res. 130, 103–1, July 1, 1993; S. Res. 34, 104–1, Jan. 6, 1995; S. Res. 9, 105–1, Jan. 9, 1997; S. Res. 354, 106–2, Sept. 12, 2000; S. Res. 123, 107–1, June 29, 2001.

[21] As amended, S. Res. 13, 97–1, Jan. 5, 1981; S. Res. 24, 97–1, Jan. 19, 1981; S. Res. 101, 97–1, Mar. 25, 1981; S. Res. 338, 98–2, Feb. 9, 1984; S. Res. 85, 102–1, Mar. 19, 1991; S. Res. 135, 102–1, June 4, 1991; S. Res. 18, 103–1, Jan. 21, 1993; S. Res. 34, 104–1, Jan. 6, 1995; S. Res. 9, 105–1, Jan. 9, 1997.

members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

Committee:[22]	Members
Aging	18
Intelligence	19
Joint Economic Committee	10

25.3c (c)[23] Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

Committee:	Members
Ethics	6
Indian Affairs	14
Joint Committee on Taxation	5

25.4a 4. (a) Except as otherwise provided by this paragraph—

(1) each Senator shall serve on two and no more committees listed in paragraph 2; and

(2) each Senator may serve on only one committee listed in paragraph 3 (a) or (b).

25.4b (b)(1) Each Senator may serve on not more than three subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member.

(2) Each Senator may serve on not more than two subcommittees of a committee listed in paragraph 3 (a) or (b) of which he is a member.

(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio, without vote, as a member of any subcommittee of such committee or joint committee.

(4) No committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefor. For

[22] Pursuant to S. Res. 445, 108–2, Oct. 9, 2004, the Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate. However, the resolution did not modify the Standing Rules of the Senate. (See appendix for Titles I, III and V of S. Res. 445, 108–2.)

[23] As amended, S. Res. 448, 96–2, Dec. 11, 1980; S. Res. 88, 99–1, Mar. 5, 1985; S. Res. 14, 100–1, Jan. 6, 1987; S. Res. 100, 101–1, Apr. 11, 1989; S. Res. 44, 102–1, Feb. 5, 1991; S. Res. 18, 103–1, Jan. 21, 1993; S. Res. 34, 104–1, Jan. 6, 1995; S. Res. 92, 104–1, Mar. 24, 1995; S. Res. 9, 105–1, Jan. 9, 1997.

purposes of this subparagraph, any subunit of a joint committee shall be treated as a subcommittee.

(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees listed in paragraph 2. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a). **25.4c**

(d) A Senator may serve as a member of any joint committee of the Congress the Senate members of which are required by law to be appointed from a standing committee of the Senate of which he is a member, and service as a member of any such joint committee shall not be taken into account for purposes of subparagraph (a)(2). **25.4d**

(e)(1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate or joint committee of the Congress, except that a Senator may serve as chairman of any joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a standing committee of which he is chairman. **25.4e**

(2) No Senator shall serve at any time as chairman of more than one subcommittee of each standing, select, or special committee of the Senate or joint committee of the Congress of which he is a member.

(3) A Senator who is serving as the chairman of a committee listed in paragraph 2 may serve at any time as the chairman of only one subcommittee of all committees listed in paragraph 2 of which he is a member and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 3 (a) or (b) of which he is a member. A Senator who is serving as the chairman of a committee listed in paragraph 3 (a) or (b) may not serve as the chairman of any subcommittee of that com-

mittee, and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 2 of which he is a member. Any other Senator may serve as the chairman of only one subcommittee of each committee listed in paragraph 2, 3(a), or 3(b) of which he is a member.

25.4f (f) A Senator serving on the Committee on Rules and Administration may not serve on any joint committee of the Congress unless the Senate members thereof are required by law to be appointed from the Committee on Rules and Administration, or unless such Senator served on the Committee on Rules and Administration and the Joint Committee on Taxation on the last day of the Ninety-eighth Congress.[24]

25.4g (g) A Senator who on the day preceding the effective date of Title I of the Committee System Reorganization Amendments of 1977 was serving as the chairman or ranking minority member of the Committee on the District of Columbia or the Committee on Post Office and Civil Service may serve on the Committee on Governmental Affairs in addition to serving on two other standing committees listed in paragraph 2. At the request of any such Senator, he shall be appointed to serve on such committee but, while serving on such committee and two other standing committees listed in paragraph 2, he may not serve on any committee listed in paragraph 3 (a) or (b) other than the Committee on Rules and Administration. The preceding provisions of this subparagraph shall apply with respect to any Senator only so long as his service as a member of the Committee on Governmental Affairs is continuous after the date on which the appointment of the majority and minority members of the Committee on Governmental Affairs is initially completed.[25]

25.4h * * * * * * *

[24] As amended, S. Res. 76, 99–1, Feb. 21, 1985.

[25] As amended, S. Res. 12, 97–1, Jan. 5, 1981; Subpara. (h), omitted here, pertains to committee service of Senators during the 103rd Congress. Provisions for the 104th Congress were established by S. Res. 13 and 17, Jan. 4, 1995, and S. Res. 27 and 29, Jan. 5, 1995. In subsequent Congresses, committee assignments made notwithstanding Rule XXV.

RULE XXVI 26

COMMITTEE PROCEDURE

1.[26] Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration.[27] The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman. 26.1

2.[28] Each committee[29] shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record. 26.2

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those 26.3

[26] As amended, S. Res. 281, 96–2, Mar. 11, 1980, effective Feb. 28, 1981.

[27] Pursuant to 2 U.S.C. 68c (See Senate Manual Sec. **436**), the Committee on Rules and Administration issues "Regulations Governing Rates Payable to Commercial Reporting Firms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

[28] As amended, S. Res. 250, 101–2, Mar. 1, 1990.

[29] The term "each committee" when used in these rules includes standing, select, and special committees unless otherwise specified.

members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

26.4a 4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

26.4b (b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

26.4c (c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After

approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon. **26.4d**

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion. **26.5a**

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings— **26.5b**

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government 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

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

26.5c (c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

26.5d (d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e)(1)[30] Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record. **26.5e**

(2)(A)[31] Except with respect to meetings closed in accordance with this rule, each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 21 business days after the meeting occurs.

(B) Information required by subclause (A) shall be available until the end of the Congress following the date of the meeting.

(C) The Committee on Rules and Administration may waive this clause upon request based on the inability of a committee or subcommittee to comply with this clause due to technical or logistical reasons.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian. **26.6**

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present. **26.7a**

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee

[30] Subparagraph (e)(1) numbered pursuant to Pub. L. 110–81, Sep. 14, 2007.
[31] Clause (2) added pursuant to Pub. L. 110–81, Sep. 14, 2007, and takes effect Dec. 13, 2007.

forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

26.7b (b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

26.7c (c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in this subparagraph shall abrogate the power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

26.8a 8. (a) In order to assist the Senate 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 (except the Committees on Appropriations and the Budget), 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 legislative 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 Senate. 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) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year. **26.8b**

9.[32] (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such **26.9a**

[32] As amended, S. Res. 281, 96–2, Mar. 11, 1980, effective Jan. 1, 1981; S. Res. 479, 100–2, Sept. 30, 1988.

authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

26.9b (b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may—

(1) direct each committee to report an authorization resolution for a two year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization for a one year or two year budget period.

26.10a 10. (a) 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 Senate and all members of the committee and the Senate 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.

26.10b (b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

26.10c (c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee

with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain— **26.11a**

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

NOTE.—Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations re-

26.11b (b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

26.11c (c) It shall not be in order for the Senate 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 subparagraphs (a) and (b) on the objection of any Senator.

26.12 12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type

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ported by a committee of the House of Representatives or the Senate shall describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply. (Pub. L. 104–1, Title I, Sec. 102, Jan. 23, 1995, 109 Stat. 5.) See Senate Manual Sec. **733**.

and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that— **26.13a**

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on; so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually. **26.13b**

RULE XXVII **27**

COMMITTEE STAFF

1.[33] Staff members appointed to assist minority members of committees pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other 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. **27.1**

2. The minority shall receive fair consideration in the appointment of staff personnel pursuant to authority of a resolution described in paragraph 9 of rule XXVI. **27.2**

[33] As amended, S. Res. 281, 96–2, Mar. 11, 1980, effective Feb. 28, 1981.

NOTE.—Pursuant to S. Res. 281, paragraph 1 of rule XXVII was repealed. Accordingly, subparagraphs (a), (b), (c), and (d) of paragraph 2 were renumbered as paragraphs 1, 2, 3, and 4, respectively.

27.3 3. The staffs of committees (including personnel appointed pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution) should reflect the relative number of majority and minority members of committees. A majority of the minority members of any committee may, by resolution, request that at least one-third of all funds of the committee for personnel (other than those funds determined by the chairman and ranking minority member to be allocated for the administrative and clerical functions of the committee as a whole) be allocated to the minority members of such committee for compensation of minority staff as the minority members may decide. The committee shall thereafter adjust its budget to comply with such resolution. Such adjustment shall be equitably made over a four-year period, commencing July 1, 1977, with not less than one-half being made in two years. Upon request by a majority of the minority members of any committee by resolution, proportionate space, equipment, and facilities shall be provided for such minority staff.

27.4 4. 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.

28 RULE XXVIII

CONFERENCE COMMITTEES; REPORTS; OPEN MEETINGS

28.1 1.[34] The presentation of reports of committees of conference shall always be in order when available on each Senator's desk except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

28.2a 2. (a)[35] Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

28.2b (b) If matter which was agreed to by both Houses is stricken from the bill a point of order may be made against the report, and if the point of order is sustained, the report

[34] As amended by S. Res. 28, 99–2, Feb. 27, 1986.

[35] Paragraphs 2 and 3 amended pursuant to Pub. L. 110–81, Sep. 14, 2007, and paragraphs 4–5 were added.

is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

(c) If new matter is inserted in the report, a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4. **28.2c**

3. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees— **28.3a**

(1) it shall be in order for the conferees to report a substitute on the same subject matter;

(2) the conferees may not include in the report matter not committed to them by either House; and

(3) the conferees may include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subparagraph (a), a point of order may be made against the conference report and it shall be disposed of as provided under paragraph 4. **28.3b**

4. (a) A Senator may raise a point of order that one or more provisions of a conference report violates paragraph 2 or paragraph 3, as the case may be. 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. **28.4a**

(b) If the Presiding Officer sustains the point of order as to any of the provisions against which the Senator raised the point of order, then those provisions against which the Presiding Officer sustains the point of order shall be stricken. After all other points of order under this paragraph have been disposed of— **28.4b**

(1) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken;

(2) the question in clause (1) shall be decided under the same debate limitation as the conference report; and

(3) no further amendment shall be in order.

5. (a) Any Senator may move to waive any or all points of order under paragraph 2 or 3 with respect to the pending **28.5a**

conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive under this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order under this paragraph shall not be amendable.

28.5b (b) All appeals from rulings of the Chair under paragraph 4 shall be debatable collectively for not to exceed 1 hour, equally divided between the Majority and the Minority Leader or their designees. 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 under paragraph 4.

28.6 6.[36] Each report made by a committee of conference to the Senate shall be printed as a report of the Senate. As so printed, such report shall be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate. Such statement shall be sufficiently detailed and explicit to inform the Senate as to the effect which the amendments or propositions contained in such report will have upon the measure to which those amendments or propositions relate.

28.7 7. If time for debate in the consideration of any report of a committee of conference upon the floor of the Senate is limited, the time allotted for debate shall be equally divided between the majority party and the minority party.

28.8 8. Each conference committee between the Senate and the House of Representatives shall be open to the public except when managers of either the Senate or the House of Representatives in open session determine by a rollcall vote of a majority of those managers present, that all or part of the remainder of the meeting on the day of the vote shall be closed to the public.

28.9a 9. (a)(1) It shall not be in order to vote on the adoption of a report of a committee of conference unless such report has been available to Members and to the general public for at least 48 hours before such vote. If a point of order is sustained under this paragraph, then the conference report shall be set aside.

[36] Paragraphs 6 through 8 renumbered pursuant to Pub. L. 110–81, Sep. 14, 2007, and paragraph 9 was added.

(2) For purposes of this paragraph, a report of a committee of conference is made available to the general public as of the time it is posted on a publicly accessible website controlled by a Member, committee, Library of Congress, or other office of Congress, or the Government Printing Office, as reported to the Presiding Officer by the Secretary of the Senate.

(b)(1) This paragraph may be waived in the Senate with respect to the pending conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. A motion to waive this paragraph shall be debatable for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. **28.9b**

(2) 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 paragraph. An appeal of the ruling of the Chair shall be debatable for not to exceed 1 hour equally divided between the Majority and the Minority Leader or their designees.

(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate, upon their certification that such waiver is necessary as a result of a significant disruption to Senate facilities or to the availability of the Internet. **28.9c**

RULE XXIX **29**

EXECUTIVE SESSIONS

1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of Executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate. **29.1**

2. When acting upon confidential or Executive business, unless the same shall be considered in open Executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Assistant Secretary, the Principal Legislative Clerk, the Parliamentarian, the Executive Clerk, the Minute and Journal Clerk, the Sergeant at Arms, the Secretaries to the Majority and the Minority, **29.2**

and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

29.3 3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

29.4 4. Whenever the injunction of secrecy shall be removed from any part of the proceedings of the Senate in closed Executive or legislative session, the order of the Senate removing the same shall be entered in the Legislative Journal as well as in the Executive Journal, and shall be published in the Congressional Record under the direction of the Secretary of the Senate.

29.5 5.[37] Any Senator, officer or employee of the Senate who shall disclose the secret or confidential business or proceedings of the Senate, including the business and proceedings of the committees, subcommittees and offices of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer or employee, to dismissal from the service of the Senate, and to punishment for contempt.

29.6 6. Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

30 RULE XXX

EXECUTIVE SESSION—PROCEEDINGS ON TREATIES

30.1a 1. (a) When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee, to print it in confidence for the use of the Senate, or to remove the injunction of secrecy.

30.1b (b)[38] When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unani-

[37] As amended by S. Res. 363, 102–2, Oct. 8, 1992.
[38] As amended by S. Res. 28, 99–2, Feb. 27, 1986.

mously otherwise directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty.

(c) The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise, at which stage no amendment to the treaty shall be received unless by unanimous consent; but the resolution of ratification when pending shall be open to amendment in the form of reservations, declarations, statements, or understandings. **30.1c**

(d) On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds. **30.1d**

2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon. **30.2**

RULE XXXI **31**

EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent. **31.1**

2. All business in the Senate shall be transacted in open session, unless the Senate as provided in rule XXI by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed execu- **31.2**

tive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret: Provided, That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session: Provided further, That any Senator may make public his vote in closed executive session.

31.3 3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

31.4 4. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending unless otherwise ordered by the Senate.

31.5 5. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fall; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

31.6 6. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

31.7a 7. (a) The Official Reporters shall be furnished with a list of nominations to office after the proceedings of the

day on which they are received, and a like list of all confirmations and rejections.

(b) All nominations to office shall be prepared for the printer by the Official Reporter, and printed in the Congressional Record, after the proceedings of the day in which they are received, also nominations recalled, and confirmed. **31.7b**

(c) The Secretary shall furnish to the press, and to the public upon request, the names of nominees confirmed or rejected on the day on which a final vote shall be had, except when otherwise ordered by the Senate. **31.7c**

RULE XXXII **32**

THE PRESIDENT FURNISHED WITH COPIES OF RECORDS OF EXECUTIVE SESSIONS

The President of the United States shall, from time to time, be furnished with an authenticated transcript of the public executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

RULE XXXIII **33**

SENATE CHAMBER—SENATE WING OF THE CAPITOL

1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate; no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars, cigarettes, or pipes be brought into the Chamber. **33.1**

2. It shall be the duty of the Committee on Rules and Administration to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant and the Senate Office Buildings, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer. The Committee shall make such regulations respecting the reporters' galleries of the Senate, together with the adjoining rooms and facilities, as will confine their occupancy and use to bona fide reporters of newspapers **33.2**

and periodicals, and of news or press associations for daily news dissemination through radio, television, wires, and cables, and similar media of transmission. These regulations shall so provide for the use of such space and facilities as fairly to distribute their use to all such media of news dissemination.

34 RULE XXXIV

PUBLIC FINANCIAL DISCLOSURE

34.1 1. For purposes of this rule, the provisions of Title I of the Ethics in Government Act of 1978 shall be deemed to be a rule of the Senate as it pertains to Members, officers, and employees of the Senate.

34.2a 2. (a)[39] The Select Committee on Ethics shall transmit a copy of each report filed with it under Title I of the Ethics in Government Act of 1978 (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

34.2b (b) For purposes of this rule, the head of the employing office shall be—

(1) in the case of an employee of a Member, the Member by whom that person is employed;

(2) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

(3) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

(4) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.

34.3 3.[40] In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 1[41] the following additional information:

34.3a (a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

NOTE.—Financial disclosure requirements contained in the Ethics in Government Act as amended are codified at 5 U.S.C. App. 4. See Senate Manual Sec. **1018**.

[39] Paragraph 2 added pursuant to S. Res. 236, 101–2, Jan. 30, 1990.

[40] Paragraphs 3 and 4 added pursuant to S. Res. 158, 104–1, July 28, 1995, effective Jan. 1, 1996, as amended by S. Res. 198, 104–1, Dec. 7, 1995.

[41] Renumbered pursuant to S. Res. 198, 104–1, Dec. 7, 1995.

(1) greater than $1,000,000 but not more than $5,000,000, or

(2) greater than $5,000,000.

34.3b (b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of value[42] as follows:

(1) greater than $1,000,000 but not more than $5,000,000;

(2) greater than $5,000,000 but not more than $25,000,000;

(3) greater than $25,000,000 but not more than $50,000,000; and

(4) greater than $50,000,000.

34.3c (c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount of value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.

34.4 4.[43] In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 1[44] an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.

[42] The word "value" replaced the word "income" pursuant to S. Res. 198, 104–1, Dec. 7, 1995.

[43] Effective with respect to reports filed under Title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

[44] Renumbered pursuant to S. Res. 198, 104–1, Dec. 7, 1995.

35

RULE XXXV

GIFTS [45]

35.1a 1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except as provided in this rule.

(2)(A) [46] A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $50, and a cumulative value from one source during a calendar year of less than $100. No gift with a value below $10 shall count toward the $100 annual limit. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraphs (c) and (d).

35.1b (b)(1) For the purpose of this rule, the term "gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

[45] Amended pursuant to S. Res. 158, 104–1, July 28, 1995, effective Jan. 1, 1996.

[46] Subparagraph (A) renumbered and (B) added pursuant to Pub. L. 110–81, Sep. 14, 2007.

(c) The restrictions in subparagraph (a) shall not apply to the following: **35.1c**

(1)(A)[47] Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

(B) The market value of a ticket to an entertainment or sporting event shall be the face value of the ticket or, in the case of a ticket without a face value, the value of the ticket with the highest face value for the event, except that if a ticket holder can establish in advance of the event to the Select Committee on Ethics that the ticket at issue is equivalent to another ticket with a face value, then the market value shall be set at the face value of the equivalent ticket. In establishing equivalency, the ticket holder shall provide written and independently verifiable information related to the primary features of the ticket, including, at a minimum, the seat location, access to parking, availability of food and refreshments, and access to venue areas not open to the public. The Select Committee on Ethics may make a determination of equivalency only if such information is provided in advance of the event.

(C)(i)[48] Fair market value for a flight on an aircraft described in item (ii) shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size, as determined by dividing such cost by the number of Members, officers, or employees of Congress on the flight.

(ii) A flight on an aircraft described in this item is any flight on an aircraft that is not—

(I) operated or paid for by an air carrier or commercial operator certificated by the Federal Aviation Administration and required to be conducted under air carrier safety rules; or

(II) in the case of travel which is abroad, an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules.

[47] Subclause (A) renumbered and (B) added pursuant to Pub. L. 110–81, Sep. 14, 2007.

[48] Subparagraph C added pursuant to Pub. L. 110–81, Sep. 14, 2007.

(iii) This subclause shall not apply to an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's immediate family member (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's immediate family member has an ownership interest), provided that the Member does not use the aircraft any more than the Member's or immediate family member's proportionate share of ownership allows.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(3) A gift from a relative as described in section 109(16) of Title I of the Ethics Reform Act of 1989 (5 U.S.C. App. 6).[49]

(4)(A) Anything, including personal hospitality,[50] provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who

[49] As amended, S. Res. 198, 104–1, Dec. 7, 1995. See Senate Manual Sec. **1026**, for definitions.

[50] The phrase "including personal hospitality" inserted pursuant to S. Res. 198, 104–1, Dec. 7, 1995.

gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, subject to the disclosure requirements of the Select Committee on Ethics, except as provided in paragraph 3(c).

(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

(7) Food, refreshments, lodging, and other benefits—

(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of pub-

lic service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

(14) Bequests, inheritances, and other transfers at death.

(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act)[51] of an individual other than a registered lobbyist or agent of a foreign principal.

(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

(19) Opportunities and benefits which are—

(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(B) offered to members of a group or class in which membership is unrelated to congressional employment;

(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

(D) offered to any group or class that is not defined in a manner that specifically discrimi-

[51] See Senate Manual Sec. **1026**, for definitions.

nates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(22) Food or refreshments of a nominal value offered other than as a part of a meal.

(23) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

(24)[52] Subject to the restrictions in subparagraph (a)(2)(A), free attendance at a constituent event permitted pursuant to subparagraph (g).

(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if— **35.1d**

(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be simi-

[52] Clause (24) was added pursuant to Pub. L. 110–81, Sep. 14, 2007.

larly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

(4) For purposes of this paragraph, the term "free attendance" may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

(5)[53] During the dates of the national party convention for the political party to which a Member belongs, a Member may not participate in an event honoring that Member, other than in his or her capacity as the party's presidential or vice presidential nominee or presumptive nominee, if such event is directly paid for by a registered lobbyist or a private entity that retains or employs a registered lobbyist.

35.1e (e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

35.1f (f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

35.1g (g)(1)[54] A Member, officer, or employee may accept an offer of free attendance in the Member's home State at a conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

[53] Clause (5) was added pursuant to Pub. L. 110–81, Sep. 14, 2007.
[54] Subparagraph (g) was added pursuant to Pub. L. 110–81, Sep. 14, 2007.

(A) the cost of meals provided the Member, officer, or employee is less than $50;

(B)(i) the event is sponsored by constituents of, or a group that consists primarily of constituents of, the Member (or the Member by whom the officer or employee is employed); and

(ii) the event will be attended primarily by a group of at least 5 constituents of the Member (or the Member by whom the officer or employee is employed) provided that a registered lobbyist shall not attend the event; and

(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

(3) For purposes of this subparagraph, the term 'free attendance' has the same meaning given such term in subparagraph (d).

2.[55] (a)(1)[56] A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohib- **35.2a**

[55] (Note: amendments to paragraph (2) pursuant to Pub. L. 110–81, Sep. 14, 2007, take effect 60 days after enactment or the date that the Select Committee on Ethics issues new guidelines pertaining to this paragraph.)

[56] Subparagraph (a)(1) was amended pursuant to Pub. L. 110–81, Sep. 14, 2007.

ited by this rule, if the Member, officer, or employee complies with the requirements of this paragraph.

(2)(A)[57] Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual, other than a registered lobbyist or agent of a foreign principal, that is a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal shall be deemed to be a reimbursement to the Senate under clause (1) if—

(i) the reimbursement is for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event described in clause (1) in connection with the duties of the Member, officer, or employee and the reimbursement is provided only for attendance at or participation for 1 day (exclusive of travel time and an overnight stay) at an event described in clause (1); or

(ii) the reimbursement is for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event described in clause (1) in connection with the duties of the Member, officer, or employee and the reimbursement is from an organization designated under section 501(c)(3) of the Internal Revenue Code of 1986.

(B) When deciding whether to preapprove a trip under this clause, the Select Committee on Ethics shall make a determination consistent with regulations issued pursuant to section 544(b) of the Honest Leadership and Open Government Act of 2007. The committee through regulations to implement subclause (A)(i) may permit a longer stay when determined by the committee to be practically required to participate in the event, but in no event may the stay exceed 2 nights.

(3)[58] For purposes of clauses (1) and (2), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with duties of a Member, officer, or employee as an officeholder.

35.2b (b)[59] Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive ad-

[57] Clause (2) was added pursuant to Pub. L. 110–81, Sep. 14, 2007.

[58] Clause (3) was renumbered and amended pursuant to Pub. L. 110–81, Sep. 14, 2007.

[59] Subparagraph (b) amended pursuant to Pub. L. 110–81, Sep. 14, 2007.

vance written authorization from the Member or officer under whose direct supervision the employee works. Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

(1) the name of the employee;

(2) the name of the person who will make the reimbursement;

(3) the time, place, and purpose of the travel; and

(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

(c)[60] Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed, the authorization under subparagraph (b) (for an employee), and a copy of the certification in subparagraph (e)(1) to the Secretary of the Senate not later than 30 days after the travel is completed. Each disclosure made under this subparagraph of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include— **35.2c**

(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph;

(6)[61] a description of meetings and events attended; and

(7)[62] in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance

[60] Subparagraph (c) amended pursuant to Pub. L. 110–81, Sep. 14, 2007.
[61] Clause (6) added pursuant to Pub. L. 110–81, Sep. 14, 2007.
[62] Clause (7) renumbered pursuant to Pub. L. 110–81, Sep. 14, 2007.

that the Member or officer is using public office for private gain.

35.2d (d)(1)[63] A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was—

(A) planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal; or

(B)(i) for trips described under subparagraph (a)(2)(A)(i) on which a registered lobbyist accompanies the Member, officer, or employee on any segment of the trip; or

(ii) for all other trips allowed under this paragraph, on which a registered lobbyist accompanies the Member, officer, or employee at any point throughout the trip.

(2) The Select Committee on Ethics shall issue regulations identifying de minimis activities by registered lobbyists or foreign agents that would not violate this subparagraph.

35.2e (e)[64] A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any source—

(1) provide to the Select Committee on Ethics a written certification from such source that—

(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

(B) the source either—

(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

(ii) certifies that the trip meets the requirements of subclause (i) or (ii) of subparagraph (a)(2)(A);

(C) the source will not accept from a registered lobbyist or agent of a foreign principal or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal, funds earmarked directly or indirectly for the purpose of financing the specific trip; and

[63] Subparagraph (d) added pursuant to Pub. L. 110–81, Sep. 14, 2007.
[64] Subparagraph (e) added pursuant to Pub. L. 110–81, Sep. 14, 2007.

(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal and the traveler will not be accompanied on the trip consistent with the applicable requirements of subparagraph (d)(1)(B) by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d)(2); and

(2) after the Select Committee on Ethics has promulgated regulations pursuant to section 544(b) of the Honest Leadership and Open Government Act of 2007, obtain the prior approval of the committee for such reimbursement.

35.2f (f)[65] For the purposes of this paragraph, the term "necessary transportation, lodging, and related expenses"—

(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

35.2g (g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursu-

[65] Subparagraph (f) renumbered and subparagraph (g) renumbered and amended pursuant to Pub. L. 110–81, Sep. 14, 2007.

ant to this paragraph available for public inspection as soon as possible after they are received, but in no event prior to the completion of the relevant travel.

35.3 3. A gift prohibited by paragraph 1(a) includes the following:

35.3a (a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

35.3b (b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

35.3c (c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

35.3d (d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

35.4a 4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

35.4b (b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

(2) the date and amount of the contribution; and

(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

5. For purposes of this rule— **35.5**

(a) the term "registered lobbyist" means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and **35.5a**

(b) the term "agent of a foreign principal" means an agent of a foreign principal registered under the Foreign Agents Registration Act. **35.5b**

6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule. **35.6**

RULE XXXVI[66] **36**

OUTSIDE EARNED INCOME

For purposes of this rule, the provisions of section 501 of the Ethics in Government Act of 1978 (5 U.S.C. App. 7 501) shall be deemed to be a rule of the Senate as it pertains to Members, officers, and employees of the Senate. **36.1**

RULE XXXVII **37**

CONFLICT OF INTEREST

1. A Member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee. **37.1**

2. No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties. **37.2**

3. No officer or employee shall engage in any outside business or professional activity or employment for compensation unless he has reported in writing when such activity or employment commences and on May 15 of each year thereafter so long as such activity or employment con- **37.3**

[66] Previous provisions of Rule XXXVI were repealed by S. Res. 512, 97–2, Dec. 14, 1982, effective Jan. 1, 1983. New Rule XXXVI language established by S. Res. 192, 102–1, Oct. 31, 1991, effective Aug. 14, 1991. See Senate Manual Secs. **1030–1034**, for provisions of 5 U.S.C. App. 4.

tinues, the nature of such activity or employment to his supervisor. The supervisor shall then, in the discharge of his duties, take such action as he considers necessary for the avoidance of conflict of interest or interference with duties to the Senate.

37.4 4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

37.5a 5. (a)[67] No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall (1) affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation; (2) permit that individual's name to be used by such a firm, partnership, association or corporation; or (3) practice a profession for compensation to any extent during regular office hours of the Senate office in which employed. For the purposes of this paragraph, "professional services" shall include but not be limited to those which involve a fiduciary relationship.

37.5b (b) A Member or an officer or employee whose rate of basic pay is equal to or greater than 120 percent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule shall not—

(1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship;

(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

(3) receive compensation for practicing a profession which involves a fiduciary relationship; or

(4) receive compensation for teaching, without the prior notification and approval of the Select[68] Committee on Ethics.

[67] Pursuant to S. Res. 192, 102–1, Oct. 31, 1991, effective Aug. 14, 1991, paragraph 5 renumbered 5(a) and subparagraph (b) added.
[68] Added pursuant to S. Res. 299, 106–2, Apr. 27, 2000.

6. (a)[69] No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall serve as an officer or member of the board of any publicly held or publicly regulated corporation, financial institution, or business entity. The preceding sentence shall not apply to service of a Member, officer, or employee as— **37.6a**

(1) an officer or member of the board of an organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, if such service is performed without compensation;

(2) an officer or member of the board of an institution or organization which is principally available to Members, officers, or employees of the Senate, or their families, if such service is performed without compensation; or

(3) a member of the board of a corporation, institution, or other business entity, if (A) the Member, officer, or employee had served continuously as a member of the board thereof for at least two years prior to his election or appointment as a Member, officer, or employee of the Senate, (B) the amount of time required to perform such service is minimal, and (C) the Member, officer, or employee is not a member of, or a member of the staff of any Senate committee which has legislative jurisdiction over any agency of the Government charged with regulating the activities of the corporation, institution, or other business entity.

(b) A Member or an officer or employee whose rate of basic pay is equal to or greater than 120 percent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule shall not serve for compensation as an officer or member of the board of any association, corporation, or other entity. **37.6b**

7. An employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall divest himself of any substantial holdings which may be directly affected by the actions of the committee for which he works, unless the Select Committee, after con- **37.7**

[69] Pursuant to S. Res. 192, 102–1, Oct. 31, 1991, effective Aug. 14, 1991, paragraph 6 renumbered 6(a) and subparagraph (b) added.

sultation with the employee's supervisor, grants permission in writing to retain such holdings or the employee makes other arrangements acceptable to the Select Committee and the employee's supervisor to avoid participation in committee actions where there is a conflict of interest, or the appearance thereof.

37.8 8.[70] If a Member, upon leaving office, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist or an entity that employs or retains a registered lobbyist for the purpose of influencing legislation, he shall not lobby Members, officers, or employees of the Senate for a period of two years after leaving office.

37.9a 9. (a) If an employee on the staff of a Member, upon leaving that position, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist or an entity that employs or retains a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the Member for whom he worked or that Member's staff for a period of one year after leaving that position.

37.9b (b) If an employee on the staff of a committee, upon leaving his position, becomes such a registered lobbyist or is employed or retained by such a registered lobbyist or an entity that employs or retains a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the members of the committee for which he worked, or the staff of that committee, for a period of one year after leaving his position.

37.9c (c)[71] If an officer of the Senate or an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist, or is employed or retained by such a registered lobbyist or an entity that employs or retains a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any

[70] Paragraphs 8 and 9 amended pursuant to Pub. L. 110–81, Sep. 14, 2007.

[71] (Note: paragraph 9(c) shall apply to individuals who leave the office or employment to which such paragraph applies on or after the date of adjournment of the 1st session of the 110th Congress sine die or Dec. 31, 2007, whichever date is earlier.)

Member, officer, or employee of the Senate for a period of 1 year after leaving that position.

10. [72] Paragraphs 8 and 9 shall not apply to contacts with the staff of the Secretary of the Senate regarding compliance with the lobbying disclosure requirements of the Lobbying Disclosure Act of 1995. **37.10**

11. (a) If a Member's spouse or immediate family member is a registered lobbyist, or is employed or retained by such a registered lobbyist or an entity that hires or retains a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed or supervised by that Member (including staff in personal, committee, and leadership offices) from having any contact with the Member's spouse or immediate family member that constitutes a lobbying contact as defined by section 3 of the Lobbying Disclosure Act of 1995 by such person. **37.11a**

(b) Members and employees on the staff of a Member (including staff in personal, committee, and leadership offices) shall be prohibited from having any contact that constitutes a lobbying contact as defined by section 3 of the Lobbying Disclosure Act of 1995 by any spouse of a Member who is a registered lobbyist, or is employed or retained by such a registered lobbyist. **37.11b**

(c) The prohibition in subparagraph (b) shall not apply to the spouse of a Member who was serving as a registered lobbyist at least 1 year prior to the most recent election of that Member to office or at least 1 year prior to his or her marriage to that Member. **37.11c**

12. (a) [73] Except as provided by subparagraph (b), any employee of the Senate who is required to file a report pursuant to rule XXXIV 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. **37.12a**

(b) Subparagraph (a) shall not apply if an employee first advises his supervising authority of his significant financial interest and obtains from his employing authority a written waiver stating that the participation of the employee is **37.12b**

[72] Paragraphs 10 and 11 added pursuant to Pub. L. 110–81, Sep. 14, 2007.

[73] Pursuant to S. Res. 236, 101–2, Jan. 30, 1990, paragraphs 10 and 11 were renumbered as 11 and 12 respectively and paragraph 10 was added. Paragraph renumbered pursuant to Pub. L. 110–81, Sep. 14, 2007.

necessary. A copy of each such waiver shall be filed with the Select Committee.

37.13 13.[74] For purposes of this rule—

37.13a (a) "employee of the Senate" includes an employee or individual described in paragraphs 2, 3, and 4(c) of rule XLI;

37.13b (b) an individual who is an employee on the staff of a subcommittee of a committee shall be treated as an employee on the staff of such committee; and

37.13c (c) the term "lobbying" means any oral or written communication to influence the content or disposition of any issue before Congress, including any pending or future bill, resolution, treaty, nomination, hearing, report, or investigation; but does not include—

(1) a communication (i) made in the form of testimony given before a committee or office of the Congress, or (ii) submitted for inclusion in the public record, public docket, or public file of a hearing; or

(2) a communication by an individual, acting solely on his own behalf, for redress of personal grievances, or to express his personal opinion.

37.14a 14.[75](a) A Member shall not negotiate or have any arrangement concerning prospective private employment until after his or her successor has been elected, unless such Member files a signed statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements not later than 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, and the date such negotiations or arrangements commenced.

37.14b (b) A Member shall not negotiate or have any arrangement concerning prospective employment for a job involving lobbying activities as defined by the Lobbying Disclosure Act of 1995 until after his or her successor has been elected.

37.14c (c)(1) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall notify the Select Committee on Ethics that he or she is negotiating or has any arrangement concerning prospective private employment.

[74] Paragraph 13 renumbered pursuant to Pub. L. 110–81, Sep. 14, 2007.
[75] Paragraph 14 added pursuant to Pub. L. 110–81, Sep. 14, 2007.

(2) The notification under this subparagraph shall be made not later than 3 business days after the commencement of such negotiation or arrangement.

(3) An employee to whom this subparagraph applies shall—

(A) recuse himself or herself from—

(i) any contact or communication with the prospective employer on issues of legislative interest to the prospective employer; and

(ii) any legislative matter in which there is a conflict of interest or an appearance of a conflict for that employee under this subparagraph; and

(B) notify the Select Committee on Ethics of such recusal.

15.[76] For purposes of this rule— **37.15**

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants; **37.15a**

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee; **37.15b**

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee; **37.15c**

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel; **37.15d**

(e) the Secretary of the Senate is the supervisor of the employees of his office; **37.15e**

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office; **37.15f**

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices; **37.15g**

[76] Paragraph 15 renumbered pursuant to Pub. L. 110–81, Sep. 14, 2007.

37.15h (h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

37.15i (i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

38

RULE XXXVIII

PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

38.1a 1. (a)[77] No Member may maintain or have maintained for his use an unofficial office account. The term "unofficial office account" means an account or repository into which funds are received for the purpose, at least in part, of defraying otherwise unreimbursed expenses allowable in connection with the operation of a Member's office. An unofficial office account does not include, and expenses incurred by a Member in connection with his official duties shall be defrayed only from—

(1) personal funds of the Member;

(2) official funds specifically appropriated for that purpose;

(3) funds derived from a political committee (as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

(4) funds received as reasonable reimbursements for expenses incurred by a Member in connection with personal services provided by the Member to the organization making the reimbursement.

38.1b (b) Notwithstanding subparagraph (a), official expenses may be defrayed only as provided by subsections (d) and (i) of section 311 of the Legislative Appropriations Act, 1991 (Public Law 101–520).[78]

38.1c (c)[79] For purposes of reimbursement under this rule, fair market value of a flight on an aircraft shall be determined as provided in paragraph 1(c)(1)(C) of rule XXXV.

[77] Pursuant to S. Res. 192, 102–1, Oct. 31, 1991, paragraph 1 was renumbered 1(a) and subparagraph (b) was added. Effective date revised to May 1, 1992, by a provision of Pub. L. 102–229, Dec. 12, 1991. Provisions of 2 U.S.C. 431 are contained in the Senate Manual at Sec. **570**.

[78] Section 311(d) of the Legislative Branch Appropriations Act, 1991, (2 U.S.C. 59e(d)), was amended by the Legislative Appropriations Act, 2002 (Pub. Law 107–68). 2 U.S.C. 59e—Senate Manual Sec. **349**.

[79] Subparagraph (c) added pursuant to Pub. L. 110–81, Sep. 14, 2007.

2. No contribution (as defined in section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) shall be converted to the personal use of any Member or any former Member. For the purposes of this rule "personal use" does not include reimbursement of expenses incurred by a Member in connection with his official duties. 38.2

RULE XXXIX 39

FOREIGN TRAVEL

1. (a) Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) shall be received for the purpose of travel outside the United States by any Member of the Senate whose term will expire at the end of a Congress after— 39.1a

(1) the date of the general election in which his successor is elected; or

(2) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

(b)[80] The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by— 39.1b

(1) any employee of the Member;

(2) any elected officer of the Senate whose employment will terminate at the end of a Congress; and

(3) any employee of a committee whose employment will terminate at the end of a Congress.

2. No Member, officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, officer, or employee shall use any funds furnished to him to defray ordi- 39.2

[80] Pursuant to S. Res. 80, 100–1, Jan. 28, 1987, paragraph 1 was renumbered as 1 (a) and subparagraph (b) was added.

nary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

39.3 3. A per diem allowance provided a Member, officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

40 RULE XL

FRANKING PRIVILEGE AND RADIO AND TELEVISION STUDIOS [81]

40.1 1. A Senator or an individual who is a candidate for nomination for election, or election, to the Senate may not use the frank for any mass mailing (as defined in section 3210(a)(6)(E) [82] of Title 39, United States Code) if such mass mailing is mailed at or delivered to any postal facility less than 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 or the individual is a candidate for Senator, unless the candidacy of the Senator in such election is uncontested.[83]

40.2 2. A Senator shall use only official funds of the Senate, including his official Senate allowances, to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank.

40.3a 3. (a) When a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(6)(E) of Title 39, United States Code), the Senator shall register quarterly [84] 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.

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[81] Section 3210 of Title 39, U.S.C., contains statutory provisions are parallel to certain provisions of rule XL relating to the franking privilege. See Senate Manual Sec. **1206**.

[82] Citation corrected by S. Res. 187, 101–1, Oct. 2, 1989, pursuant to Pub. L. 97–69, Oct. 26, 1981.

[83] As amended, S. Res. 224, 103–2, June 21, 1994.

[84] Pursuant to Pub. L. 101–520, Nov. 5, 1990, 2 U.S.C. 59g, See Senate Manual Sec. **351**.

(b) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered, and a description of the group or groups of persons to whom the mass mailing was mailed. **40.3b**

4. Nothing in this rule shall apply to any mailing under the frank which is (a) in direct response to inquiries or requests from persons to whom the matter is mailed; (b) addressed to colleagues in Congress or to government officials (whether Federal, State, or local); or (c) consists entirely of news releases to the communications media. **40.4**

5. The Senate computer facilities shall not be used (a) to store, maintain, or otherwise process any lists or categories of lists of names and addresses identifying the individuals included in such lists as campaign workers or contributors, as members of a political party, or by any other partisan political designation, (b) to produce computer printouts except as authorized by user guides approved by the Committee on Rules and Administration, or (c) to produce mailing labels for mass mailings, or computer tapes and discs, for use other than in service facilities maintained and operated by the Senate or under contract to the Senate. The Committee on Rules and Administration shall prescribe such regulations not inconsistent with the purposes of this paragraph as it determines necessary to carry out such purposes. **40.5**

6. (a) The radio and television studios provided by the Senate or by the House of Representatives may not be used by a Senator or an individual who is a candidate for nomination for election, or election, to the Senate less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which that Senator is a candidate for public office or that individual is a candidate for Senator, unless the candidacy of the Senator in such election is uncontested.[85] **40.6a**

(b) This paragraph shall not apply if the facilities are to be used at the request of, and at the expense of, a licensed broadcast organization or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954. **40.6b**

[85] As amended, S. Res. 224, 103–2, June 21, 1994.

41

RULE XLI

POLITICAL FUND ACTIVITY; DEFINITIONS

41.1 1. No officer or employee of the Senate may receive, solicit, be a custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election, of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to three[86] assistants to a Senator, at least one of whom is in Washington, District of Columbia, who have been designated by that Senator to perform any of the functions described in the first sentence of this paragraph and who are compensated at an annual rate in excess of $10,000 if such designation has been made in writing and filed with the Secretary of the Senate and if each such assistant files a financial statement in the form provided under rule XXXIV for each year during which he is designated under this rule. The Majority Leader and the Minority Leader may each designate an employee of their respective leadership office staff as one of the 3 designees referred to in the second sentence.[87] The Secretary of the Senate shall make the designation available for public inspection.

41.2 2. For purposes of the Senate Code of Official Conduct—

41.2a (a) an employee of the Senate includes any employee whose salary is disbursed by the Secretary of the Senate; and

41.2b (b) the compensation of an officer or employee of the Senate who is a reemployed annuitant shall include amounts received by such officer or employee as an annuity, and such amounts shall be treated as disbursed by the Secretary of the Senate.

41.3 3. Before approving the utilization by any committee of the Senate of the services of an officer or employee of the Government in accordance with paragraph 4[88] of rule XXVII or with an authorization provided by Senate resolution, the Committee on Rules and Administration shall require such officer or employee to agree in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate. Any such officer or employee shall, for purposes of such

[86] As amended by S. Res. 258, 100–1, Oct. 1, 1987.
[87] Pursuant to S. Res. 236, 101–2, Jan. 30, 1990.
[88] Reference corrected by S. Res. 192, 102–1, Oct. 31, 1991.

Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation he is receiving as an officer or employee of the Government.

4. No Member, officer, or employee of the Senate shall utilize the full-time services of an individual for more than ninety days in a calendar year in the conduct of official duties of any committee or office of the Senate (including a Member's office) unless such individual— **41.4**

(a) is an officer or employee of the Senate, **41.4a**

(b) is an officer or employee of the Government (other than the Senate), or **41.4b**

(c) agrees in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate. **41.4c**

Any individual to whom subparagraph (c) applies shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation which such individual is receiving from any source for performing such services.

5. In exceptional circumstances for good cause shown, the Select Committee on Ethics may waive the applicability of any provision of the Senate Code of Official Conduct to an employee hired on a per diem basis. **41.5**

6. (a) The supervisor of an individual who performs services for any Member, committee, or office of the Senate for a period in excess of four weeks and who receives compensation therefor from any source other than the United States Government shall report to the Select Committee on Ethics with respect to the utilization of the services of such individual. **41.6a**

(b) A report under subparagraph (a) shall be made with respect to an individual— **41.6b**

(1) when such individual begins performing services described in such subparagraph;

(2) at the close of each calendar quarter while such individual is performing such services; and

(3) when such individual ceases to perform such services. Each such report shall include the identity of the source of the compensation received by such individual and the amount or rate of compensation paid by such source.

41.6c (c) No report shall be required under subparagraph (a) with respect to an individual who normally performs services for a Member, committee, or office for less than eight hours a week.

41.6d (d) For purposes of this paragraph, the supervisor of an individual shall be determined under paragraph 12 of rule XXXVII.[89]

42

RULE XLII

EMPLOYMENT PRACTICES

42.1 1. No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

42.1a (a) fail or refuse to hire an individual;

42.1b (b) discharge an individual; or

42.1c (c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.

42.2 2.[90] For purposes of this rule, the provisions of section 509(a) of the Americans With Disabilities Act of 1990 shall be deemed to be a rule of the Senate as it pertains to Members, officers, and employees of the Senate.

43

RULE XLIII

REPRESENTATION BY MEMBERS[91]

43.1 1. In responding to petitions for assistance, a Member of the Senate, acting directly or through employees, has the right to assist petitioners before executive and independent government officials and agencies.

43.2 2. At the request of a petitioner, a Member of the Senate, or a Senate employee, may communicate with an executive or independent government official or agency on any matter to—

43.2a (a) request information or a status report;

[89] Redesignated pursuant to S. Res. 236, 101–2, Jan. 30, 1990 and S. Res. 299, 106–2, Apr. 27, 2000.

[90] Added by S. Res. 192, 102–1, Oct. 31, 1991, effective July 26, 1990. ADA was subsequently amended by the Government Employee Rights Act of 1991 (Title 3, Civil Rights Act of 1991, Pub. L. 102–166, codified at 2 U.S.C. 1301 et seq.). See Senate Manual Secs. **733, 734**.

[91] Rule established by S. Res. 273, 102–2, July 2, 1992.

(b) urge prompt consideration; 43.2b

(c) arrange for interviews or appointments; 43.2c

(d) express judgments; 43.2d

(e) call for reconsideration of an administrative response which the Member believes is not reasonably supported by statutes, regulations or considerations of equity or public policy; or 43.2e

(f) perform any other service of a similar nature consistent with the provisions of this rule. 43.2f

3. The decision to provide assistance to petitioners may not be made on the basis of contributions or services, or promises of contributions or services, to the Member's political campaigns or to other organizations in which the Member has a political, personal, or financial interest. 43.3

4. A Member shall make a reasonable effort to assure that representations made in the Member's name by any Senate employee are accurate and conform to the Member's instructions and to this rule. 43.4

5. Nothing in this rule shall be construed to limit the authority of Members, and Senate employees, to perform legislative, including committee, responsibilities. 43.5

6.[92] No Member, with the intent to influence solely on the basis of partisan political affiliation an employment decision or employment practice of any private entity, shall— 43.6

(a) take or withhold, or offer or threaten to take or withhold, an official act; or 43.6a

(b) influence, or offer or threaten to influence the official act of another. 43.6b

RULE XLIV[93] 44

CONGRESSIONALLY DIRECTED SPENDING AND RELATED ITEMS

1. (a) It shall not be in order to vote on a motion to proceed to consider a bill or joint resolution reported by any committee unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies— 44.1a

(1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, or in the committee report accompanying the bill or joint resolution, has been identified through lists, charts, or other similar means including the

[92] Paragraph 6 added pursuant to Pub. L. 110–81, Sep. 14, 2007.
[93] Rule XLIV added pursuant to Pub. L. 110–81, Sep. 14, 2007.

name of each Senator who submitted a request to the committee for each item so identified; and

(2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote.

44.1b (b) If a point of order is sustained under this paragraph, the motion to proceed shall be suspended until the sponsor of the motion or his or her designee has requested resumption and compliance with this paragraph has been achieved.

44.2a 2. (a) It shall not be in order to vote on a motion to proceed to consider a Senate bill or joint resolution not reported by committee unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

(1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, has been identified through lists, charts, or other similar means, including the name of each Senator who submitted a request to the sponsor of the bill or joint resolution for each item so identified; and

(2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote.

44.2b (b) If a point of order is sustained under this paragraph, the motion to proceed shall be suspended until the sponsor of the motion or his or her designee has requested resumption and compliance with this paragraph has been achieved.

44.3a 3. (a) It shall not be in order to vote on the adoption of a report of a committee of conference unless the chairman of the committee of jurisdiction or the Majority Leader or his or her designee certifies—

(1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the conference report, or in the joint statement of managers accompanying the conference report, has been identified through lists, charts, or other means, including the name of each Senator who submitted a request to the committee of jurisdiction for each item so identified; and

(2) that the information in clause (1) has been available on a publicly accessible congressional website at least 48 hours before such vote.

(b) If a point of order is sustained under this paragraph, then the conference report shall be set aside. **44.3b**

4. (a) If during consideration of a bill or joint resolution, a Senator proposes an amendment containing a congressionally directed spending item, limited tax benefit, or limited tariff benefit which was not included in the bill or joint resolution as placed on the calendar or as reported by any committee, in a committee report on such bill or joint resolution, or a committee report of the Senate on a companion measure, then as soon as practicable, the Senator shall ensure that a list of such items (and the name of any Senator who submitted a request to the Senator for each respective item included in the list) is printed in the Congressional Record. **44.4a**

(b) If a committee reports a bill or joint resolution that includes congressionally directed spending items, limited tax benefits, or limited tariff benefits in the bill or joint resolution, or in the committee report accompanying the bill or joint resolution, the committee shall as soon as practicable identify on a publicly accessible congressional website each such item through lists, charts, or other similar means, including the name of each Senator who submitted a request to the committee for each item so identified. Availability on the Internet of a committee report that contains the information described in this subparagraph shall satisfy the requirements of this subparagraph. **44.4b**

(c) To the extent technically feasible, information made available on publicly accessible congressional websites under paragraphs 3 and 4 shall be provided in a searchable format. **44.4c**

5. For the purpose of this rule— **44.5**

(a) the term "congressionally directed spending item" means a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process; **44.5a**

44.5b (b) the term "limited tax benefit" means—

(1) any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

44.5c (c) the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities; and

44.5d (d) except as used in subparagraph 8(e), the term "item" when not preceded by "congressionally directed spending" means any provision that is a congressionally directed spending item, a limited tax benefit, or a limited tariff benefit.

44.6a 6. (a) A Senator who requests a congressionally directed spending item, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

(1) the name of the Senator;

(2) in the case of a congressionally directed spending item, the name and location of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Senator;

(4) the purpose of such congressionally directed spending item or limited tax or tariff benefit; and

(5) a certification that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, consistent with the requirements of paragraph 9.

44.6b (b) With respect to each item included in a Senate bill or joint resolution (or accompanying report) reported by committee or considered by the Senate, or included in a conference report (or joint statement of managers accom-

panying the conference report) considered by the Senate, each committee of jurisdiction shall make available for public inspection on the Internet the certifications under subparagraph (a)(5) as soon as practicable.

44.7 7. In the case of a bill, joint resolution, or conference report that contains congressionally directed spending items in any classified portion of a report accompanying the measure, the committee of jurisdiction shall, to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), include on the list required by paragraph 1, 2, or 3 as the case may be, a general program description in unclassified language, funding level, and the name of the sponsor of that congressionally directed spending item.

44.8a 8. (a) A Senator may raise a point of order against one or more provisions of a conference report if they constitute new directed spending provisions. 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.

44.8b (b) If the Presiding Officer sustains the point of order as to any of the provisions against which the Senator raised the point of order, then those provisions against which the Presiding Officer sustains the point of order shall be stricken. After all other points of order under this paragraph have been disposed of—

(1) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken; and

(2) the question in clause (1) shall be decided under the same debate limitation as the conference report and no further amendment shall be in order.

44.8c (c) Any Senator may move to waive any or all points of order under this paragraph with respect to the pending conference report by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive under this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order under this paragraph shall not be amendable.

44.8d (d) All appeals from rulings of the Chair under this paragraph shall be debatable collectively for not to exceed 1 hour, equally divided between the Majority and the Minority Leader or their designees. 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 under this paragraph.

44.8e (e) The term "new directed spending provision" as used in this paragraph means any item that consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

44.9 9. No Member, officer, or employee of the Senate shall knowingly use his official position to introduce, request, or otherwise aid the progress or passage of congressionally directed spending items, limited tax benefits, or limited tariff benefits a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he or his immediate family, or enterprises controlled by them, are members of the affected class.

44.10 10. Any Senator may move to waive application of paragraph 1, 2, or 3 with respect to a measure by an affirmative vote of three-fifths of the Members, duly chosen and sworn. A motion to waive under this paragraph with respect to a measure shall be debatable for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. With respect to points of order raised under paragraphs 1, 2, or 3, only one appeal from a ruling of the Chair shall be in order, and debate on such an appeal from a ruling of the Chair on such point of order shall be limited to one hour.

44.11 11. Any Senator may move to waive all points of order under this rule with respect to the pending measure or motion by an affirmative vote of three-fifths of the Members, duly chosen and sworn. All motions to waive all points of order with respect to a measure or motion as provided by this paragraph shall be debatable collectively for not to exceed 1 hour equally divided between the Majority Leader and the Minority Leader or their designees. A motion to waive all points of order with respect to a measure

or motion as provided by this paragraph shall not be amendable.

12. Paragraph 1, 2, or 3 of this rule may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of a significant disruption to Senate facilities or to the availability of the Internet. 44.12

[45]

APPENDIX TO STANDING RULES OF THE SENATE

[NOTE.—S. Res. 445, 108–2, a resolution to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence, passed the Senate Oct. 9, 2004. The resolution made several changes to the jurisdiction, treatment and name of Senate Committees. However, the provisions of S. Res. 445 did not modify the Standing Rules of the Senate and therefore could not be included in this document except as an appendix. The effective date for the provisions of the resolution was the convening of the 109th Congress. Titles I, III and V of S. Res. 445 are printed in this appendix.

S. RES. 445

To eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

IN THE SENATE OF THE UNITED STATES

October 1, 2004

Mr. Lott submitted the following resolution; which was referred to the Committee on Rules and Administration

October 5, 2004

Reported by Mr. Lott, without amendment

October 9, 2004

Considered, amended, and agreed to

RESOLUTION

To eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

Resolved,

§ 100. Purpose. **45**

It is the purpose of titles I through V of this resolution to improve the effectiveness of the Senate Select Committee on Intelligence, especially with regard to its oversight of the Intelligence Community of the United States Government, and to improve the Senate's oversight of homeland security.

TITLE I—HOMELAND SECURITY OVERSIGHT REFORM

46 **§ 101. Homeland security.**

46.a (a) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS.—The Committee on Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

46.b (b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Department of Homeland Security, except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center or the Secret Service; and

(B)(i) the United States Citizenship and Immigration Service; or

(ii) the immigration functions of the United States Customs and Border Protection or the United States Immigration and Custom Enforcement or the Directorate of Border and Transportation Security; and

(C) the following functions performed by any employee of the Department of Homeland Security—

(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107–296);

(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or Bureau of Immigration and Customs Enforcement, including matters relating to trade facilitation and trade regulation; or

(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107–296).

The jurisdiction of the Committee on Homeland Security and Governmental Affairs in this paragraph shall supersede the jurisdiction of any other committee of the Senate provided in the rules of the Senate: *Provided*, That the jurisdiction provided under section 101(b)(1) shall not include the National Flood Insurance Act of 1968, or functions of the Federal Emergency Management Agency related thereto.

(2) Archives of the United States.

(3) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(4) Census and collection of statistics, including economic and social statistics.

(5) Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Civil Service.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal affairs of the District of Columbia, except appropriations therefor.

(10) Organization and management of United States nuclear export policy.

(11) Organization and reorganization of the executive branch of the Government.

(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and benefits.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of— **46.c**

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(d) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, and except as otherwise provided in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, which are— **46.d**

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as "rescissions" and "deferrals";

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.

(e) OMB NOMINEES.—The Committee on the Budget and the Committee on Homeland Security and Governmental Affairs shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within **46.e**

the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged.

TITLE III—COMMITTEE STATUS

47 **§ 301. Committee status.**

47.a (a) HOMELAND SECURITY.—The Committee on Homeland Security and Governmental Affairs shall be treated as the Committee on Governmental Affairs listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

47.b (b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE V—EFFECTIVE DATE

48 **§ 501. Effective date.**

This resolution shall take effect on the convening of the 109th Congress.

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NONSTATUTORY STANDING ORDERS NOT EMBRACED IN THE RULES, AND RESOLUTIONS AFFECTING THE BUSINESS OF THE SENATE

PROVISION FOR EMERGENCY AUTHORITY RELATING TO SENATE ADJOURNMENTS AND RECESSES **60**

Resolved, That the presiding officer of the Senate may suspend any proceeding of the Senate, including a rollcall vote or a quorum call, and declare a recess or adjournment of the Senate subject to existing authorities or subject to the call of the Chair, within the limits of article I, section 5, clause 4, of the Constitution, whenever the presiding officer has been notified of an imminent threat.

SEC. 2. When the Senate is out of session, the majority and minority leaders, or their designees, may, acting jointly and within the limits of article I, section 5, clause 4, of the Constitution, modify any order for the time or place of the convening of the Senate when, in their opinion, such action is warranted by intervening circumstances.

[S. Res. 296, 108–2, Feb. 3, 2004.]

AUTHORIZING REGULATIONS RELATING TO THE USE OF OFFICIAL EQUIPMENT **61**

Resolved, That (a) the Committee on Rules and Administration of the Senate may issue regulations to authorize a Senator or officer or employee of the Senate to use official equipment for purposes incidental to the conduct of their official duties.

(b) Any use under subsection (a) shall be subject to such terms and conditions as set forth in the regulations.

[S. Res. 238, 108–1, Oct. 2, 2003.]

VOTES SHALL BE CAST FROM ASSIGNED DESK **62**

Resolved, That it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator.

[S. Res. 480, 98–2, Oct. 11, 1984.]

63 TO PERMIT AN INDIVIDUAL WITH A DISABILITY WITH ACCESS TO THE SENATE FLOOR TO BRING NECESSARY SUPPORTING AIDS AND SERVICES

Resolved, That an individual with a disability who has or is granted the privilege of the Senate floor under rule XXIII of the Standing Rules of the Senate may bring necessary supporting aids and services (including service dogs, wheelchairs, and interpreters) on the Senate floor, unless the Senate Sergeant at Arms determines that the use of such supporting aids and services would place a significant difficulty or expense on the operations of the Senate in accordance with paragraph 2 of rule 4 of the Rules for Regulation of the Senate Wing of the United States Capitol.

[S. Res. 110, 105–1, July 31, 1977.]

64 FLOWERS IN THE SENATE CHAMBER

Resolved, That until further orders the Sergeant at Arms is instructed not to permit flowers to be brought into the Senate Chamber. [S. Jour. 261, 58–3, Feb. 24, 1905.]

Resolved, That notwithstanding the resolution of the Senate of February 24, 1905, upon the death of a sitting Senator, the majority leader and the minority leader may permit a display of flowers to be placed upon the desk of the deceased Senator on the day set aside for eulogies.

[S. Res. 221, 98–1, Sept. 15, 1983.]

65 READING OF WASHINGTON'S FAREWELL ADDRESS

Ordered, That, unless otherwise directed, on the twenty-second day of February in each year, or if that day shall be on Sunday, then on the day following, immediately after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by a Senator to be designated for the purpose by the Presiding Officer; and that thereafter the Senate will proceed with its ordinary business.

[S. Jour. 103, 56–2, Jan. 24, 1901.]

66 DESIGNATION OF THE "DANIEL WEBSTER DESK"

Resolved, That during the Ninety-fourth Congress and each Congress thereafter, the desk located within the Senate Chamber and commonly referred to as the "Daniel Webster Desk" shall, at the request of the senior Senator from the State of New Hampshire, be assigned to such Senator for use in carrying out his or her Senatorial duties during that Senator's term of office.

[S. Res. 469, 93–2, Dec. 19, 1974.]

DESIGNATION OF THE JEFFERSON DAVIS DESK 67

Resolved, That during the One Hundred Fourth Congress and each Congress thereafter, the desk located within the Senate Chamber and used by Senator Jefferson Davis shall, at the request of the senior Senator from the State of Mississippi, be assigned to such Senator, for use in carrying out his or her senatorial duties during that Senator's term of office. [S. Res. 161, 104–1, Aug. 8, 1995.]

DESIGNATION OF THE HENRY CLAY DESK 68

Resolved, That during the One Hundred Sixth Congress and each Congress thereafter, the desk located within the Senate Chamber and used by Senator Henry Clay shall, at the request of the senior Senator from the State of Kentucky, be assigned to that Senator for use in carrying out his or her senatorial duties during that Senator's term of office.

[S. Res. 89, 106–1, Apr. 28, 1999.]

TELEVISION AND RADIO BROADCAST OF SENATE CHAMBER PROCEEDINGS 69

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when the Senate is conducting a quorum call, or when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking, clerks, and the chaplain except during rollcall votes when the television cameras shall show the entire Chamber.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c)(1)[1] The Sergeant at Arms and Doorkeeper of the Senate shall—

(A) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution;

(B) make audio and video tape recordings, and copies thereof as requested by the Secretary under paragraph (2) of Senate proceedings; and

(C) retain for 30 session-days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings.

The Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in subparagraphs (A) and (B), shall comply with appropriate Senate procurement and other regulations.

(2) The Secretary of the Senate is authorized to obtain from the Sergeant at Arms archival quality video recordings of Senate proceedings and, as soon thereafter as pos-

[1] As amended, S. Res. 459, 100–2, Sept. 14, 1988.

sible, transmit such recordings to the Librarian of Congress and to the Archivist of the United States.

SEC. 5. (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than May 1, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Television coverage of Senate proceedings shall go live June 1, 1986. The test period aforementioned shall end on July 15, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmittted between May 1st and June 1st, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recording of Senate proceedings shall be retained by the Secretary of the Senate.

SEC. 6.[2] (a) The use of any tape duplication of radio or television coverage of the proceedings of the Senate for political campaign purposes is strictly prohibited.

(b)(1) Except as provided in paragraph (2), any tape duplication of radio or television coverage of the proceedings of the Senate furnished to any person or organization shall be made on the condition, agreed to in writing, that the tape duplication shall not be used for political campaign purposes.

(2) Any public or commercial news organization furnished a tape duplication described in paragraph (1) shall be subject to the provisions of paragraph (1) but shall not be required to enter into a written agreement.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However,

[2] As amended, S. Res. 431, 100–2, June 7, 1988.

the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

* * * * * * *

SEC. 14. Provided, that if the Senate authorizes the permanent televising of the Senate pursuant to section 15, that radio and television coverage of the Senate shall be made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 15. Television coverage of the Senate shall cease at the close of business July 15, 1986, and television coverage of the Senate and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on July 29, 1986, "Shall radio and television coverage continue after this date, and shall the rules changes contained herein continue?".[3] There shall be twelve hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". On this question there shall be one hour of debate, equally divided and controlled in the usual form. If this question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and shall the rules changes contained herein continue?".

SEC. 16. Provided, that official noting of a Senator's absence from committees while the Senate is on television is prohibited. [S. Res. 28, 99–2, Feb. 27, 1986.]

[3] Pursuant to this provision, the question was considered and decided in the affirmative by a vote of 78–21. *See* Daily Cong. Rec., 99th Cong., 2d sess., July 29, 1986, pp. 9750–9775.

SEC. 17. The Secretary of the Senate shall, subject to the approval of the Senate Committee on Rules and Administration, contract with the Secretary of Education to provide closed captioning of the Senate floor proceedings. The Senate authorizes the Secretary of Education to have access to the audio and video broadcast of the Senate floor proceedings for the purpose of captioning. Such funds as may be necessary to carry out the purposes of this section are authorized to be paid from the contingent fund of the Senate. [S. Res. 13, 101–1, June 21, 1989.]

Resolved, That, notwithstanding any other provision of S. Res. 28, agreed to February 27, 1986, television coverage of the Senate shall resume July 21, 1986 under the same basis as provided during the live test period under section 5 of S. Res. 28 unless the Senate votes pursuant to section 15 of S. Res. 28 to end coverage. [S. Res. 444, 99–2, July 15, 1986.]

READING OF CONFERENCE REPORTS **70**

SEC. 903. Beginning on the first day of the 107th Congress, the Presiding Officer of the Senate shall apply all of the precedents of the Senate under Rule XXVIII in effect at the conclusion of the 103d Congress. Further that there is now in effect a Standing order of the Senate that the reading of conference reports is no longer required, if the said conference report is available in the Senate.

[Pub. L. 106–554, Div. A, ch. 9, § 903, Dec. 21, 2000.]

COMMITTEE ON APPROPRIATIONS AUTHORITY **75**

Resolved, That for the purpose of obtaining and laying factual data and information before the Senate Committee on Appropriations, or any subcommittee thereof, for its consideration in the discharge of its functions, the chairman or acting chairman of said committee is hereby authorized and directed, within the limit of funds made available by resolutions of the Senate, to appoint and employ such experts as he may deem necessary to obtain such data and information, and such experts, upon the written authority of the chairman or acting chairman, shall have the right to examine the books, documents, papers, reports, or other records of any department, agency, or establishment of the Federal Government in the District of Columbia and elsewhere; be it further

Resolved, That the said committee through its chairman is hereby authorized, within the limit of funds made avail-

able by resolutions of the Senate, to appoint additional clerical help and assistants.

[S. Res. 193, 78–1, Oct. 14, 1943; S. Res. 281, 96–2, Mar. 11, 1980.]

76 CONSULTANTS FOR THE COMMITTEE ON APPROPRIATIONS

Resolved, That within the limit of funds appropriated for expenses of inquiries and investigations for the Committee on Appropriations, the committee may expend such sums as it deems appropriate and necessary for the procurement of the services of individual consultants or organizations. 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 may be made in the same manner and subject to the same conditions with respect to advertising as required of other standing committees of the Senate under section 202(i)(2) of the Legislative Reorganization Act of 1946, as amended.

[S. Res. 140, 94–1, May 14, 1975.]

77 SELECT COMMITTEE ON ETHICS

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of paragraph 1 of rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. The Select Committee shall select a chairman or a vice chairman from among its members. For purposes of paragraph 4[1] of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

[1] Changed from "paragraph 6" as a result of the adoption of S. Res. 274, 96–1, Nov. 14, 1979.

(c)(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports, and matters relating to S. Res. 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority party and one member of the quorum is a member of the minority party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d) (Repealed by S. Res. 271, 96–1, Oct. 31, 1979.)

(e)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 11 of rule XXXVII [1] of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any initial review or investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disquali-

[1] Changed from "paragraph 12 of rule XLV" as a result of the adoption of S. Res. 274, 96–1, Nov. 14, 1979; further changed from "paragraph 11 of rule XLV" as a result of the adoption of S. Res. 389, 96–2, Mar. 25, 1980.

fication shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any initial review or investigation or disqualifies himself under paragraph (2) from participating in any initial review or investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such initial review or investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself.

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct, and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action (including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and, in the case of an officer or employee: suspension or dismissal) to be taken with respect to such violations which the Select Committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

(2) For purposes of this section, "sworn complaint" means a statement of facts within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

(4) For the purposes of this section, "investigation" is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c)(1) No investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation relating thereto, may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the

Select Committee shall report such determination to the complainant and to the party charged, together with an explanation of the basis of such determination.

(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

(4) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimis nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the com-

plainant and the accused of its determination, together with an explanation of the basis of such determination.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

SEC. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of com-

pensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information, and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued (1) by the Select Committee or (2) by the chairman and vice chairman, acting jointly. Any such subpena shall be signed by the chairman or the vice chairman and may be served by any person designated by such chairman or vice chairman. The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) 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 by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: *Provided, however,* That the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advi-

sory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under section 102(a)(2)(B) of Title I of Ethics in Government Act of 1978 [1] or paragraph 1 of rule XXXV [2] of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate;

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

[S. Res. 338, 88–2, July 24, 1964; S. Res. 368, 93–2, July 25, 1974; S. Res. 4, 95–1, Feb. 4, 1977; S. Res. 110, 95–1, Apr. 1, 1977; S. Res. 230, 95–1, July 25, 1977; S. Res. 312, 95–1, Nov. 1, 1977; S. Res. 271, 96–1, Oct. 31, 1979; S. Res. 78, 97–1, Feb. 24, 1981.]

78 SELECT COMMITTEE ON ETHICS—ADDITIONAL RESPONSIBILITY

Resolved, That the Senate assigns responsibility for administering the reporting requirements of Title I of the

[1] Changed from "paragraph 2(c), of rule XLII" as a result of the adoption of S. Res. 220, 96–1, Aug. 3, 1979.

[2] Changed from "paragraph 1 of rule XLIII" as a result of the adoption of S. Res. 389, 96–2, Mar. 25, 1980.

Ethics in Government Act of 1978 to the Select Committee on Ethics.

[S. Res. 223, 96–1, Aug. 2, 1979.]

SELECT COMMITTEE ON ETHICS—CHAIRMAN AND VICE-CHAIRMAN LEGISLATIVE ASSISTANTS CLERK-HIRE ALLOWANCE **79**

Resolved, That effective October 31, 1979, service of a Senator as the chairman or ranking minority member of the Select Committee on Ethics shall not be taken into account for purposes of applying section 111(b) of the Legislative Branch Appropriation Act, 1978.

[S. Res. 290, 96–1, Nov. 27, 1979.]

AUTHORIZING THE SELECT COMMITTEE ON ETHICS TO PROVIDE TRAINING ASSISTANCE TO ITS PROFESSIONAL STAFF **80**

Resolved, That the Select Committee on Ethics (hereinafter referred to as the "Select Committee") is authorized, with the approval of the Committee on Rules and Administration, to provide assistance for members of its professional staff in obtaining specialized training, whenever the Select Committee determines that such training will aid it in the discharge of its responsibilities.

SEC. 2. (a) Assistance provided under authority of this resolution 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.

(b) The Select Committee shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the Select Committee as it may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

SEC. 3. The expenses of the Select Committee in providing assistance under authority of this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

[S. Res. 425, 97–2, Aug. 12, 1982.]

SELECT COMMITTEE ON INTELLIGENCE **81**

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit

to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a) (1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of not to exceed fifteen [1] members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee

[1] See paragraph 3(b) of rule XXV of the Standing Rules, Senate Manual section **25.3b.**

and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1)[2] of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

[2] Changed from "paragraph 6(e)(1)" as a result of the adoption of S. Res. 274, 96–1, Nov. 14, 1979.]

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date,

an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not the session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisidiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports

shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) 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.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services

for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct)[3] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

[3] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate,[4] the Senate shall go into closed session and the matter

[4] Changed from "section 133(f) of the Legislative Reorganization Act of 1946" as a result of the adoption of S. Res. 274, 96–1, Nov. 14, 1979; further changed

shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate[5] (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or

from "paragraph 5 of rule XXVII" as a result of the adoption of S. Res. 389, 96–2, Mar. 25, 1980.

[5] Ibid.

employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[6] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials

[6] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intel-

ligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the

United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policy-making function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

[S. Res. 400, 94–2, May 19, 1976; S. Res. 4, 95–1, Feb. 4, 1977; S. Res. 445, 108–2, Oct. 9, 2004.]

HOMELAND SECURITY AND INTELLIGENCE OVERSIGHT **82**

To eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence. [1]

Resolved, It is the purpose of titles I through V of this resolution to improve the effectiveness of the Senate Select Committee on Intelligence, especially with regard to its oversight of the Intelligence Community of the United States Government, and to improve the Senate's oversight of homeland security.

SEC. 101. Homeland security.

(a) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS.—The Committee on Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Department of Homeland Security, except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center or the Secret Service; and

(B)(i) the United States Citizenship and Immigration Service; or

(ii) the immigration functions of the United States Customs and Border Protection or the United States Immigration and Custom Enforce-

[1] Omitted portions amended S. Res. 400, 94–2, May 19, 1976.

ment or the Directorate of Border and Transportation Security; and

(C) the following functions performed by any employee of the Department of Homeland Security—

(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107–296);

(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or Bureau of Immigration and Customs Enforcement, including matters relating to trade facilitation and trade regulation; or

(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107–296).

The jurisdiction of the Committee on Homeland Security and Governmental Affairs in this paragraph shall supersede the jurisdiction of any other committee of the Senate provided in the rules of the Senate: *Provided*, That the jurisdiction provided under section 101(b)(1) shall not include the National Flood Insurance Act of 1968, or functions of the Federal Emergency Management Agency related thereto.

(2) Archives of the United States.

(3) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(4) Census and collection of statistics, including economic and social statistics.

(5) Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Civil Service.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal affairs of the District of Columbia, except appropriations therefor.

(10) Organization and management of United States nuclear export policy.

(11) Organization and reorganization of the executive branch of the Government.

(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and benefits.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of—

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(d) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, and except as otherwise provided in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, which are—

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as "rescissions" and "deferrals";

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.

(e) OMB NOMINEES.—The Committee on the Budget and the Committee on Homeland Security and Governmental Affairs shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged.

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SEC. 301. Committee status.

(a) HOMELAND SECURITY.—The Committee on Homeland Security and Governmental Affairs shall be treated as the Committee on Governmental Affairs listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

SEC. 401. Subcommittee related to intelligence oversight.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. Subcommittee related to intelligence appropriations.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence.

The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

SEC. 501. Effective date.

This resolution shall take effect on the convening of the 109th Congress.

[S. Res. 445, 108–2, Oct. 9, 2004]

REORGANIZATION OF SENATE COMMITTEE SYSTEM [1] **83**

Resolved, That this resolution may be cited as the "Committee System Reorganization Amendments of 1977".

TITLE 1.—SENATE COMMITTEES; JURISDICTIONS AND SIZES

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SPECIAL COMMITTEE ON AGING **83.1**

SEC. 104. (a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen [2] members. The members and chairman of the special committee shall be appointed in the same manner and at the same time as the members and chairman of a standing committee of the Senate. After the date on which the majority and minority members of the special committee are initially appointed on or after the effective date of Title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the membership of the special committee, the number of members of the special committee shall be reduced by one until the number of members of the special committee consists of nine Senators.

(2) [3] For purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2 (a) and (d) of rule XXVII of the Standing Rules of the Senate; and for purposes of section 202 (i) and (j) of the Legislative Reorganization Act of 1946,

[1] Omitted portions amended the Standing Rules of the Senate and various Senate resolutions, were temporary in nature, or have been executed.

[2] See paragraph 3(b) of rule XXV of the Standing Rules, Senate Manual section **25.3b** for current membership.

[3] The references in this paragraph were changed as a result of the adoption of S. Res. 274, 96–1, Nov. 14, 1979; and further changed as a result of the adoption of S. Res. 389, 96–2, Mar. 25, 1980.

the special committee shall be treated as a standing committee of the Senate.[4]

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less often than once each year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (I) 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.

(2) The chairman of the special committee or any member thereof may administer oaths to witnesses.

(3) Subpenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the member signing the subpena.

[4] As amended, S. Res. 78, 95–1, Feb. 11, 1977; S. Res. 376, 95–2, Mar. 6, 1978.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

(e) (Executed.)

COMMITTEE ON INDIAN AFFAIRS[5] **83.2**

SEC. 105. (a)(1) There is established a temporary Select Committee on Indian Affairs (hereafter in this section referred to as the "select committee") which shall consist of seven[6] members, four to be appointed by the President of the Senate, upon the recommendation of the majority leader, from among members of the majority party and three to be appointed by the President of the Senate, upon the recommendation of the minority leader, from among the members of the minority party. The select committee shall select a chairman from among its members.

(2) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

(3) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

(4) For purposes of paragraph 4[7] of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the select committee shall not be taken into account.

(b)(1) All proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs shall be referred to the select committee.

(2) It shall be the duty of the select committee to conduct a study of any and all matters pertaining to problems and opportunities of Indians, including but not limited to, Indian land management and trust responsibilities, Indian

[5] Name changed from "Select Committee on Indian Affairs" by provision of S. Res. 71, 103–1, Feb. 24, 1993.

[6] See paragraph 3(c) of rule XXV of the Standing Rules, Senate Manual section **25.3c**, for current membership.

[7] Changed from "paragraph 6" as a result of the adoption of S. Res. 274, 96–1, Nov. 14, 1979.

education, health, special services, and loan programs, and Indian claims against the United States.

(3) The select committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the select committee or otherwise within its jurisdiction.

(c)(1) For the purposes of this section, the select committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (I) 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.

(2) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(3) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or the member signing the subpena.

(d) The select committee shall cease to exist on January 2, 1984,[8] and effective on January 3, 1984, jurisdiction over the matters specified in subsection (b)(1) and the duty specified in subsection (b)(2) are transferred to the Committee on Health, Education, Labor, and Pensions.[9]

* * * * * * *

[Sec. 105 of S. Res. 4, 95–1, Feb. 4, 1977; S. Res. 405, 95–2, Oct. 15, 1978; S. Res. 448, 96–2, Dec. 11, 1980; Cong. Rec., Nov. 18, 1983; S. Res. 127, 98–2, June 6, 1984.]

[8] The Senate, by unanimous consent, Nov. 18, 1983, provided for the continuation of the select committee with all of its jurisdictional responsibilities until July 1, 1984. S. Res. 127, agreed to June 6, 1984, established the Select Committee on Indian Affairs as a permanent committee of the Senate.

[9] Name changed from Committee on Human Resources to Committee on Labor and Human Resources by S. Res. 30, 96–1, Mar. 7, 1979. Name changed to Committee on Health, Education, Labor, and Pensions by S. Res. 28, 106–1, Jan. 21, 1999.

TITLE II.—COMMITTEE ASSIGNMENTS; CHAIRMANSHIPS **83.3**

SEC. 201. * * *

(f) It is the sense of the Senate that, in adopting rules, each committee of the Senate should include a provision to insure that assignment of Senators to subcommittees will occur in an equitable fashion; namely, that no member of a committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

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TITLE IV.—SCHEDULING OF COMMITTEE MEETINGS **83.4**

SEC. 401. (a) In consultation with the Majority Leader and the Minority Leader, the Committee on Rules and Administration shall establish and maintain a computerized schedule of all meetings of committees of the Senate and subcommittees thereof, and of all meetings of joint committees of the Congress and subcommittees thereof. Such schedule shall be maintained online to terminals in the offices of all Senators, committees of the Senate, and permanent joint committees of the Congress, and shall be updated immediately upon receipt of notices of meetings or cancellations thereof under this section.

(b) Each committee of the Senate, and each subcommittee thereof, shall notify the office designated by the Committee on Rules and Administration of each meeting of such committee or subcommittee, including the time period or periods (as prescribed in paragraph 6 of rule XXVI [1] of the Standing Rules of the Senate), the place, and the purpose of such meeting. The Senate members of any joint committee of the Congress or of a subcommittee thereof shall cause notice to be given to the office designated by the Committee on Rules and Administration of each meeting of such joint committee or subcommittee, including the time, place, and purposes of such meeting. Notice under this subsection shall be given immediately upon scheduling a meeting.

(c) Each committee of the Senate, and each subcommittee thereof, shall notify the office designated by the Committee

[1] Changed from "paragraph 9 of rule XXV" as a result of the adoption of S. Res. 274, 96–1, Nov. 14, 1979.

on Rules and Administration immediately upon the cancellation of a meeting of such committee or subcommittee. The Senate members of any joint committee of the Congress or any subcommittee thereof shall cause notice to be given to the office designated by the Committee on Rules and Administration immediately upon the cancellation of a meeting of such joint committee or subcommittee.

(d) For purposes of this section, the term "joint committee of the Congress" includes a committee of conference.

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83.5 TITLE V.—CONTINUING REVIEW OF THE COMMITTEE SYSTEM

SEC. 501. (a) The Committee on Rules and Administration, in consultation with the Majority Leader and the Minority Leader, shall review, on a continuing basis, the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto.

(b) During the second regular session of each Congress, the Committee on Rules and Administration shall submit to the Senate a report of the results of its review under subsection (a) during that Congress. Such report shall include its recommendations (if any) for changes in the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto. The Committee on Rules and Administration may submit, from time to time, such other reports and recommendations with respect to such committee system and rules as it deems appropriate.

(c) The Committee on Rules and Administration, the Majority Leader, and the Minority Leader may request the Secretary for the Majority and the Secretary for the Minority to provide assistance in carrying out their duties and responsibilities under this section.

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[S. Res. 4, 95–1, Feb. 4, 1977.]

84 ACCEPTANCE OF GIFTS BY THE COMMITTEE ON RULES AND ADMINISTRATION

SEC. 4. The Senate Committee on Rules and Administration, on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States Senate. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

[S. Res. 158, 104–1, July 28, 1995.]

AUTHORIZING SUIT BY SENATE COMMITTEES **85**

Resolved, That hereafter any committee of the Senate is hereby authorized to bring suit on behalf of and in the name of the United States in any court of competent jurisdiction if the committee is of the opinion that the suit is necessary to the adequate performance of the powers vested in it or the duties imposed upon it by the Constitution, resolution of the Senate, or other law. Such suit may be brought and prosecuted to final determination irrespective of whether or not the Senate is in session at the time the suit is brought or thereafter. The committee may be represented in the suit either by such attorneys as it may designate or by such officers of the Department of Justice as the Attorney General may designate upon the request of the committee. No expenditures shall be made in connection with any such suit in excess of the amount of funds available to the said committee. As used in this resolution, the term "committee" means any standing or special committee of the Senate, or any duly authorized subcommittee thereof, or the Senate members of any joint committee.

[S. Jour. 572, 70–1, May 28, 1928.]

SPECIAL DEPUTIES **90**

Resolved, That the Sergeant at Arms of the Senate is authorized and empowered from time to time to appoint such special deputies as he may think necessary to serve process or perform other duties devolved upon the Sergeant at Arms by law or the rules or orders of the Senate, or which may hereafter be devolved upon him, and in such case they shall be officers of the Senate; and any act done or return made by the deputies so appointed shall have like effect and be of the same validity as if performed or made by the Sergeant at Arms in person.

[S. Jour. 47, 51–1, Dec. 17, 1889.]

OFFICE OF DEPUTY PRESIDENT PRO TEMPORE **91**

Resolved, That, effective January 5, 1977, there is hereby established in the United States Senate the Office of Deputy President Pro Tempore.

SEC. 2. Any Member of the Senate who has held the Office of President of the United States or Vice President of the United States shall be a Deputy President pro tempore.

SEC. 3. [Superseded.]

SEC. 4. The Sergeant at Arms and Doorkeeper is authorized (a) to provide, by lease or purchase, and maintain an automobile for each Deputy President pro tempore, and (b) to employ and fix the compensation of a driver-messenger for each Deputy President pro tempore at not to exceed $18,584 [1] per annum.

SEC. 5. [Superseded.]

SEC. 6. [Superseded.]

SEC. 7. Until otherwise provided by law, the Secretary of the Senate is authorized to pay from the contingent fund of the Senate such amounts as may be necessary, for salaries and expenses, to carry out the provisions of this resolution. Expenses incurred under section 4(a) of this resolution shall be paid upon vouchers approved by the Sergeant at Arms and Doorkeeper. Vouchers shall not be required for the disbursement of salaries of employees paid under authority of this resolution.

[S. Res. 17, 95–1, Jan. 10, 1977.]

Resolved, That (a) In addition to Senators who hold the office of Deputy President pro tempore under authority of S. Res. 17 of the 95th Congress (agreed to January 10, 1977), any other Member of the Senate who is designated as such by the Senate in a Senate resolution shall be the Deputy President pro tempore of the Senate, and shall hold office at the pleasure of the Senate during the 100th Congress.

(b) The Deputy President pro tempore who is designated as such pursuant to the authority contained in this resolution 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 $90,000 for any fiscal year.

(c) The following provisions shall not be applicable to the Deputy President pro tempore who is designated as such pursuant to the authority contained in this resolution:

(1) the provisions of S. Res. 17 of the 95th Congress (agreed to January 10, 1977);

(2) the provisions relating to compensation of a Deputy President pro tempore which appear in chapter VIII of Title I of the Supplemental Appropriations Act, 1977, and which are carried in section 32a of Title 2, United States Code; and

[1] Superseded by 2 U.S.C. 61f–7, Pub.L. 97–51, Oct. 1, 1981, § 116, 95 Stat. 963. *See* Senate Manual section **391**.

(3) the provisions relating to staff of a Deputy President pro tempore which appear in chapter VIII of Title I of the Supplemental Appropriations Act, 1977, and which are carried in section 611 of Title 2, United States Code.

(d) Salaries under authority of this section shall be paid from any funds available in the Senate appropriation account for Salaries, Officers and Employees.

SEC. 2. (a) The Sergeant at Arms and Doorkeeper is authorized to provide, by lease or purchase, and maintain an automobile for the former President pro tempore.

(b) The Secretary of the Senate is authorized to pay from the contingent fund of the Senate such amounts as may be necessary for expenses to carry out the provisions of this section. Such expenses shall be paid upon vouchers approved by the Sergeant at Arms and Doorkeeper.

[S. Res. 90, 100–1, Jan. 28, 1987.]

SENATE PARLIAMENTARIAN EMERITUS **92**

Whereas the Senate has been advised of the retirement of its Parliamentarian, Floyd M. Riddick, at the end of this session: Therefore be it

Resolved, That, effective at the sine die adjournment of this session, as a token of the appreciation of the Senate for his long and faithful service, Floyd M. Riddick is hereby designated as Parliamentarian Emeritus of the United States Senate. [S. Jour. 1519, 93–2, Dec. 5, 1974.]

Resolved, That Murray Zweben be, and he is hereby, designated as a Parliamentarian Emeritus of the United States Senate. [S. Res. 297, 98–1, Nov. 18, 1983.]

Resolved, That Robert B. Dove be, and he is hereby, designated as a Parliamentarian Emeritus of the United States Senate. [S. Res. 32, 100–1, Jan. 6, 1987.]

Resolved, That Alan Scott Frumin be, and he is hereby designated as a Parliamentarian Emeritus of the United States Senate. [S. Res. 23, 105–1, Jan. 23, 1997.]

PERSONS NOT FULL-TIME EMPLOYEES OF SENATE [1] **93**

Resolved, That hereafter, standing or select committees employing the services of persons who are not full-time employees of the Senate or any committee thereof shall

[1] See also paragraphs 4 and 6 of rule XLI of the Standing Rules of the Senate, Senate Manual sections **41.4, 41.6.**

submit monthly reports to the Senate (or to the Secretary during a recess or adjournment) showing (1) the name and address of any such person; (2) the name and address of the department or organization by whom his salary is paid; and (3) the annual rate of compensation in each case.

[S. Jour. 407, 78–2, Aug. 23, 1944.]

94 SENATE PAGES

Resolved, That it shall be the duty of the Sergeant at Arms to classify the pages of the Senate, so that at the close of the present and each succeeding Congress, one-half the number shall be removed * * *.

[S. Jour. 514, 33–1, July 17, 1854.]

Resolved, That until otherwise hereafter provided for by law, there shall be paid out of the contingent fund of the Senate such amounts as may be necessary to enable the Secretary of the Senate to furnish educational services and related items for Senate Pages in accordance with this resolution.

SEC. 2. The Senate Page program shall be administered by the Sergeant at Arms and Doorkeeper of the Senate and the Secretaries for the majority and minority of the Senate. All policy decisions regarding the operation of the Senate Page program shall be made by the Senate management board, with the concurrence of the majority and minority leaders of the Senate.

SEC. 3. In order to provide educational services and related items for Senate Pages, the Secretary of the Senate is authorized to enter into a contract, agreement, or other arrangement with the Board of Education of the District of Columbia, or to provide such educational services and items in such other manner as he may deem appropriate.

SEC. 4. The educational services under the Senate Page program shall consist of an academic year comprising two terms, and a Page serving in such program shall be in the eleventh grade.

SEC. 5. The resolution shall take effect as of the date of its approval.

[S. Res. 184, 98–1, July 29, 1983.]

Resolved, That the Secretary of the Senate is authorized to withhold from the salary of each Senate page who resides in the page residence hall an amount equal to the charge imposed for lodging, meals, and related services, furnished to such page in such hall. The amounts so withheld shall be transferred by the Secretary of the Senate

to the Clerk of the House of Representatives for deposit by such Clerk in the revolving fund, within the contingent fund of the House of Representatives, for the page residence hall and page meal plan, as established by H. Res. 64, 98th Congress. [S. Res. 78, 98–1, Mar. 2, 1983.]

CLOSING THE OFFICE OF A SENATOR OR SENATE LEADER WHO DIES OR RESIGNS 95

Resolved, That (a)(1) In the case of the death or resignation of a Senator during his term of office, the employees in the office of such Senator who are on the Senate payroll on the date of such death or resignation shall be continued on such payroll at their respective salaries, unless adjusted by the Secretary of the Senate with the approval of the Senate Committee on Rules and Administration, for a period not to exceed sixty days, or such greater number of days as may, in any particular case, be established by the Senate Committee on Rules and Administration as being required to complete the closing of the office of such Senator. Such employees so continued on the payroll of the Senate shall, while so continued, perform their duties under the direction of the Secretary of the Senate, and such Secretary shall remove from such payroll any such employees who are not attending to the duties for which their services are continued.

(2) If an employee of a Senator continued on the Senate payroll pursuant to paragraph (1) resigns or is terminated during the period required to complete the closing of the office of such Senator, the Secretary of the Senate may replace such employee by appointing another individual. Any individual appointed as a replacement under the authority of the preceding sentence shall be subject to the same terms of employment, except for salary, as the employee such individual replaces.

(b) In the case of the death or resignation of a Senator while holding the office of President pro tempore, Deputy President pro tempore, President pro tempore emeritus, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, Secretary of the Conference of the Minority, of the Senate, the Chairman of the Conference of the Majority, the Chairman of the Conference of the Minority, the Chairman of the Majority Policy Committee, or the Chairman of the Minority Policy Committee, the employees of such office who

are on the payroll of the Senate on the date of such death or resignation shall be continued on the Senate payroll in like manner and under the same conditions as are employees in the office of such Senator under subsection (a) of this section.

(c) No employee of the Senate who is continued on the payroll of the Senate under the preceding provisions of this section on account of the death or resignation of a Senator shall be continued on such payroll after the date of the expiration of the term of office of such Senator as a Senator, or, such later date as may, in any particular case, be established by the Senate Committee on Rules and Administration as being required to complete the closing of the office of such Senator.

(d) Payment of salaries of employees who are continued on the Senate payroll under authority of this section, and payment of agency contributions with respect to such salaries, shall be made from the account for Miscellaneous Items within the contingent fund of the Senate.

(e) During any period for which the employees of the office of a Senator, who has died or resigned, are continued on the Senate payroll under the first section of this resolution, official office expenses which are necessary in closing such Senator's office (or offices in case of a Senator who dies or resigns while holding an office referred to in subsection (b) of this section) shall be made from the account for Miscellaneous Items within the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate; except that the aggregate of such expenses shall not exceed an amount equal to one-tenth of such Senator's official office expense account for the year in which he died or resigned.

(f) Duties to be performed by the Secretary of the Senate under this section and under section 2 of this resolution shall be performed under the direction of the Senate Committee on Rules and Administration.

SEC. 2. In the case of the death of any Senator, the Secretary of the Senate may, with respect to any item of expense for which payment had been authorized to be made from such Senator's official office expense account, certify for such deceased Senator for any sum already obligated but not certified to at the time of such Senator's death for payment to the person or persons designated as entitled to such payment by such Secretary.

SEC. 3. (a) The Sergeant at Arms and Doorkeeper of the Senate shall make such arrangements as may be necessary, in accordance with such regulations as the Senate Committee on Rules and Administration may prescribe, for:

(1) the funeral of a deceased Senator; and

(2) any committee appointed to attend the funeral of a deceased Senator.

(b) Expenses incurred in carrying out the provisions of subsection (a) of this section shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate, on vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 4. The following Senate resolutions are repealed: S. Res. 5, 82d Congress (agreed to April 11, 1951), and S. Res. 354, 95th Congress (agreed to January 20, 1978).

SEC. 5. (a) Except as provided in subsection (b) of this section, the provisions of this resolution shall take effect upon the date it is agreed to by the Senate.

(b) The first section of this resolution shall take effect on the date that there is hereafter enacted a provision of law which (1) makes inapplicable to any employee of the Senate the provisions of the third paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Appropriation Act for the fiscal year ending June 30, 1928 (2 U.S.C. 92a), and (2) repeals (A) the last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1944 (2 U.S.C. 92e), (B) the last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1945 (2 U.S.C. 92e), (C) the next-to-last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1946 (2 U.S.C. 92e), and (D) the next-to-last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1947 (2 U.S.C. 92e).

(c) After the date this resolution is agreed to, the Chairman of the Senate Committee on Rules and Administration shall make no further certifications under authority of section 506(g) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(g)).

[S. Res. 458, 98–2, Oct. 4, 1984; S. Res. 173, 100–1, Mar. 4, 1987, S. Res. 478, 108–2, Nov. 19, 2004; S. Res. 238, 110–1, June 18, 2007.]

96 PAY OF COMMITTEE STAFF DISPLACED BY CHANGE OF CHAIRMAN OR RANKING MINORITY MEMBER [1]

SEC. 6. (a) For purposes of this section:

(1) The term "committee" means a standing, select or special committee, or commission of the Senate, or a joint committee of the Congress whose funds are disbursed by the Secretary of the Senate.

(2) The terms "Chairman" and "Ranking Minority Member" means the Chairman, Vice Chairman, Co-chairman and Ranking Minority Member of a committee.

(3) The term "eligible staff member" means an individual—

(A) who was an employee—

(i) of a committee or subcommittee thereof or a Senate leadership office described in subsection (b) of the first section of this resolution, or

(ii) in an office of a Senator on the expiration of the term of office of such Senator as a Senator, but only if the Senator is not serving as a Senator for the next term of office and was a candidate in the general election for such next term,

(B) whose employment described in subparagraph (A) was at least 183 days (whether or not service was continuous) before the date of termination of employment described in paragraph (4), and

(C) whose pay is disbursed by the Secretary of the Senate.

The term "eligible staff member" shall not include an employee to whom the first section of this resolution applies.

(4) The term "displaced staff member" means an eligible staff member—

(A) whose service as an employee of the Senate is terminated solely and directly as a result of—

(i) in the case of employment described in paragraph (3)(A)(i), a change in the individual occupying the position of Chairman or Ranking Minority Member of a committee or in the individual occupying the Senate leadership office, and

[1] S. Res. 9 established these provisions by amendment to S. Res. 458 (§ 72 above).

(ii) in the case of employment described in paragraph (3)(A)(ii), the expiration of the term of office of the Senator, and

(B) who is certified, not later than 60 days after the date of the change or expiration of term of office, whichever is applicable, as a displaced staff member by the Chairman or Ranking Minority Member of the committee, the Senator occupying the Senate leadership office, or the Senator whose term is expiring, whichever is applicable, to the Secretary of the Senate.

(b) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each displaced staff member.

(c)(1) Under regulations prescribed by the Committee on Rules and Administration each displaced staff member shall, upon application to the Secretary of the Senate and approval by the Committee on Rules and Administration, continue to be paid at their respective salaries for a period not to exceed 60 days following the staff member's date of termination or until the staff member becomes otherwise gainfully employed, whichever is earlier.

(2) A statement in writing 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.

(d) Funds necessary to carry out the provisions of this section shall be available as set forth in section 1(d).

[S. Res. 9, 103–1, Jan. 7, 1993; S. Res. 478, 108–2, Nov. 19, 2004.]

PAY OF CLERICAL AND OTHER ASSISTANTS AS AFFECTED BY TERMINATION OF SERVICE OF APPOINTED SENATORS **97**

Resolved, That in any case in which (1) a Senator is appointed to fill any portion of an unexpired term, (2) an election is thereafter held to fill the remainder of such unexpired term, and (3) the Senator so appointed is not a candidate or if a candidate is not elected at such election, his clerical and other assistants on the payroll of the Senate on the date of termination of his service shall be continued on such roll at their respective salaries until the expiration of thirty days following such date or until they become otherwise gainfully employed, whichever is earlier, such sums to be paid from the contingent fund of the Senate. A statement in writing 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. The provisions of this resolution shall not apply to an employee of any such Senator if on or before the date of termination of his service he notifies the Disbursing Office of the Senate in writing that he does not wish the provisions of this resolution to apply to such employee. [S. Jour. 421, 86–2, June 28, 1960.]

98 LEAVE WITHOUT PAY STATUS FOR CERTAIN SENATE EMPLOYEES PERFORMING SERVICE IN THE UNIFORMED SERVICES

SEC. 1. Leave without pay status for certain Senate employees performing service in the uniformed services.

(a) Definitions.—In this section—

(1) the terms "employee" and "Federal executive agency" have the meanings given those terms under section 4303 (3) and (5) of title 38, United States Code, respectively; and

(2) the term "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.

(b) Leave without pay status—An employee of the Senate who is deemed to be on furlough or leave of absence under section 4316(b)(1)(A) of title 38, United States Code, by reason of service in the uniformed services—

(1) may be placed in a leave without pay status while so on furlough or leave of absence; and

(2) while placed in that status, shall be treated—

(A) subject to subparagraph (B), as an employee of a Federal executive agency in a leave without pay status for purposes of chapters 83, 84, 87, and 89 of title 5, United States Code; and

(B) as a Congressional employee for purposes of those chapters.

(c) Effective Date.—This section shall take effect on October 1, 2001, and apply to fiscal year 2002 and each fiscal year thereafter. [S. Res. 193, 107–1, Dec. 18, 2001.]

LOYALTY CHECKS ON SENATE EMPLOYEES [1] **99**

Resolved, That hereafter when any person is appointed as an employee of any committee of the Senate, of any Senator, or of any office of the Senate the committee, Senator, or officer having authority to make such appointment shall transmit the name of such person to the Federal Bureau of Investigation, together with a request that such committee, Senator, or officer be informed as to any derogatory and rebutting information in the possession of such agency concerning the loyalty and reliability for security purposes of such person, and in any case in which such derogatory information is revealed such committee, Senator, or officer shall make or cause to be made such further investigation as shall have been considered necessary to determine the loyalty and reliability for security purposes of such person.

Every such committee, Senator, and officer shall promptly transmit to the Federal Bureau of Investigation a list of the names of the incumbent employees of such committee, Senator, or officer together with a request that such committee, Senator, or officer be informed of any derogatory and rebutting information contained in the files of such agency concerning the loyalty and reliability for security purposes of such employee. [S. Jour. 144, 83–1, Mar. 6, 1953.]

EQUAL EMPLOYMENT OPPORTUNITIES [1] **100**

Whereas the Senate supports the principle that each individual is entitled to the equal protection of the laws guaranteed by the Fourteenth Article of Amendment to the Constitution of the United States; and

Whereas the Senate as an employer is not compelled by law to provide to its employees the protections against discrimination established in the Equal Pay Act of 1963 or Title VII of the Civil Rights Act of 1964: Now, therefore, be it

Resolved, That (a) no Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

[1] This resolution has not been generally implemented since the Federal Bureau of Investigation took the position that it was not authorized to divulge the information referred to in the resolution. However, the Bureau and the Department of Defense cooperate with Senate committees and offices which request security checks of specific employees when it is considered necessary by a committee chairman or officer of the Senate.

[1] See also rule XLII of the Standing Rules of the Senate.

(1) fail or refuse to hire an individual,

(2) discharge an individual, or

(3) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment,

on the basis of such individual's race, color, religion, sex, national origin or state of handicap.

(b) Each Member, officer, and employee of the Senate shall encourage the hiring of women and members of minority groups at all levels of employment on the staffs of Members, officers, and committees of the Senate.

[S. Res. 534, 94–2, Sept. 8, 1976.]

101 SENATE YOUTH PROGRAM

Whereas the continued vitality of our Republic depends, in part, on the intelligent understanding of our political processes and the functioning of our National Government by the citizens of the United States; and

Whereas the durability of a constitutional democracy is dependent upon alert, talented, vigorous competition for political leadership; and

Whereas individual Senators have cooperated with various private and university undergraduate and graduate fellowship and internship programs relating to the work of Congress; and

Whereas, in the high schools of the United States, there exists among students who have been elected to student-body offices in their sophomore, junior, or senior year a potential reservoir of young citizens who are experiencing their first responsibilities of service to a constituency and who should be encouraged to deepen their interest in and understanding of their country's political processes: Now, therefore, be it

Resolved, That the Senate hereby expresses its willingness to cooperate in a nationwide competitive high school Senate youth program which would give several representative high school students from each State a short indoctrination into the operation of the United States Senate and the Federal Government generally, if such a program can be satisfactorily arranged and completely supported by private funds with no expense to the Federal Government.

SEC. 2. The Senate Committee on Rules and Administration shall investigate the possibility of establishing such a program and, if the committee determines such a pro-

gram is possible and advisable, it shall make the necessary arrangements to establish the program.

SEC. 3. For the purpose of this resolution, the term "State" includes the Department of Defense education system for dependents in overseas areas.

[S. Res. 324, 87–2, May 17, 1962; S. Res. 146, 97–1, July 30, 1981.]

Whereas by S. Res. 324 of the Eighty-seventh Congress, agreed to May 17, 1962, the Senate expressed its willingness to cooperate in a nationwide competitive Senate youth program supported by private funds, which would give representative high school students from each State a short indoctrination into the operation of the United States Senate and the Federal Government generally, and authorized the Senate Committee on Rules and Administration, if it should find such a program possible and advisable, to make the necessary arrangements therefor; and

Whereas the Committee on Rules and Administration, after appropriate investigation, having determined such a program to be not only possible but highly desirable, authorized its establishment and with the support of the leaders and other Members of the Senate and the cooperation of certain private institutions made the necessary arrangements therefor; and

Whereas, pursuant to such arrangements, and with the cooperation of and participation by the offices of every Member of the Senate and the Vice President, one hundred and two student leaders representing all States of the Union and the District of Columbia were privileged to spend the period from January 28, 1963, through February 2, 1963, in the Nation's Capitol, thereby broadening their knowledge and understanding of Congress and the legislative process and stimulating their appreciation of the importance of a freely elected legislature in the perpetuation of our democratic system of government; and

Whereas by S. Res. 147 of the Eighty-eighth Congress, agreed to May 27, 1963, another group of student leaders from throughout the United States spent approximately one week in the Nation's Capitol, during January 1964; and

Whereas it is the consensus of all who participated that the above two programs were unqualifiedly successful,

and in all respects worthy and deserving of continuance; and

Whereas the private foundation which financed the initial programs has graciously offered to support a similar program during the year ahead: Now, therefore, be it

Resolved, That, until otherwise directed by the Senate the Senate youth program authorized by S. Res. 324 of the Eighty-seventh Congress, agreed to May 17, 1962, and extended by S. Res. 147, agreed to May 27, 1963, may be continued at the discretion of and under such conditions as may be determined by the Committee on Rules and Administration. [S. Jour. 196, 88–2, Apr. 16, 1964.]

102 SENIOR CITIZEN INTERNSHIP PROGRAM

Resolved, That (a) each Senator is authorized to employ for not more than fourteen consecutive days each year during the month of May a senior citizen intern or interns to serve in his office in Washington, District of Columbia.

(b) To be eligible to serve as a senior citizen intern an individual shall certify to the Secretary of the Senate that he has attained the age of sixty years, is a bona fide resident of the State of his employing Senator, and is a citizen of the United States.

(c)(1) Except as provided in paragraph (2), for purposes of payment of compensation and travel expenses, senior citizen interns employed pursuant to this resolution shall be subject to the same limitations and restrictions applicable to Senators and Senate employees.

(2) An outside vendor may provide for the travel and per diem expenses only of senior citizen interns in the Senior Citizen Intern Program subject to approval by the Committee on Rules and Administration. Documentation provided by such vendor may be accepted as official travel expense documentation for the purpose of reimbursing interns in the program for travel expenses.

SEC. 2. Compensation and payment under this resolution shall be paid from and charged against the clerk-hire and travel allowances of the Senator employing such senior citizen intern.

SEC. 3. The Committee on Rules and Administration is authorized to prescribe such rules and regulations as it determines necessary to carry out this resolution.

[S. Res. 219, 95–2, May 5, 1978; S. Res. 96, 102–1, Apr. 24, 1991.]

TRANSPORTATION COSTS AND TRAVEL EXPENSES INCURRED BY MEMBERS AND EMPLOYEES OF THE SENATE WHEN ENGAGED IN AUTHORIZED FOREIGN TRAVEL **105**

Resolved, That until otherwise provided by law or resolution of the Senate, the contingent fund of the Senate is made available, as provided in this resolution, to defray the costs of transportation and the ordinary and necessary travel expenses of Members and employees of the Senate when engaged in authorized foreign travel. The Secretary of the Senate is authorized to advance funds, under authority of this resolution, in the same manner provided for committees of the Senate under the authority of Public Law 118, Eighty-first Congress, approved June 22, 1949.

SEC. 2. (a) Transportation costs and ordinary and necessary travel expenses incurred by a Member or employee engaged in authorized foreign travel shall be paid upon certification of such Member or employee, and upon vouchers approved by the Senator who authorized such foreign travel.

(b) Transportation costs and ordinary and necessary travel expenses which are incurred for a group of Members or employees engaged in authorized foreign travel shall be paid upon certification of the Member who is chairman of such group (or, if no chairman has been designated, upon certification of the ranking Member of such group) or, if the group does not include a Member, upon certification of the senior employee in such group, and upon vouchers approved by the Senator who authorized such foreign travel.

(c) The reports of the Secretary of the Senate setting forth amounts paid from the contingent fund under authority of this resolution shall, at the request of the chairman of the Select Committee on Intelligence, omit any matter which would identify the foreign countries in which Members and employees of the Select Committee traveled on behalf of the Select Committee.

SEC. 3. Payment of transportation costs and ordinary and necessary travel expenses may not be paid under this resolution to the extent that appropriated funds or foreign currencies under section 502(b) of the Mutual Security Act of 1954 are utilized to defray such costs and expenses. Such funds and currencies shall be used to the maximum extent possible.

SEC. 4. For purposes of this resolution—

(1) The term "foreign travel" means travel outside the United States and includes travel within the United States which is the beginning or end of travel outside the United States.

(2) The term "authorized foreign travel" means foreign travel on official business on behalf of the Senate or a committee of the Senate which is authorized—

(A) in the case of foreign travel on behalf of the Senate, by the President pro tempore, Majority Leader, or Minority Leader of the Senate; and

(B) in the case of foreign travel on behalf of a committee of the Senate, by the chairman of that committee.

(3) The term "committee of the Senate" includes all standing, select, and special committees of the Senate and all joint committees of the Congress whose funds are disbursed by the Secretary of the Senate.

(4) The term "employee of the Senate" includes an individual (other than a Member) whose salary is disbursed by the Secretary of the Senate or who is treated as an employee of the Senate for purposes of the Senate Code of Official Conduct.

(5) The term "ordinary and necessary travel expenses" includes, in the case of a group of Members engaged in authorized foreign travel, such special expenses as the chairman (or, if there is no chairman, the ranking Member) deems appropriate, including, to the extent not otherwise provided, reimbursements to any agency of the Government for (A) expenses incurred on behalf of the group, (B) compensation (including overtime) of employees of such agency officially detailed to the group, and (C) expenses incurred in connection with providing appropriate hospitality.

[S. Res. 179, 95–1, May 25, 1977.]

106 DOCUMENTATION REQUIRED FOR REIMBURSEMENTS OUT OF SENATORS' OFFICIAL OFFICE EXPENSE ACCOUNTS

Resolved, That (a) no payments or reimbursements for expenses shall be made from the contingent fund of the Senate, unless the vouchers presented for such expenses are accompanied by supporting documentation.

(b) The Committee on Rules and Administration is authorized to promulgate regulations to carry out the purpose of this resolution and to except specific vouchers from the requirements of subsection (a) of this resolution.

(c) This resolution shall apply with respect to vouchers submitted for payment or reimbursement on and after October 1, 1987, or upon the adoption of this resolution if such adoption occurs at a later date.

(d) Senate Resolution 170, 96th Congress (agreed to August 2, 1979), is repealed as of October 1, 1987, or upon adoption of this resolution if such adoption occurs at a later date. Any regulations adopted by the Committee on Rules and Administration to implement Senate Resolution 170 shall remain in effect, after the repeal of Senate Resolution 170, until modified or repealed by such committee, and shall be held and considered to be regulations adopted to implement this resolution. [S. Res. 258, 100–1, Oct. 1, 1987.]

RESTRICTIONS ON CERTAIN EXPENSES PAYABLE OR REIMBURSABLE FROM A SENATOR'S OFFICIAL OFFICE EXPENSE ACCOUNT **107**

Resolved, That except for section 3, this resolution applies only to payments and reimbursements from the contingent fund of the Senate under paragraphs (5) and (9) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)). For purposes of such paragraphs, the terms "official office expenses" and "other official expenses" mean ordinary and necessary business expenses incurred by a Senator and his staff in the discharge of their official duties.

SEC. 2. Reimbursements and payments from the contingent fund of the Senate under paragraphs (5) and (9) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) shall not be made for:

(1) commuting expenses, including parking fees incurred in commuting;

(2) expenses incurred for the purchase of holiday greeting cards, flowers, trophies, awards, and certificates;

(3) donations or gifts of any type, except gifts of flags which have been flown over the United States Capitol, copies of the book "We, the People", and copies of the calendar "We The People" published by the United States Capitol Historical Society.

(4) dues or assessments;

(5) expenses incurred for the purchases of radio or television time, or for space in newspaper or other print media (except classified advertising for personnel to be employed in a Senator's office);

(6) expenses incurred by an individual who is not an employee (except as specifically authorized by subsections (e) and (h) of such section 506);

(7) travel expenses incurred by an employee which are not reimbursable under subsection (e) of such section 506;

(8) relocation expenses incurred by an employee in connection with the commencement or termination of employment or a change of duty station; and

(9) compensation paid to an individual for personal services performed in a normal employer-employee relationship.

SEC. 3. Payment of or reimbursement for the following expenses is specifically prohibited by law and reimbursements and payments from the contingent fund of the Senate shall not be made therefor:

(1) expenses incurred for entertainment or meals (2 U.S.C. 58(a));

(2) payment of additional salary or compensation to an employee (2 U.S.C. 68); and

(3) expenses incurred for maintenance or care of private vehicles (Legislative Branch Appropriation Acts).

SEC. 4. This resolution shall apply with respect to expenses incurred on or after the date on which this resolution is agreed to.

[S. Res. 294, 96–2, Apr. 29, 1980; S. Res. 176, 104–1, Sept. 28, 1995.]

108 DEBT COLLECTION

Resolved, That, for purposes of subchapters I and II of chapter 37 of Title 31, United States Code (relating to claims of or against the United States Government), the United States Senate shall be considered to be a legislative agency (as defined in section 3701(a)(4) of such title), and the Secretary of the Senate shall be deemed to be the head of such legislative agency.

SEC. 2. Regulations prescribed by the Secretary pursuant to section 3716 of Title 31, United States Code, shall not become effective until they are approved by the Senate Committee on Rules and Administration.

[S. Res. 147, 101–1, June 20, 1989.]

109 TORT CLAIMS PROCEDURES

Resolved, That the Sergeant at Arms of the Senate, in accordance with regulations prescribed by the Attorney

General and such regulations as the Committee on Rules and Administration may prescribe, may consider and ascertain and, with the approval of the Committee on Rules and Administration, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of Title 28, United States Code, any claim for money damages against the United States for injury of loss of property or personal injury or death caused by the negligent or wrongful act or omission of any Member, officer, or employee of the Senate 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. The Committee on Rules and Administration may, from time to time, delegate any or all of its authority under this resolution to the chairman. Any compromise, adjustment, or settlement of any such claim not exceeding $2,500 shall be paid from the contingent fund of the Senate on a voucher approved by the chairman of the Committee on Rules and Administration.

SEC. 2. The Committee on Rules and Administration is authorized to issue such regulations as it may determine necessary to carry out the provisions of this resolution.

[S. Res. 492, 97–2, Dec. 10, 1982.]

REIMBURSEMENT OF WITNESS EXPENSES[1] 110

Resolved, That witnesses appearing before the Senate or any of its committees may be authorized reimbursement for per diem expenses incurred for each day while traveling to and from the place of examination and for each day in attendance. Such reimbursement shall be made on an actual expense basis which shall not exceed the daily rate prescribed by the Committee on Rules and Administration, unless such limitation is specifically waived by such committee. A witness may also be authorized reimbursement of the actual and necessary transportation expenses in-

[1] The Legislative Branch Appropriation Act, 1961 (July 12, 1960, Public Law 86–628, 74 Stat. 449), contained the following restriction on advances of witness fees:

"No part of any appropriation disbursed by the Secretary of the Senate shall be available hereafter 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."

curred by the witness in traveling to and from the place of examination.

SEC. 2. (a) The provisions of this resolution shall be effective with respect to all witness expenses incurred on or after October 1, 1987.

(b) Senate Resolution 538, agreed to December 8, 1980, is repealed effective on October 1, 1987.

[S. Res. 259, 100–1, Aug. 5, 1987.]

115 RELATIVE TO CONTRIBUTIONS FOR COSTS OF CIVIL, CRIMINAL, OR OTHER LEGAL INVESTIGATIONS OF MEMBERS, OFFICERS, OR EMPLOYEES OF THE SENATE

Resolved, That nothing in the provisions of the Standing Rules of the Senate shall be construed to limit contributions to defray investigative, civil, criminal, or other legal expenses of Members, officers, or employees of the Senate relating to their service in the United States Senate, subject to limitations, regulations, procedures, and reporting requirements which shall be promulgated by the Select Committee on Ethics. Nothing in the provisions of the Standing Rules of the Senate shall be construed to limit contributions to defray the legal expenses of the spouses or dependents of Members, officers, or employees of the Senate.

[S. Res. 508, 96–2, Sept. 4, 1980.]

116 CLARIFYING RULES REGARDING ACCEPTANCE OF PRO BONO LEGAL SERVICES BY SENATORS

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, or Senate Resolution 321, adopted by the Senate on October 3, 1996, pro bono legal services provided to a Member of the Senate with respect to any civil action challenging the constitutionality of a Federal statute that expressly authorizes a Member either to file an action or to intervene in an action—

(1) shall not be deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member;

(3) shall not require the establishment of a legal expense trust fund; and

(4) shall be governed by the Select Committee on Ethics Regulations Regarding Disclosure of Pro Bono Legal Services, adopted February 13, 1997, or any revision thereto.

(b) This resolution shall supersede Senate Resolution 321, adopted by the Senate on October 3, 1996.

[S. Res. 227, 107–2, Mar. 20, 2002.]

STANDARDS OF CONDUCT FOR MEMBERS OF THE SENATE AND OFFICERS AND EMPLOYEES OF THE SENATE **117**

Resolved, It is declared to be the policy of the Senate that—

(b) These rules, as the written expression of certain standards of conduct, complement the body of unwritten but generally accepted standards that continue to apply to the Senate.

* * * * * *

[S. Jour. 247, 90–2, Mar. 22, 1968.]

SEAL OF THE SENATE **120**

Resolved, That the Secretary shall have the custody of the seal, and shall use the same for the authentication of process transcripts, copies, and certificates whenever directed by the Senate; and may use the same to authenticate copies of such papers and documents in his office as he may lawfully give copies of. [S. Jour. 194, 49–1, Jan. 20, 1886.]

OFFICIAL SENATE FLAG **121**

Resolved, That the Secretary of the Senate is authorized and directed to design an official Senate flag utilizing the seal of the Senate as the principal symbol on such flag. Expenses incident to the designing and procurement of such flag shall be paid from the contingent fund of the Senate upon vouchers signed by the Secretary of the Senate.

SEC. 2. The Senate flag shall be available for purchase and use by Senators, or former Senators, only subject to the following conditions—

(1) purchase of the flag shall be limited to—

(A) two flags for each Senator, or former Senator, subject to replacement for loss, destruction, or wear and tear;

(B) two flags for each Senate committee, as determined by the chairman and ranking member, subject to replacement for loss, destruction, or wear and tear; and

(C) two flags for each officer of the Senate, subject to replacement for loss, destruction, or wear and tear; and

(2) the flag shall not be utilized or displayed for commercial purposes.

Senators who leave the Senate may retain their flags subject to the preceding restrictions.

[S. Res. 369, 98–2, Sept. 7, 1984; S. Res. 135, 101–1, June 2, 1989.]

122 SEAL OF THE PRESIDENT PRO TEMPORE

Resolved, That the President pro tempore of the Senate is authorized to adopt and use an official seal of his office.

SEC. 2. Expenses incident to the designing and procurement of such seal shall be paid from the contingent fund of the Senate upon vouchers signed by the President pro tempore of the Senate.

SEC. 3. A description and illustration of the seal adopted pursuant to this resolution shall be transmitted to the General Services Administration for publication in the Federal Register. [S. Jour. 686, 83–2, Aug. 14, 1954.]

123 MARBLE BUSTS OF VICE PRESIDENTS

Resolved, That marble busts of those who have been Vice Presidents of the United States shall be placed in the Senate wing of the Capitol from time to time, that the Architect of the Capitol is authorized, subject to the advice and approval of the Senate committee on Rules and Administration, to carry into the execution the object of this resolution, and the expenses incurred in doing so shall be paid out of the contingent fund of the Senate.

[S. Jour. 40, 55–2, Jan. 6, 1898; S. Jour. 173, 80–1, Mar. 28, 1947.]

124 AWARD OF SERVICE PINS OR EMBLEMS

Resolved, That the Committee on Rules and Administration is hereby authorized to provide for the awarding of service pins or emblems to Members, officers, and employees of the Senate, and to promulgate regulations governing the awarding of such pins or emblems. Such pins or emblems shall be of a type appropriate to be attached to the lapel of the wearer, shall be of such appropriate material and design, and shall contain such characters, symbols, or other matter, as the committee shall select.

SEC. 2. The Secretary of the Senate, under direction of the committee and in accordance with regulations promulgated by the committee, shall procure such pins or emblems and award them to Members, officers, and employees of the Senate who are entitled thereto.

SEC. 3. The expenses incurred in procuring such pins or emblems shall be paid from the contingent fund of the Senate on vouchers signed by the chairman of the committee.

[S. Jour. 45, 89–1, Sept. 10, 1965.]

DESIGNATING THE OLD SENATE OFFICE BUILDING AND THE NEW SENATE OFFICE BUILDING AS THE "RICHARD BREVARD RUSSELL SENATE OFFICE BUILDING" AND THE "EVERETT MCKINLEY DIRKSEN SENATE OFFICE BUILDING", RESPECTIVELY **125**

Resolved, That insofar as concerns the Senate—

(1) the Senate Office building referred to as the Old Senate Office Building and constructed under authority of the Act of April 28, 1904 (33 Stat. 452, 481), is designated, and shall be known as, the "Richard Brevard Russell Senate Office Building"; and

(2) the additional office building for the Senate referred to as the New Senate Office Building and constructed under the provisions of the Second Deficiency Appropriation Act of 1948 (62 Stat. 1928), is designated, and shall be known as, the "Everett McKinley Dirksen Senate Office Building".

SEC. 2. Any rule, regulation, document, or record of the Senate, in which reference is made to either building referred to in the first section of this resolution, shall be held and considered to be a reference to such building by the name designated for such building by the first section of this resolution.

SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the buildings referred to in the first section of this resolution to commemorate and designate such buildings as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

[S. Jour. 1197, 92–2, Oct. 11, 1972; S. Res. 295, 96–1, Dec. 3, 1979.]

DESIGNATING THE EXTENSION TO THE DIRKSEN SENATE OFFICE BUILDING AS THE "PHILIP A. HART SENATE OFFICE BUILDING" **126**

Resolved, That insofar as concerns the Senate, the extension of the Senate Office Building presently under construction pursuant to the Supplemental Appropriations Act, 1973 (86 Stat. 1510), is designated and shall be known

as the "Philip A. Hart Senate Office Building", when completed.

SEC. 2. Any rule, regulation, document, or record of the Senate, in which reference is made to the building referred to in the first section of this resolution, shall be held and considered to be a reference to such building by the name designated for such building by the first section of this resolution.

SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the building referred to in the first section of this resolution to commemorate and designate such building as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

[S. Res. 525, 94–2, Aug. 30, 1976; S. Res. 295, 96–1, Dec. 3, 1979.]

127 PROHIBITION ON THE REMOVAL OF ART AND HISTORIC OBJECTS FROM THE SENATE WING OF THE CAPITOL AND SENATE OFFICE BUILDINGS FOR PERSONAL USE

Resolved, That (a) a Member of the Senate or any other person may not remove a work of art, historical object, or an exhibit from the Senate wing of the Capitol or any Senate office building for personal use.

(b) For purposes of this resolution, the term "work of art, historical object, or an exhibit" means an item, including furniture, identified on the list (and any supplement to the list) required by section 4 of Senate Resolution 382, 90th Congress, as enacted into law by section 901(a) of Public Law 100–696 (2 U.S.C. 2104).

(c) For purposes of this resolution, the Senate Commission on Art shall update the list required by section 4 of Senate Resolution 382, 90th Congress (2 U.S.C. 2104) every 6 months after the date of adoption of this resolution and shall provide a copy of the updated list to the Committee on Rules and Administration.

[S. Res. 178, 108–1, June 27, 2003.]

COMMISSION ON ART AND ANTIQUITIES OF THE UNITED STATES SENATE [1] **128**

(a) The ideal concept of public office, expressed by the words, "A public office is a public trust", signifies that the officer has been entrusted with public power by the people; that the officer holds this power in trust to be used only for their benefit and never for the benefit of himself or of a few; and that the officer must never conduct his own affairs so as to infringe on the public interest. All official conduct of Members of the Senate should be guided by this paramount concept of public office.

[Pub. L. 100–696, Nov. 18, 1988.]

INTERPARLIAMENTARY ACTIVITIES AND RECEPTION OF CERTAIN FOREIGN OFFICIALS **129**

Resolved, That the Committee on Foreign Relations is authorized from March 1, 1981, until otherwise provided by law, to expend not to exceed $25,000 each fiscal year to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments and intergovernmental organizations.

SEC. 2. The Secretary of the Senate is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred in connection with activities authorized by this resolution and approved in advance by the chairman of the Committee on Foreign Relations upon vouchers certified by the Senator incurring such expenses and approved by the chairman.

[S. Res. 247, 87–2, Feb. 7, 1962; S. Res. 91, 94–1, Mar. 18, 1975; S. Res. 281, 96–2, Mar. 11, 1980.]

AUTHORIZING THE DISPLAY OF THE SENATE LEADERSHIP PORTRAIT COLLECTION IN THE SENATE LOBBY **130**

Resolved, That (a) portraits in the Senate Leadership Portrait Collection may be displayed in the Senate Lobby at the direction of the Senate Commission on Art in accordance with guidelines prescribed pursuant to subsection (d).

[1] Became Senate Commission on Art, and enacted into permanent law by Pub.L. 100–696, Nov. 18, 1988. See 2 U.S.C. §§ 2101–2108; Senate Manual sections **917–924.**

(b) The Senate Leadership Portrait Collection shall consist of portraits selected by the Senate Commission on Art of Majority or Minority Leaders and Presidents pro tempore of the Senate.

(c) Any portrait for the Senate Leadership Portrait Collection that is acquired on or after the date of adoption of this resolution shall be of an appropriate size for display in the Senate Lobby, as determined by the Senate Commission on Art.

(d) The Senate Commission on Art shall prescribe such guidelines as it deems necessary, subject to the approval of the Committee on Rules and Administration, to carry out this resolution.

[S. Res. 148, 109–1, May 18, 2005.]

131 ESTABLISHING A PROCEDURE FOR AFFIXING AND REMOVING PERMANENT ARTWORK AND SEMI-PERMANENT ARTWORK IN THE SENATE WING OF THE CAPITOL AND IN THE SENATE OFFICE BUILDINGS

Resolved, No permanent artwork or semi-permanent artwork may be affixed to or removed from the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings unless—

(1) the Senate Commission on Art—

(A) has recommended the affixation or removal; and

(B) in the case of an affixation of permanent artwork or semi-permanent artwork—

(i) has recommended an appropriate location for the affixation; and

(ii) has determined that—

(I) not less than 25 years have passed since the death of any subject in a portrait included in the permanent artwork or semi-permanent artwork; and

(II) not less than 25 years have passed since the commemorative event that is to be portrayed in the permanent artwork or semi-permanent artwork; and

(2) the Senate has passed a Senate resolution approving the recommendation of the Senate Commission on Art.

SEC. 2. Sense of the Senate.

It is the sense of the Senate that prior to making a recommendation to affix any permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings, the Senate Commission on Art should consider, at a minimum, the following:

(1) The significance of the original, intended, or existing permanent artwork or semi-permanent artwork in the installation space proposed for the additional permanent artwork or semi-permanent artwork.

(2) The existing conditions of the surface of the proposed installation space.

(3) The last time fixed art was added to the proposed installation space.

(4) The amount of area available for the installation of permanent artwork or semi-permanent artwork in the proposed installation space.

(5) The opinion of the Curatorial Advisory Board on such affixation.

SEC. 3. Creation of artwork.

If a request to affix permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings meets the requirements of section 1, the Senate Commission on Art shall select the artist and shall supervise and direct the creation of the artwork and the application of the artwork to the selected surface.

SEC. 4. Definitions.

In this resolution—

(1) PERMANENT ARTWORK.—The term "permanent artwork" means artwork that when applied directly to a wall, ceiling, or floor has become part of the fabric of the building, based on a consideration of relevant factors including—

(A) the original intent when the artwork was applied;

(B) the method of application;

(C) the adaptation or essentialness of the artwork to the building; and

(D) whether the removal of the artwork would cause damage to either the artwork or the surface that contains it.

(2) SEMI-PERMANENT ARTWORK.—The term "semi-permanent artwork" means artwork that when applied directly

to the surface of a wall, ceiling, or floor can be removed without damaging the artwork or the surface to which the artwork is applied.

[S. Res. 629, 109–2, Dec. 7, 2006.]

135 PUBLIC ACCESS TO SENATE RECORDS AT THE NATIONAL ARCHIVES

Resolved, That any records of the Senate or any committee of the Senate which are transferred to the General Services Administration under rule XI of the Standing Rules of the Senate and section 2114 of Title 44, United States Code, and which have been made public prior to their transfer may be made available for public use.

SEC. 2. (a) Subject to such rules or regulations as the Secretary of the Senate may prescribe, any other records of the Senate or any committee of the Senate which are so transferred may be made available for public use—

(1) in the case of investigative files relating to individuals and containing personal data, personnel records, and records of executive nominations, when such files and records have been in existence for fifty years; and

(2) in the case of all other such records, when such records have been in existence for twenty years.

(b) Notwithstanding the provisions of subsection (a), any committee of the Senate may, by action of the full committee, prescribe a different time when any of its records may be made available for public use, under specific conditions to be fixed by such committee, by giving notice thereof to the Secretary of the Senate and the Administrator of General Services.

SEC. 3. (a) This resolution shall not be construed to authorize the public disclosure of any record pursuant to section 2 if such disclosure is prohibited by law or Executive order of the President.

(b) Notwithstanding the provisions of section 2, the Secretary of the Senate may prohibit or restrict the public disclosure of any record so transferred, other than any record of a Senate committee, if he determines that public disclosure of such record would not be in the public interest and so notifies the Administrator of General Services.

SEC. 4. The Secretary of the Senate shall transmit a copy of this resolution to the Administrator of General Services.

[S. Res. 474, 96–2, Dec. 1, 1980.]

PRINTING IN THE CONGRESSIONAL RECORD **136**

Resolved, That hereafter no written or printed matter shall be received for printing in the body of the Congressional Record as a part of the remarks of any Senator unless such matter (1) shall have been read orally by such Senator on the floor of the Senate, or (2) shall have been offered and received for printing in such manner as to indicate clearly that the contents thereof were not read orally by such Senator on the floor of the Senate. All such matter shall be printed in the Record in accordance with the rules prescribed by the Joint Committee on Printing. No request shall be entertained by the Presiding Officer to suspend by unanimous consent the requirements of this resolution.

[S. Jour. 510, 80–1, July 23, 1947.]

PRINTING OF THE EXECUTIVE JOURNAL **137**

Resolved, That, beginning with the first session, Ninetieth Congress, the Secretary of the Senate is authorized to have printed not more than one hundred and fifty copies of the Executive Journal for a session of the Congress.

[S. Jour. 167, 90–1, Feb. 17, 1967.]

PRINTING OF MEMORIAL TRIBUTES TO DECEASED FORMER MEMBERS OF THE SENATE **138**

Resolved, That when the Senate orders the printing as a Senate document of the legislative proceedings in the United States Congress relating to the death of a former United States Senator, such document shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of Title 44, United States Code, in the same manner and under the same conditions as memorial addresses on behalf of Members of Congress dying in office are printed under sections 723 and 724 of such Title.

[S. Jour. 293, 93–1, Apr. 6, 1973.]

OFFICE OF SENATE SECURITY **139**

Resolved, 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. [Executed.]

(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. 243, 100–1, July 1, 1987.]

[150]

RULES FOR REGULATION OF THE SENATE WING OF THE UNITED STATES CAPITOL AND SENATE OFFICE BUILDINGS[1]

[Adopted by the Committee on Rules and Administration pursuant to rule XXXIII of the Standing Rules of the Senate]

RULE I 150

SERGEANT AT ARMS

The Sergeant at Arms of the Senate, under the direction of the Presiding Officer, shall be the Executive Officer of the body for the enforcement of all rules made by the Committee on Rules and Administration for the regulation of the Senate wing of the Capitol and the Senate Office Buildings. The Senate floor shall be at all times under his immediate supervision, and he shall see that the various subordinate officers of his department perform the duties to which they are especially assigned.

The Sergeant at Arms shall see that the messengers assigned to the doors upon the Senate floor are at their posts and that the floor, cloakrooms, and lobby are cleared at least five minutes before the opening of daily sessions of all persons not entitled to remain there. In the absence of the Sergeant at Arms the duties of his office, so far as they pertain to the enforcement of the rules, shall devolve upon the Deputy Sergeant at Arms.

RULE II 151

MAJORITY AND MINORITY SECRETARIES

The secretary for the majority and the secretary for the minority shall be assigned, during the daily sessions of the Senate, to duty upon the Senate floor.

[1] Title changed effective June 22, 1998.

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RULE III

USE OF THE SENATE CHAMBER

In order to secure and protect the Senate Chamber and its furniture and furnishings, the language contained in paragraph numbered one of rule XXXIII of the Standing Rules of the Senate, which reads "The Senate Chamber shall not be granted for any other purpose than for the use of the Senate," shall be interpreted to mean that when the Senate is not sitting in session or otherwise using the Chamber for some function of the Senate, no Senator shall seat any person or persons in chairs of Senators others than the chair assigned to him (other persons shall not seat anyone in a chair of a Senator); and lectures, talks, or speeches shall not be given at such times to groups on the floor by Senators or others except for the purpose of explaining the Chamber.

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RULE IV

TAKING OF PICTURES PROHIBITED;[1] USE OF MECHANICAL EQUIPMENT IN CHAMBER

153.1 1. The taking of pictures of any kind is prohibited in the Senate Chamber, the Senate Reading Rooms (Marble Room and Lobby), the Senate Cloakrooms, and the Private Dining Room of the Senate.

153.2 2. The Sergeant at Arms shall be authorized to admit into the Senate Chamber such mechanical equipment and/or devices which, in the judgment of the Sergeant at Arms, are necessary and proper in the conduct of official Senate business and which by their presence shall not in any way distract, interrupt, or inconvenience the business or Members of the Senate.

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RULE V

MESSENGERS ACTING AS ASSISTANT DOORKEEPERS

The messengers acting as Assistant Doorkeepers shall be assigned to their duties by the Sergeant at Arms.

[1] Paragraph 1 of rule IV has been temporarily suspended on numerous occasions for the taking of official photographs of the Senate in session, and on Dec. 19, 1974, for telecasting the inauguration of Vice President Nelson A. Rockefeller. Senate authorization for the telecasting of the New Hampshire contested senatorial election debate was not utilized.

RULE VI 155

GALLERIES

The Sergeant at Arms shall keep the aisles of the galleries clear, and shall not allow admittance into the galleries of more than their seating capacity, nor shall he allow admittance of children under the age of six into the galleries. He shall not permit any person to enter a gallery with or carrying any firearms or dangerous weapons except for law enforcement and other personnel performing duties under the direction of the Senate, or any package, bundle, suitcase, briefcase, or camera; he shall not permit any person in any gallery to smoke, applaud, or commit any other type of demonstration either by sound or sign; except in the press, radio, television, and correspondents' galleries he shall not permit any person to read (except the Senate seating diagram) or to write or take notes (except bona fide employees of the Senate when sitting in the Staff Gallery and making notes in the course of their employment); he shall not permit any person to take any picture or photograph or to sketch or draw; he shall not permit any person to place any object whatsoever—including hats, coats, or other personal apparel—or portion of a person on any railing, or any male to wear a hat, except that where a man's religious beliefs require that he wear a head-cover in such public places as the Senate Gallery, then such head-cover shall be permitted;[1] and he shall not allow any person to lean forward over the railings or to place his or her hands thereon.

The galleries of the Senate shall be set apart and occupied as follows:

PRESS GALLERY 155.1

The gallery in the rear of the Vice President's chair shall be set apart for reporters of daily newspapers.

The administration of the Press Gallery shall be vested in a Standing Committee of Correspondents elected by accredited members of the gallery. The committee shall consist of five persons elected to serve for terms of two years: *Provided, however,* That at the election in January 1951, the three candidates receiving the highest number of votes shall serve for two years and the remaining two for one year. Thereafter, three members shall be elected in odd-

[1] Adopted Apr. 1, 1987.

numbered years and two in even-numbered years. Elections shall be held in January. The committee shall elect its own chairman and secretary. Vacancies on the committee shall be filled by special election to be called by the Standing Committee.

Persons desiring admission to the Press Gallery in the Senate wing shall make application in accordance with rule XXXIII for the regulation of the Senate wing of the Capitol, which rule shall be interpreted and administered by the Standing Committee of Correspondents, subject to the review and approval by the Senate Committee on Rules and Administration.

The Standing Committee of Correspondents shall limit membership in the Press Gallery to bona fide correspondents of repute in their profession, under such rules as the Standing Committee of Correspondents shall prescribe: *Provided, however,* That the Standing Committee of Correspondents shall admit to the Press Gallery no person who does not establish to the satisfaction of the Standing Committee all of the following:

a. That his or her principal income is obtained from news correspondence intended for publication in newspapers entitled to second-class mailing privileges.

b. That he or she is not engaged in paid publicity or promotion work or in prosecuting any claim before Congress or before any department of the Government, and will not become so engaged while a member of the Press Gallery.

c. That he or she is not engaged in any lobbying activity and will not become so engaged while a member of the Press Gallery.

Members of the families of correspondents are not entitled to the privileges of the Press Gallery.

The Standing Committee of Correspondents shall propose no change or changes in these rules except upon petition in writing signed by not less than 100 accredited members of the Press Gallery.

155.2 RADIO AND TELEVISION CORRESPONDENTS GALLERY

The front row in the northeast public gallery shall be set apart for the use of the radio-television correspondents.

Persons desiring admission to the Radio and Television Correspondents Gallery of the Senate shall make application to the Committee on Rules and Administration of the Senate, as required by rule XXXIII for the regulation of

the Senate wing of the Capitol; and shall also state, in writing, the names of all radio stations, television stations, systems, or news-gathering organizations by which they are employed; and what other occupation or employment they may have, if any; and shall further declare that they are not engaged in the prosecution of claims or promotion of legislation pending before Congress, the departments, or the independent agencies, and that they will not become so employed without resigning from the gallery. They shall further declare that they are not employed in any legislative or executive department or independent agency of the Government, or by any foreign government or representative thereof; that they are not engaged in any lobbying activities; that they do not and will not, directly or indirectly, furnish special information to any organization, individual, or group of individuals, for the influencing of prices on any commodity or stock exchange; that they will not do so during the time they retain membership in the gallery. Holders of visitors' cards who may be allowed temporary admission to the gallery must conform to all the restrictions of this paragraph.

It shall be prerequisite to membership that the radio station, television station, system, or news-gathering agencies which the applicants represent shall certify, in writing, to the Radio and Television Correspondents Gallery that the applicants conform to the foregoing regulations.

The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Executive Committee of the Radio and Television Correspondents Gallery, which shall see that the occupation of the gallery is confined to bona fide news gatherers and/or reporters of reputable standing in their business who represent radio stations, television stations, systems, or news-gathering agencies engaged primarily in serving radio stations, television stations, or systems. It shall be the duty of the Executive Committee of the Radio and Television Correspondents Gallery to report, at its discretion, violation of privileges of the gallery to the Senate Committee on Rules and Administration, and, pending action thereon, the offending individual may be suspended.

Persons engaged in other occupations, whose chief attention is not given to—or more than one-half of their earned income is not derived from—the gathering or reporting of news for radio stations, television stations, systems, or

news-gathering agencies primarily serving radio stations, television stations, or systems, shall not be entitled to admission to the Radio and Television Correspondents Gallery. The Radio and Television Correspondents list in the Congressional Directory shall be a list only of persons whose chief attention is given to the gathering and reporting of news for radio stations, television stations, and systems engaged in the daily dissemination of news, and of representatives of news-gathering agencies engaged in the daily service of news to such radio stations, television stations, or systems.

Members of the families of correspondents are not entitled to the privileges of the gallery.

The Radio and Television Correspondents Gallery shall be under the control of the Executive Committee of the Radio and Television Correspondents Gallery, subject to the approval and supervision of the Senate Committee on Rules and Administration.

155.3 PERIODICAL PRESS GALLERY

The front row in the northwest public gallery shall be set aside for the use of the periodical press.

1. Persons eligible for admission to the Periodical Press Gallery of the Senate must be bona fide resident correspondents of reputable standing, giving their chief attention to the gathering and reporting of news. They shall state in writing the names of their employers and their additional sources of earned income; and they shall declare that, while a member of the Gallery, they will not act as an agent in the prosecution of claims, and will not become engaged or assist, directly or indirectly, in any lobbying, promotion, advertising, or publicity activity intended to influence legislation or any other action of the Congress, nor any matter before any independent agency, or any department or other instrumentality of the Executive Branch; and that they will not act as an agent for, or be employed by the federal, or any state, local or foreign government or representatives thereof; and that they will not, directly or indirectly, furnish special or "insider" information intended to influence prices or for the purpose of trading on any commodity or stock exchange; and that they will not become employed, directly or indirectly, by any stock exchange, board of trade or other organization or member thereof, or brokerage house or broker engaged in the buying and selling of any security or commodity. Applications

shall be submitted to the Executive Committee of the Periodical Correspondents' Association and shall be authenticated in a manner satisfactory to the Executive Committee.

2. Applicants must be employed by periodicals that regularly publish a substantial volume of news material of either general, economic, industrial, technical, cultural or trade character. The periodical must require such Washington coverage on a continuing basis and must be owned and operated independently of any government, industry, institution, association, or lobbying organization. Applicants must also be employed by a periodical that is published for profit and is supported chiefly by advertising or by subscription, or by a periodical meeting the conditions in this paragraph but published by a non-profit organization that, first, operates independently of any government, industry, or institution and, second, does not engage, directly or indirectly, in any lobbying or other activity intended to influence any matter before Congress or before any independent agency or any department or other instrumentality of the Executive Branch. House organs are not eligible.

3. Members of the families of correspondents are not entitled to the privileges of the gallery.

4. The Executive Committee may issue temporary credentials permitting the privileges of the Gallery to individuals who meet the rules of eligibility but who may be on short term assignment or temporarily resident in Washington.

5. Under the authority of Rule XXXIII of the Senate, the Periodical Press Gallery of the Senate shall be under the control of the Executive Committee, subject to the approval and supervision of the Senate Committee on Rules and Administration. It shall be the duty of the Executive Committee, at its discretion, to report violations of the privileges of the Gallery to the Senate Committee on Rules and Administration, and pending action thereon, the offending correspondent may be suspended. The Committee shall be elected at the start of each Congress by members of the Periodical Correspondents' Association, and shall consist of seven members with no more than one member from any one publishing organization. The Committee shall elect its own officers, and a majority of the Committee may fill vacancies on the Committee. The list in the Congres-

sional Directory shall be a list only of members of the Periodical Correspondents' Association.

155.4 PRESS PHOTOGRAPHERS' GALLERY

1. (a) Administration of the Press Photographers' Gallery is vested in a Standing Committee of Press Photographers consisting of six persons elected by accredited members of the gallery. The Committee shall be composed of one member each from Associated Press Photos, United Press International Newspictures, magazine media, and local newspapers and two "at large" members. "At large" members may be, but need not be, selected from a media otherwise represented on the Committee.

(b) The term of office of a member of the Committee elected as the Associated Press Photos member, the local newspapers member, or one of the "at large" members shall expire on the day of the election held in the first odd-numbered year following the year in which he was elected, and the term of office of a member of the Committee elected as the United Press International Newspictures member, the magazine media member, or the remaining "at large" member shall expire on the day of the election held in the first even-numbered year following the year in which he was elected, except that a member elected to fill a vacancy occurring prior to the expiration of a term shall serve only for the unexpired portion of such term.

(c) Elections shall be held as early as practicable in each year, and in no case later than March 31. A vacancy in the membership of the Committee occurring prior to the expiration of a term shall be filled by special election called for that purpose by the Committee.

(d) The Standing Committee of the Press Photographers' Gallery shall propose no change or changes in these rules except upon petition in writing signed by not less than 25 accredited members of the gallery.

2. Persons desiring admission to the Press Photographers' Gallery of the Senate shall make application in accordance with Rule XXXIII of the Senate, which rule shall be interpreted and administered by the Standing Committee of Press Photographers subject to the review and approval of the Senate Committee on Rules and Administration.

3. The Standing Committee of Press Photographers shall limit membership in the photographers' gallery to bona fide news photographers of repute in their profession and to

heads of Photographic Bureaus under such rules as the Standing Committee of Press Photographers shall prescribe.

4. *Provided, however,* That the Standing Committee of Press Photographers shall admit to the gallery no person who does not establish to the satisfaction of the Committee all of the following:

(a) That any member is not engaged in paid publicity or promotion work or in prosecuting any claim before Congress or before any department of the Government, and will not become so engaged while a member of the gallery.

(b) That he or she is not engaged in any lobbying activity and will not become so engaged while a member of the gallery.

PRESIDENTIAL AND DIPLOMATIC GALLERY **155.5**

The southern gallery over the main entrance to the Senate Chamber, except the first three rows on the eastern side of the aisle, shall be set apart for the use of the Diplomatic Corps, and no person shall be admitted to it excepting the Secretary of State, foreign ministers, their families and suites, and Senators.

The cards of admission to said gallery shall be issued by the Secretary of State, or the chairman of the Committee on Rules and Administration, to such persons as are entitled to its privileges.

The first row on the eastern side of this gallery shall be set apart for the use of the President; the second row on the eastern side of this gallery shall be set apart for the use of the Vice President; and the third row on the eastern side of this gallery shall be set apart for the use of the President pro tempore of the Senate.

SENATE GALLERY **155.6**

The first two rows of the gallery over the east entrance to the Senate shall be set apart for the exclusive use of the wives and other members of the immediate families of Senators.

The remainder of the gallery shall be set apart for the exclusive use of the families of Senators and guests visiting their families who shall be designated by some member of the Senator's family, and for the families of ex-Presidents of the United States, as well as families of incumbent Secretary and Sergeant at Arms of the Senate.

Employees of the Senate, except those on duty at the gallery door, shall be excluded.

155.7 VISITORS' GALLERIES

The visitors' galleries shall be governed by the following rule:

The galleries over the western entrance to the Senate Chamber and over the southeastern, northwestern, and northeastern corners of said Chamber shall be set apart for the use of persons holding a card issued by a Senator. The period to which such card of admission shall be limited rests entirely in the discretion of the Senator issuing it, except that such cards shall expire at the end of each session and cards of a different color shall be furnished by the Sergeant at Arms for the following session. The Sergeant at Arms shall in his discretion limit occupancy of the visitors' galleries to such periods as may be required to accommodate with reasonable expediency all card bearers who are seeking admission.

155.8 SPECIAL GALLERY

The gallery adjoining and west of the Diplomatic Gallery shall be reserved for guided tours and other special parties.

156 RULE VII

MARBLE ROOM

The anteroom known as the Marble Room is a part of the floor of the Senate.

157 RULE VIII

CLOAKROOMS

No persons shall be admitted to the cloakrooms adjoining the Senate Chamber excepting those entitled to the privileges of the Senate floor under Standing Rule XXIII.

158 RULE IX

HEATING AND VENTILATING DEPARTMENT

No person shall be admitted to the heating and ventilating department of the Senate wing of the Capitol, except upon a pass from the Sergeant at Arms, or unless accompanied by an officer of the Senate.

RULE X 159

SMOKING POLICY [1]

Smoking is prohibited in all public places and unassigned space within the Senate Wing of the Capitol and the Senate Office Buildings, with the exception of one ventilated smoking area in the Senate Wing of the Capitol and each of the Senate Office Buildings, as designated by the Architect of the Capitol with the approval of the Chairman of the Committee on Rules and Administration. Senators, Chairmen of Committees in consultation with the Ranking Member, the Secretary of the Senate, the Sergeant at Arms, the Architect of the Capitol, the Chaplain, and heads of support organizations assigned space in the Senate Wing of the Capitol or the Senate Office Buildings may each establish smoking policies for all office space assigned to them.

RULE XI 160

SENATE RESTAURANTS

The management of the Senate Restaurants and all matters connected therewith are under the jurisdiction, control, and direction of the Committee on Rules and Administration.[2]

NOTE.—Pursuant to Public Law 87–82 (75 Stat. 199, July 6, 1961) the management of the Senate Restaurants was transferred to the Architect of the Capitol, subject to approval by the Committee on Rules and Administration as to matters of general policy. *See* Senate Manual Section **899.**

RULE XII 161

CORRIDORS, ETC.

The corridors and passageways of the Senate wing of the Capitol shall be kept open and free from obstructions and free from any person or persons loitering or loafing in or around such places without any visible or lawful business and not giving a good account of themselves; and no stands, booths, or counters for the exhibition or sale of any article shall be placed therein.

[1] Adopted June 22, 1998.
[2] Rule XXV (n)(1) 12 of the Standing Rules of the Senate.

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RULE XIII

PEDDLING, BEGGING, ETC.

Peddling, begging, and the solicitation of book or other subscriptions are strictly forbidden in the Senate wing of the Capitol, and no portion of said wing shall be occupied by signs or other devices for advertising any article whatsoever excepting timetables in the Post Office and such signs as may be necessary to designate the entrances to the Senate Restaurant.

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RULE XIV

SWEEPING, CLEANING

All sweeping, cleaning, and dusting of the Senate wing of the Capitol shall be done, as far as practicable, immediately after the adjournment of each day's session of the Senate, and must, in any event, be completed before 8 o'clock a.m.

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RULE XV

LEGISLATIVE BUZZERS AND SIGNAL LIGHTS

Effective May 15, 1981, the system of legislative buzzers and signal lights shall be as follows:

Pre-session signals: One long ring at hour of convening.
One red light to remain lighted at all times while Senate is in actual session.

Session signals: One ring—Yeas and nays.
Two rings—quorum call.
Three rings—Call of absentees.
Four rings—Adjournment or recess. (End of daily session.)
Five rings—Seven and a half minutes remaining on yea and nay vote.
Six rings—Morning business concluded. (Six rings with corresponding lights. Lights cut off immediately.)
Recess during daily session. (Six rings with corresponding lights. Lights stay on during period of recess.)

Effective July 13, 1967, the legislative call system shall be used for alerting Members of Congress, Congressional

employees, and visitors of enemy attack or other major disaster conditions. There will be two signals:

1. *Attack warning.*—Notification to all occupants that the United States is under attack and that there is real danger of loss of life. This warning would be given by a sequence of two-second sounds of the legislative bells separated by two-second silent intervals. This signal would be repeated for 3 to 5 minutes.

2. *Attention signal.*—Notification of peacetime disasters, such as accidental presence of radioactive materials or severe weather or natural disaster conditions. This signal would be given by a series of 16-second bell sounds separately by 16-second silent intervals, repeated for 3 to 5 minutes.

(Where lights exist they will correspond with rings.)

RULE XVI **165**

SENATE OFFICE BUILDING[1] AND OTHER SENATE BUILDINGS

All provisions of the foregoing rules so far as practicable are made applicable to the Senate Office Buildings,[1] the buildings used for the storage of Senate documents, and the Senate garage.

RULE XVII **166**

USE OF DISPLAY MATERIALS IN THE SENATE CHAMBER[2]

Graphic displays in the Senate Chamber are limited to the following:

Charts, photographs, or renderings:

Size—No larger than 36 inches by 48 inches.

Where—On an easel stand next to the Senator's desk or at the rear of the Chamber.

When—Only at the time the Senator is engaged in debate.

Number—No more than two may be displayed at a time.

[1] See Senate Manual Secs. **125, 126.**

[2] Effective July 25, 1986; amended Nov. 4, 1993.

[170]

RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON IMPEACHMENT TRIALS

[Revised pursuant to S. Res. 479, 99–2, Aug. 16, 1986]

I. Whensoever the Senate shall receive notice from the **170** House of Representatives that managers are appointed on their part to conduct an impeachment against any person and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment, agreeably to such notice.

II. When the managers of an impeachment shall be intro- **171** duced at the bar of the Senate and shall signify that they are ready to exhibit articles of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant at Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against ——— ———"; after which the articles shall be exhibited, and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

III. Upon such articles being presented to the Senate, **172** the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if ordered by the Senate, proceed to the consideration of such articles and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the articles of impeachment, the Presiding Officer shall administer

the oath hereinafter provided to the members of the Senate then present and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

173 IV. When the President of the United States or the Vice President of the United States, upon whom the powers and duties of the Office of President shall have devolved, shall be impeached, the Chief Justice of the United States shall preside; and in a case requiring the said Chief Justice to preside notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment, as aforesaid, with a request to attend; and the said Chief Justice shall be administered the oath by the Presiding Officer of the Senate and shall presideover the Senate during the consideration of said articles and upon the trial of the person impeached therein.

174 V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

175 VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice. And the Sergeant at Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

176 VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule on all questions of evidence including, but not limited to, questions of relevancy, materiality, and redundancy of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote

be taken thereon, in which case it shall be submitted to the Senate for decision without debate; or he may at his option, in the first instance, submit any such question to a vote of the Members of the Senate. Upon all such questions the vote shall be taken in accordance with the Standing Rules of the Senate.

VIII. Upon the presentation of articles of impeachment **177** and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the person impeached, reciting said articles, and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept thereof, such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person impeached, or if that can not conveniently be done, by leaving such copy at the last known place of abode of such person, or at his usual place of business in some conspicuous place therein; or if such service shall be, in the judgment of the Senate, impracticable, notice to the person impeached to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the person impeached, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

IX. At 12:30 o'clock afternoon of the day appointed for **178** the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz: "I, ——— ———, do solemnly swear that the return made by me upon the process issued on the —— day of ———, by the Senate of the United States, against ——— ———, is truly made, and that I have performed such serv-

ice as therein described: So help me God." Which oath shall be entered at large on the records.

179 X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded.

180 XI. That in the trial of any impeachment the Presiding Officer of the Senate, if the Senate so orders, shall appoint a committee of Senators to receive evidence and take testimony at such times and places as the committee may determine, and for such purpose the committee so appointed and the chairman thereof, to be elected by the committee, shall (unless otherwise ordered by the Senate) exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate, respectively, under the rules of procedure and practice in the Senate when sitting on impeachment trials.

Unless otherwise ordered by the Senate, the rules of procedure and practice in the Senate when sitting on impeachment trials shall govern the procedure and practice of the committee so appointed. The committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee, and such report shall be received by the Senate and the evidence so received and the testimony so taken shall be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy, and materiality, as having been received and taken before the Senate, but nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by order of the Senate having the entire trial in open Senate.

181 XII. At 12:30 o'clock afternoon, or at such other hour as the Senate may order, of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be suspended, and the Secretary shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of ——— ———, in the Senate Chamber.

182 XIII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) 12 o'clock m.; and when the hour shall arrive,

the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

XIV. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate. **183**

XV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment. **184**

XVI. All motions, objections, requests, or applications whether relating to the procedure of the Senate or relating immediately to the trial (including questions with respect to admission of evidence or other questions arising during the trial) made by the parties or their counsel shall be addressed to the Presiding Officer only, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table. **185**

XVII. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side. **186**

XVIII. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place. **187**

XIX. If a Senator wishes a question to be put to a witness, or to a manager, or to counsel of the person impeached, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing, and put by the Presiding Officer. The parties or their counsel may interpose objections to witnesses answering questions propounded at the request of any Senator and the merits of any such objection may be argued by the parties or their counsel. Ruling on any such objection shall be made as provided in Rule VII. It shall not be in order for any Senator to engage in colloquy. **188**

XX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record. **189**

190 XXI. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour (unless the Senate otherwise orders) on each side.

191 XXII. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

192 XXIII. An article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial. Once voting has commenced on an article of impeachment, voting shall be continued until voting has been completed on all articles of impeachment unless the Senate adjourns for a period not to exceed one day or adjourns sine die. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the Members present, a judgment of acquittal shall be entered; but if the person impeached shall be convicted upon any such article by the votes of two-thirds of the Members present, the Senate shall proceed to the consideration of such other matters as may be determined to be appropriate prior to pronouncing judgment. Upon pronouncing judgment, a certified copy of such judgment shall be deposited in the office of the Secretary of State. A motion to reconsider the vote by which any article of impeachment is sustained or rejected shall not be in order.

192.1 *Form of putting the question on each article of impeachment.*

The Presiding Officer shall first state the question; thereafter each Senator, as his name is called, shall rise in his place and answer: guilty or not guilty.

193 XXIV. All the orders and decisions may be acted upon without objection, or, if objection is heard, the orders and decisions shall be voted on without debate by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and

for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not on the final question on each article of impeachment.

XXV. Witnesses shall be sworn in the following form, viz: "You, ——— ———, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the United States and ——— ———, shall be the truth, the whole truth, and nothing but the truth: So help you God." Which oath shall be administered by the Secretary, or any other duly authorized person. **194**

Form of a subpena be issued on the application of the managers of the impeachment, or of the party impeached, or of his counsel. **194.1**

To ——— ———, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States, on the —— day of ———, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached ——— ———.

Fail not.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

Form of direction for the service of said subpena **194.2**

The Senate of the United States to ——— ———, greeting:

You are hereby commanded to serve and return the within subpena according to law.

Dated at Washington, this —— day of ———, in the year of our Lord ——, and of the Independence of the United States the ———.

——— ———,
Secretary of the Senate.

194.3 *Form of oath to be administered to the Members of the Senate and the Presiding Officer sitting in the trial of impeachments*

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ——— ———, now pending, I will do impartial justice according to the Constitution and laws: So help me God."

194.4 *Form of summons to be issued and served upon the person impeached*

THE UNITED STATES OF AMERICA, *ss:*
The Senate of the United States to ——— ———, greeting:

Whereas the House of Representatives of the United States of America did, on the —— day of ———, exhibit to the Senate articles of impeachment against you, the said ——— ———, in the words following:

[Here insert the articles]

And demand that you, the said ——— ———, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice.

You, the said ——— ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their Chamber in the city of Washington, on the —— day of ———, at —— o'clock ——, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness ——— ———, and Presiding Officer of the said Senate, at the city of Washington, this —— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

Form of precept to be indorsed on said writ of summons **194.5**

THE UNITED STATES OF AMERICA, *ss:*
The Senate of the United States to ——— ———, greeting:

You are hereby commanded to deliver to and leave with ——— ———, if conveniently to be found, or if not, to leave at his usual place of abode, or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least ——— days before the appearance day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

All process shall be served by the Sergeant at Arms of the Senate, unless otherwise ordered by the Senate.

XXVI. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration. **195**

[200]

CLEAVES' MANUAL OF THE LAW AND PRACTICE IN REGARD TO CONFERENCES AND CONFERENCE REPORTS [1]

[NOTE.—The figures in parentheses at the end of rules refer to sections of Hinds' Parliamentary Precedents (H.R. Doc. 576, 55–2), where decisions and proceedings may be found. The notes and references inserted are additional to those in the work, and not found therein.]

CONFERENCES

1. Parliamentary law relating to conferences as stated in Jefferson's Manual, Section XLVI: **200**

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers. (3 Hats., 31; 1 Grey, 425.) **200.1**

Conferences may either be simple or free. At a conference simply, [2] written reasons are prepared by the House asking it, and they are read and delivered without debate, to the managers of the other House at the conference, but are not then to be answered. (4 Grey, 144.) The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory and ask a conference on the subject of the last conference, where they read and deliver, in like manner, written answers to those reasons. (3 Grey, 183.) They are meant chiefly to record the justification of each House to the nation **200.2**

[1] Collated and prepared by Thomas P. Cleaves, Clerk to the Committee on Appropriations, United States Senate, and reported to the Senate by Mr. Allison, First Session, Fifty-seventh Congress, under the following resolution of June 6, 1900:

"*Resolved,* That the Committee on Appropriations cause to be prepared for the use of the Senate a manual of the law and practice in regard to conferences and conference reports."

This manual is included for historical purposes and has not been updated to reflect current law and practice in regard to conferences. For current practice, see the "Conferences and Conference Reports" section of Riddick and Frumin, RIDDICK'S SENATE PROCEDURE: PRECEDENTS AND PRACTICES.

[2] So in original.

at large and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. (3 Grey, 225.) At free conferences the managers discuss, *vivi voce* and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing to their respective Houses the substance of what is said on both sides, and it is entered in their journals. (9 Grey, 220; 3 Hats., 280.) This report can not be amended or altered, as that of a committee may be. (Journal Senate, May 24, 1796.)

200.3 A conference may be asked before the House asking if it has come to a resolution of disagreement, insisting or adhering. (3 Hats., 269, 341.) In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions and upon terms of impossibility to persuade." (3 Hats., 226.) So the Commons say, "an adherence is never delivered at a free conference, which implies debate." (10 Grey, 137.) And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering (3 Hats., 369), and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing (3 Hats., 251, 253, 260, 286, 291, 316, 349); of insisting (ib., 280, 296, 299, 319, 322, 355); of adhering (269, 270, 283, 300), and even of a second or final adherence. (3 Hats., 270.) And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them they were left on the table in the conference chamber. (Ib., 271, 317, 323, 354; 10 Grey, 146.)

200.4 After a free conference the usage is to proceed with free conferences, and not to return again to a conference. (3 Hats., 270; 9 Grey, 229.)

200.5 After a conference denied a free conference may be asked (1 Grey, 45.)

When a conference is asked the subject of it must be expressed or the conference not agreed to. (Ord. H. Com., 89; 1 Grey, 425; 7 Grey, 31.) They are sometimes asked to inquire concerning an offense or default of a member of the other House. (6 Grey, 181; 1 Chand., 204.) Or the failure of the other House to present to the King a bill passed by both Houses. (8 Grey, 302.) Or on information received and relating to the safety of the nation. (10 Grey, 171.) Or when the methods of Parliament are thought by the one House to have been departed from by the other a conference is asked to come to a right understanding thereon. (10 Grey, 148.) So when an unparliamentary message has been sent, instead of answering it, they ask a conference. (3 Grey, 155.) Formerly an address or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the King, were sometimes communicated by way of conference. But this is not the modern practice. (1366.) **200.6**

[Senate Manual, 1902, p. 137; House Manual, 56th Cong., 2d sess., p. 207.]

CHARACTER OF CONFERENCES

2. Conferences may either be simple or free. **201**

[Jefferson's Manual, Sec. XLVI.]

NOTE.—This rule and the definition and description of the two kinds of conferences are found in the foregoing section. Vice President Hamlin, in ruling upon a question of order in the Senate in the Thirty-eighth Congress, stated the rule and the distinction between free and simple conferences as follows:

"Conferences are of two characters, free and simple. A free conference is that which leaves the committee of conference entirely free to pass upon any subject where the two branches have disagreed in their vote, not, however, including any action upon any subject where there has been a concurrent vote of both branches. A simple conference—perhaps it should more properly be termed a strict or a specific conference, though the parliamentary term is simple—is that which confines the committee of conference to the specific instructions of the body appointing it." (38th Cong., 1st sess., Congressional Globe, pt. I, p. 900.)

Speaker Reed, in his Manual of General Parliamentary Law, chapter XV, section 242, states that "A free conference is one where the conferees meet and present not only the reasons of each House, but such arguments and reasons and persuasions as seem suitable to each member of the committee. Instead of being confined to reasons adopted by either House, each member may present his own. A conference may therefore be a free conference though each House may have instructed its members and limited them to the terms of the agreement. This method of conference is the only one known to our parliamentary law; at least, it is the only one now in practice. When two legislative bodies in this country have a conference, it is a free conference * * *"

REQUEST FOR CONFERENCE

202 3. The request for a conference must always be made by the House in possession of the papers. (1366.)

[Jefferson's Manual, Sec. XLVI.]

203 4. The motion to ask for a conference comes properly after the motion to disagree, insist, or adhere. (1367.)

204 5. A conference may be asked before there has been a disagreement. (1366.)

[48th Cong., 1st sess., S. Jour., pp. 628, 642–643; Jefferson's Manual, Sec. XLVI.]

205 6. After one House has adhered the other may recede or ask a conference, which may be granted by the other House. (1358–1361.)

[23d Cong., 1st sess., S. Jour., p. 112; S. Jour., vol. 2, pp. 70, 71; S. Jour., vol. 5, pp. 657, 661; Jefferson's Manual, Sec. XLVI.]

206 7. The House may agree to a conference without reconsidering its vote to adhere. (1362.)

207 8. Instances have occurred where one House has adhered at once and has even refused a conference. (1363.)

NOTE.—In section XLV, Jefferson's Manual, it is stated that "Either House is free to pass over the term of insisting, and to adhere in the first instance, but it is not respectful to the other. In the ordinary parliamentary course there are two free conferences, at least, before an adherence."

208 9. Where one House has voted at once to adhere, the other may insist and ask a conference; but the motion to recede has precedence. (1364.)

209 10. One House may disagree to the amendment of the other, leaving it for the latter House to ask for the conference as soon as the vote of disagreement is passed. (1368.)

210 11. The amending House may insist at once upon its amendments, and ask for a conference. (1370–1371.)

[48th Cong., 1st sess., S. Jour., pp. 628, 642, 643; Congressional Record, pp. 3974–4098.]

211 12. The request of the other House for a conference may be referred to a ,committee.

[19th Cong., 1st sess., S. Jour., p. 302; 49th Cong. 1st sess., H. Jour., pp. 2292, 2293; Congressional Record, p. 7332.]

212 13. Where a conference committee is unable to agree, or where a report is disagreed to, another conference is usually asked for and agreed to. (1384–1388.)

213 14. Before the stage of disagreement has been reached, the request of the other House for a conference gives the bill no privilege over the other business of the House. (1374, 1375.)

15. The conference on a disagreement as to Senate amendments to a House bill having failed, the Senate reconsidered its action in amending and passing the bill, passed it with a new amendment, and asked a new conference. **214**

[55th Cong., 3d sess., Congressional Record, pp. 317, 439, 628, 631, 2303, 2360, 2362, 2770.]

16. The motion to insist and ask a conference has precedence of the motion to instruct conferees. (1376–1379.) **215**

CONFEREES

APPOINTMENT OF CONFEREES

17. Statement of principles governing the selection of conferees on the part of the House (1383), namely: **216**

NOTE.—These principles and provisions are also applicable to the Senate and in harmony with its practice.

The House members of conference committees, called the managers on the part of the House, are appointed by the Speaker. **216.1**

NOTE.—The Senate members of conference committees, called the managers on the part of the Senate, are appointed by the Presiding Officer, by unanimous consent, under the custom of the Senate. Rule XXIV provides that chairman and other members of committees of the Senate shall be appointed by resolution unless otherwise ordered.

They are usually three in number, but on important measures the number is sometimes increased. In the selection of the managers the two large political parties are usually represented, and, also, care is taken that there shall be a representation of the two opinions which almost always exist on subjects of importance. Of course the majority party and the prevailing opinion have the majority of the managers. * * * **216.2**

It is also almost the invariable practice to select managers from the members of the committee which considered the bill. * * * But sometimes in order to give representation to a strong or prevailing sentiment in the House the Speaker goes outside the ranks of the committee. * * * **216.3**

The managers of the two Houses while in conference vote separately, the majority determining the attitude to be taken toward the propositions of the other House. When the report is made the signatures of a majority of each board of managers are sufficient. The minority managers frequently refrain from signing the report, and it is not unprecedented for a minority manager to indorse his protest on the report. **216.4**

217 18. When conferees have disagreed or a conference report has been rejected, the usual practice is to reappoint the managers, although it seems to have been otherwise in former years. (1383.)

218 19. Conferees having been appointed, it is too late to reconsider the vote whereby the House has disagreed to a Senate amendment. (1205.)

DISCHARGE OF CONFEREES

219 20. While a conference asked by the House was in progress on the House's disagreement to Senate amendments, by a special order the House discharged its conferees, receded from its disagreement, and agreed to the amendments. (1373.)

NOTE.—Similar action was taken by the Senate under like circumstances in the Forty-second Congress (42d Cong., 2d sess., S. Jour., p. 1028).

INSTRUCTIONS TO CONFEREES

220 21. It is in order to instruct conferees, and the resolution of instruction should be offered after the House has voted to insist and ask a conference and before the conferees have been appointed. (1376–1379.)

[38th Cong., 2d sess., S. Jour., p. 268; 39th Cong., 1st sess., S. Jour., p. 782, 784; 40th Cong., 2d sess., S. Jour., p. 119.]

221 22. It is not the practice to instruct conferees before they have met and disagreed. (1380.)

222 23. It is not in order to give such instructions to conferees as would require changes in the text to which both Houses have agreed. (1380.)

223 24. The House having asked for a free conference, it is not in order to instruct the conferees. (1381.)

224 25. The motion to instruct conferees is amendable. (1390.) [40th Cong., 2d sess., S. Jour., p. 119.]

225 26. A conference report may be received although it may be in violation of instructions given to the conferees. (1382.)

CONFERENCE COMMITTEES AND REPORTS

AUTHORITY OF CONFERENCE COMMITTEES

226 27. A conference committee is practically two distinct committees, each of which acts by a majority. (1401.)

227 28. Conference reports must be signed by a majority of the managers on the part of each House. They are made in duplicate for the managers to present to their respective

Houses, the signatures of the managers of each House appearing first on the report that is to be presented to the House they represent.

NOTE.—See form of conference report appended.

29. Conferees may not include in their report matters not committed to them by either House. (1414–1417.) **228**

[50th Cong., 1st sess., S. Jour., pp. 1064, 1065; 54th Cong., 2d sess., S. Jour., pp. 90, 91, 96.]

In the House, in case such matter is included, the conference report may be ruled out on a point of order. (See Rule 50, below.) **228.1**

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate. **228.2**

NOTE.—In the Fifty-fifth Congress, first session, Vice-President Hobart, in overruling a point of order made on this ground against a conference report during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report. (55th Cong., 1st sess., S. Jour., pp. 171, 172; Congressional Record, pp. 2780–2787.) See also Congressional Record, p. 2827, 56th Cong., 2d sess., when the Presiding Officer (Mr. Lodge in the Chair) referred with approval to the foregoing decision of Vice-President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference report, after debate, was, by unanimous consent, rejected. (56th Cong., 2d sess., Congressional Record, pp. 2826–2883.)

30. Conferees may not strike out in conference anything in a bill agreed to and passed by both Houses. (1321.) **229**

[Jefferson's Manual, Sec. XLV.]

31. Conferees may include in their report matters which are germane modifications of subjects in disagreement between the Houses and committed to the conference. (1418–1419.) **230**

32. A disagreement to an amendment in the nature of a substitute having been referred to conferees, it was held to be in order for them to report a new bill on the same subject. (1420.) **231**

33. A conference committee may report agreement as to some of the matters of difference, but inability to agree as to others. (1392.) **232**

[29th Cong., 1st sess., S. Jour., pp. 523–524.]

233 34. In drafting a conference report care should be taken in stating the action of the conferees on amendments to observe the parliamentary rule that neither House can recede from or insist on its own amendment with an amendment; and in case pages and lines of the bill or amendments are referred to in the report, the engrossed bill and amendments only should be used.

PRESENTATION AND PRIVILEGE OF CONFERENCE REPORTS

234 35. A conference report is made first to the House agreeing to the conference.

NOTE.—This rule seems to follow from the principle laid down by Jefferson (Manual, Sec. XLVI), that "in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other," thus putting the agreeing House in possession of the papers, and has been the usual practice in Congress.

235 36. Conference reports are in order in the Senate under Rule XXVIII, as follows:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

NOTE.—It has been held in the Senate that the presentation of a conference report includes its reading, unless by unanimous consent the reading is dispensed with (54th Cong., 1st sess., S. Jour., p. 334; Congressional Record, p. 5511).

236 37. Conference reports are in order in the House under Rule XXVIII, as follows:

The presentation of reports of committees of conference shall always be in order except when the journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany any such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions shall have upon the measures to which they relate.

NOTE.—Paragraph 4 of rule XXVIII of the Standing Rules of the Senate requires a conference report to be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the Senate. (See Senate Manual Section **28.4.**)

237 38. A conference report may not be received by the House if no statement accompanies it. (1404–1405.)

39. Whether or not the detailed statement accompanying a conference report is sufficient to comply with the rule (XXVIII) is a question for the House, and not for the Speaker, to determine. (1402–1403.) **238**

40. A conference report may be presented after a motion to adjourn has been made or when a Member is occupying the floor for debate, but the report need not be disposed of before the motion to adjourn is put. (1393–1395.) **239**

41. A conference report is in order pending a demand for the previous question. [55th Cong., 3d sess., Congressional Record, p. 867.] **240**

NOTE.—In the Senate the previous question is not in use.

42. A conference report has been given precedence over a question of privilege. (1397.) **241**

43. A conference report may be presented during the time set apart for a special order for the consideration of another measure. (1400.) **242**

44. A conference report may be presented after a vote by tellers and pending the question on ordering the yeas and nays. (1399.) **243**

45. A conference report has precedence of the question on the reference of a bill, even though the yeas and nays have been ordered. (1398.) **244**

46. The consideration of a conference report may be interrupted by the arrival of the hour previously fixed for a recess. (1396.) **245**

47. The question on the adoption of a final conference report has precedence of a motion to recede and concur in amendments of the other House. **246**
[55th Cong., 3d sess., Congressional Record, p. 2927.]

REJECTION OF CONFERENCE REPORTS, EFFECTS OF, ETC.

48. A bill and amendments having been once sent to conference, do not, upon the rejection of the conference report, return to their former state so that the amendments may be sent to the Committee of the Whole. (1389.) **247**

49. The rejection of a conference report leaves the matter in the position it occupied before the conference was asked. (1390.) **248**

50. When a conference report is ruled out on a point of order in the House it is equivalent to a negative vote on the report, and the Senate is informed by message that the House has "disagreed" to the report. (1417.) **249**

AMENDMENT OF CONFERENCE REPORTS

250 51. It is not in order to amend a conference report, and it must be accepted or rejected as an entirety. (1366.)

[Jefferson's Manual, Sec. XLVI; 4th Cong., 1st sess., S. Jour., p. 270.]

NOTE.—Various instances are found where conference reports agreed to by both Houses were amended and corrected by concurrent resolution or order. (43d Cong., 2d sess., S. Jour., pp. 372, 373, H. Jour., p. 610; Congressional Record, p. 1990; 44th Cong., 1st sess., S. Jour., pp. 581, 708, H. Jour., pp. 1087, 1252; 48th Cong., 1st sess., S. Jour., p. 859.)

REFERENCE AND RECOMMITMENT OF CONFERENCE REPORTS

251 52. A conference report may not be referred to a standing committee. (1413.)

252 53. A conference report may not be referred to the Committee of the Whole, although in the earlier history of the House this was sometimes done. (1410, 1411.)

253 54. It is not in order in the House to recommit a conference report to the committee of conference. (1412.)

NOTE.—This rule is founded upon the decision of Speaker Carlisle (49th Cong., 2d sess., Congressional Record, p. 880), which has been affirmed by subsequent Speakers, but prior to that time many instances had occurred of recommitting conference reports to the committee of conference.

254 55. It is in order in the Senate to recommit a conference report to the committee of conference, but not with instructions, according to the later decisions.

[42d Cong., 3d sess., S. Jour., pp. 313, 554–557; 43d Cong., 1st sess., S. Jour., p. 865; 44th Cong., 1st sess., S. Jour., p. 211; 49th Cong., 2d sess., S. Jour., p. 151; 55th Cong., 3d sess., Congressional Record, pp. 2823, 2842–3.]

NOTE.—Inasmuch as concurrent action is necessary for the recommittal of a conference report, the foregoing rule of the House has necessitated a change in the practice, and no effort has been made by the Senate in late years to recommit a conference report. The purpose of a recommittal can be attained, however, by a rejection of the report, when another conference would be ordered, and in accordance with usage the same conferees would be appointed.

TABLING OF CONFERENCE REPORTS

255 56. The House has formally discarded the old practice of allowing conference reports to be laid on the table. (1407–1409.)

NOTE.—The effect of the motion to lay on the table in the House defeats the proposition. It is never taken up again. Hence a conference report can not be laid on the table; otherwise a conference report might be put beyond the reach of either House. (Reed's Parliamentary Rules, Chap. VIII, sec. 115.)

57. The Senate practice allows conference reports to be laid on the table. **256**

[43d Cong., 2d sess., S. Jour., p. 433; Congressional Record, pp. 2205–2206.]

NOTE.—The effect of the motion to lay on the table in the Senate, unlike that in the House, is simply to suspend the consideration of a question during the pleasure of the Senate, which can be again taken up on motion.

58. A motion to reconsider the vote on agreeing to a conference report may be laid on the table in the Senate without carrying the report. **257**

[44th Cong., 1st sess., S. Jour., p. 234; Congressional Record, pp. 1253, 1254; Senate Manual (1901), Rule XIII, clause 1, p. 13.]

WITHDRAWAL OF CONFERENCE REPORTS

59. A conference report may be withdrawn in the Senate on leave, and in the House by unanimous consent. **258**

NOTE.—In the 32d Congress, a conference report having been agreed to in the Senate, the vote was reconsidered, the bill returned from the House on request of the Senate, and the committee of conference had leave to withdraw its report. (32d Cong., 2d sess., S. Jour., p. 420.)

FORM OF CONFERENCE REPORT

——— Congress, ——— Session. H.R. [or S., as may be] No. ——— **259**

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate [or House, as may be] to the Bill [or Resolution, as may be] (H.R. [or S., as may be] ———), [title here] having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate [or House, as may be] recede from its amendments numbered * * *.

That the House [or Senate, as may be] recede from its disagreements to the amendments of the Senate [or House, as may be] numbered * * * and agree to the same.

Amendment numbered ———:

That the House [or Senate, as may be] recede from its disagreement to the amendment of the Senate [or House, as may be] numbered ———, and agree to the same with an amendment, as follows: * * *; and the Senate [or House, as may be] agree to the same.

Amendment numbered ———:

That the Senate [or House, as may be] recede from its disagreement to the amendment of the House [or Senate, as may be] to the amendment of the Senate [or House, as may be] numbered ———, and agree to the same.

Amendment numbered ———:

That the Senate [or House, as may be] recede from its disagreement to the amendment of the House [or Senate, as may be] to the amendment of the Senate [or House, as may be] numbered ———, and agree to the same, with an amendment, as follows: * * *; and the House [or Senate, as may be] agree to the same.

Amendments numbered ———:

On the amendments of the Senate [or House, as may be] numbered ———, the committee of conference have been unable to agree.

(Signatures here)	(Signatures here)
———— ————,	———— ————,
———— ————,	———— ————,
———— ————,	———— ————,
Managers on the part of the ———.	*Managers on the part of the* ———.

260 JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE [1]

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment/amendments of the House/Senate to the bill/joint resolution ( ) submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

* * * * * * *

(Signatures here)	(Signatures here)
———— ————,	———— ————,
———— ————,	———— ————,
———— ————,	———— ————,
Managers on the part of the ———.	*Managers on the part of the* ———.

[1] This statement form replaces that formerly carried in Cleaves' Manual. Rule XXVIII of the Standing Rules of the Senate and Rule XXVIII of the Rules of the House of Representatives provide that "an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate" shall accompany each conference report.

[261]

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[Data collected through 110th Congress, 1st Session]

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GENERAL AND PERMANENT LAWS RELATING TO THE UNITED STATES SENATE

Extracts from the United States Code [1]

[Data collected through 110th Congress, 1st Session]

TITLE 1.—GENERAL PROVISIONS

Chapter 2.—ACTS AND RESOLUTIONS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS

§ 101. Enacting clause. 275

The enacting clause of all Acts of Congress shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." (July 30, 1947, c. 388, 61 Stat. 634.)

§ 102. Resolving clause. 276

The resolving clause of all joint resolutions shall be in the following form: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled." (July 30, 1947, c. 388, 61 Stat. 634.)

§ 103. Enacting or resolving words after first section. 277

No enacting or resolving words shall be used in any section of an Act or resolution of Congress except in the first. (July 30, 1947, c. 388, 61 Stat. 634.)

§ 104. Numbering of sections; single proposition. 278

Each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment. (July 30, 1947, c. 388, 61 Stat. 634.)

[1] Since some provisions of the most recently enacted statutes may receive slightly different editorial treatment in the codification process, and since a few stylistic changes have been made in this Manual to achieve more convenient adaptation to Senate needs, some pro forma deviations from the exact format of the United States Code may be noted.

279 § 105. Title of appropriation Acts.

The style and title of all Acts making appropriations for the support of Government shall be as follows: "An Act making appropriations (here insert the object) for the year ending September 30 (here insert the calendar year)." (July 30, 1947, c. 388, 61 Stat. 634; July 12, 1974, Pub.L. 93–344, Title V, § 506(a), 88 Stat. 322.)

280 § 106. Printing bills and joint resolutions.

Every bill or joint resolution in each House of Congress shall, when such bill or resolution passes either House, be printed, and such printed copy shall be called the engrossed bill or resolution as the case may be. Said engrossed bill or resolution shall be signed by the Clerk of the House or the Secretary of the Senate, and shall be sent to the other House, and in that form shall be dealt with by that House and its officers, and, if passed, returned signed by said Clerk or Secretary. When such bill, or joint resolution shall have passed both Houses, it shall be printed and shall then be called the enrolled bill, or joint resolution, as the case may be, and shall be signed by the presiding officers of both Houses and sent to the President of the United States. During the last six days of a session such engrossing and enrolling of bills and joint resolutions may be done otherwise than as above prescribed, upon the order of Congress by concurrent resolution. (July 30, 1947, c. 388, 61 Stat. 634.)

281 § 106a. Promulgation of laws.

Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Archivist of the United States from the President; and whenever a bill, order, resolution, or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Archivist of the United States from the President of the Senate, or Speaker of the House of Representatives in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals. (Added Oct. 31, 1951, c. 655, § 2(b), 65 Stat. 710, and amended Oct. 19, 1984, Pub.L. 98–497, Title I, § 107(d), 98 Stat. 2291.)

282 § 106b. Amendments to Constitution.

Whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Archivist of the United States shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States. (Added Oct. 31, 1951, c. 655, § 2(b), 65 Stat. 710, and amended Oct. 19, 1984, Pub.L. 98–497, Title I, § 107(d), 98 Stat. 2291.)

§ 107. Parchment or paper for printing enrolled bills or resolutions. 283

Enrolled bills and resolutions of either House of Congress shall be printed on parchment or paper of suitable quality as shall be determined by the Joint Committee on Printing. (July 30, 1947, c. 388, 61 Stat. 635.)

§ 108. Repeal of repealing act. 284

Whenever an Act is repealed, which repealed a former Act, such former Act shall not thereby be revived, unless it shall be expressly so provided. (July 30, 1947, c. 388, 61 Stat. 635.)

§ 109. Repeal of statutes as affecting existing liabilities. 285

The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability. The expiration of a temporary statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the temporary statute shall so expressly provide, and, such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability. (July 30, 1947, c. 388, 61 Stat. 635.)

§ 110. Saving clause of Revised Statutes. 286

All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in the Revised Statutes and covered by the repeal contained therein, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made. (July 30, 1947, c. 388, 61 Stat. 635.)

§ 111. Repeals as evidence of prior effectiveness. 287

No inference shall be raised by the enactment of the Act of March 3, 1933 (ch. 202, 47 Stat. 1431), that the sections of the Revised Statutes repealed by such Act were in force or effect at the time of such enactment: *Provided, however,* That any rights or liabilities existing under such repealed sections shall not be affected by their repeal. (July 30, 1947, c. 388, 61 Stat. 635.)

§ 112. Statutes at large; contents; admissibility in evidence. 288

The Archivist of the United States shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all proclamations by the President in the numbered series issued since the date of the adjournment of

the regular session of Congress next preceding; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Archivist of the United States issued in compliance with the provision contained in section 106b of this title. In the event of an extra session of Congress, the Archivist of the United States shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States. (July 30, 1947, ch. 388, 61 Stat. 636; Sept. 23, 1950, ch. 1001, § 1, 64 Stat. 979; Oct. 31, 1951, ch. 655, § 3, 65 Stat. 710; Oct. 19, 1984, Pub.L. 98–497, Title I, § 107(d), 98 Stat. 2291.)

289 § 112b. United States international agreements; transmission to Congress.

(a) The Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President. Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed.

(b) Not later than March 1, 1979, and at yearly intervals thereafter, the President shall, under his own signature, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report with respect to each international agreement which, during the preceding year, was transmitted to the Congress after the expiration of the 60-day period referred to in the first sentence of subsection (a), describing fully and completely the reasons for the late transmittal.

(c) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State. Such consultation may encompass a class of agreements rather than a particular agreement.

(d)(1) The Secretary of State shall annually submit to Congress a report that contains an index of all international agreements, listed by country, date, title, and summary of each such agreement (including

a description of the duration of activities under the agreement and the agreement itself), that the United States—

(A) has signed, proclaimed, or with reference to which any other final formality has been executed, or that has been extended or otherwise modified, during the preceding calendar year; and

(B) has not been published, or is not proposed to be published, in the compilation entitled "United States Treaties and Other International Agreements".

(2) The report described in paragraph (1) may be submitted in classified form.

(e)(1) Subject to paragraph (2), the Secretary of State shall determine for and within the executive branch whether an arrangement constitutes an international agreement within the meaning of this section.

(2)(A) An arrangement shall constitute an international agreement within the meaning of this section (other than subsection (c)) irrespective of the duration of activities under the arrangement or the arrangement itself.

(B) Arrangements that constitute an international agreement within the meaning of this section (other than subsection (c)) include the following:

(i) A bilateral or multilateral counterterrorism agreement.

(ii) A bilateral agreement with a country that is subject to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

(f) The President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out this section. (Pub.L. 92–403, § 1, Aug. 22, 1972, 86 Stat. 619; Pub.L. 95–45, § 5, June 15, 1977, 91 Stat. 224; Pub.L. 95–426, Title VII, § 708, Oct. 7, 1978, 92 Stat. 993; Pub.L. 103–236, § 138, Apr. 30, 1994, 108 Stat. 397; Pub.L. 103–437, § 1, Nov. 2, 1994, 108 Stat. 4581; Pub.L. 108–458, Title VII, § 7121(b) to (d), Dec. 17, 2004, 118 Stat. 3807, 3808.)

Chapter 3.—CODE OF LAWS OF UNITED STATES AND SUPPLEMENTS; DISTRICT OF COLUMBIA CODE AND SUPPLEMENTS

§ 211. Copies [of the Code of Laws] to Members of Congress. 290

In addition to quotas provided for by section 210 of this title there shall be printed, published, and distributed of the Code of Laws relating to the District of Columbia with tables, index and other ancillaries, suitably bound and with thumb inserts and other convenient devices to distinguish the parts, and of the supplements to both codes as provided for by sections 202, 203 of this title, ten copies of each for each Member of the Senate and House of Representatives of the Congress in which the original authorized publication is made, for his use and distribution, and in addition for the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a number of bound copies of each equal to ten times the number of members of such committees, and one bound copy of each for the use of each committee of the Senate and House of Representatives. (July 30, 1947, ch. 388, 61 Stat. 640.)

291 **§ 212. Additional distribution at each new Congress.**

In addition the Superintendent of Documents shall, at the beginning of the first session of each Congress, supply to each Senator and Representative in such Congress, who may in writing apply for the same, one copy each of the Code of Laws of the United States, the Code of Laws relating to the District of Columbia, and the latest supplement to each code: *Provided,* That such applicant shall certify in his written application for the same that the volume or volumes for which he applies is intended for his personal use exclusively: *And provided further,* That no Senator or Representative during his term of service shall receive under this section more than one copy each of the volumes enumerated herein. (July 30, 1947, Ch. 388, 61 Stat. 640.)

TITLE 2.—THE CONGRESS

Chapter 1.—ELECTION OF SENATORS AND REPRESENTATIVES

§ 1. Time for election of Senators. 295

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.)

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."

CROSS REFERENCES

Time for election of Senators, see Const. Art. I, § 4, cl. 1 (Senate Manual section **1361.14**).

Vacancies in the Senate, see Const. Amend. XVII (Senate Manual section **1387**).

§ 1a. Election to be certified by governor. 296

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.)

§ 1b. Same; countersignature by secretary of state. 297

The certificate mentioned in section 1a of this title shall be countersigned by the secretary of state of the State. (R.S. § 19.)

Chapter 2.—ORGANIZATION OF CONGRESS

§ 21. Oath of Senators. 298

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.)

§ 22. Oath of President of Senate. 299

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.)

§ 23. Presiding officer of Senate may administer oaths. 300

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.)

301 § 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; amended, Pub.L. 92–51, § 101, July 9, 1971, 85 Stat. 125.)

302 § 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.)

303 § 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.)

304 § 30a. Jury duty exemption of elected officials of the 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.)

305 § 30b. Notice of objecting to proceeding.

(a) In general

The Majority and Minority Leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) following the objection to a unanimous consent to proceeding to, and, or passage of, a measure or matter on their behalf, submits the notice of intent in writing to the appropriate leader or their designee; and

(2) not later than 6 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) of this section the following notice:

"I, Senator_____, intend to object to proceedings to_____, dated_____for the following reasons_____."

(b) Calendar

(1) In general

The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notice of Intent to Object to Proceeding".

(2) Content

The section required by paragraph (1) shall include—

(A) the name of each Senator filing a notice under subsection (a)(2) of this section;

(B) the measure or matter covered by the calendar that the Senator objects to; and

(C) the date the objection was filed.

(3) Notice

A Senator who has notified their respective leader and who has withdrawn their objection within the 6 session day period is not required to submit a notification under subsection (a)(2) of this section.

(c) Removal

A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) of this section by submitting for inclusion in the Congressional Record the following notice:

"I, Senator_____, do not object to proceed to_____, dated_____."

(Pub.L. 110–81, Title V, § 512, Sept. 14, 2007, 121 Stat. 759.)

Chapter 3.—COMPENSATION AND ALLOWANCES OF MEMBERS

§ 31. Compensation of Members of Congress. **306**

(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. (Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301; May 17, 1932, ch. 190, 47 Stat. 158; 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; Aug. 14, 1964, Pub.L. 88–426, Title II, § 204, 78 Stat. 415; Oct. 29, 1965, Pub.L. 89–301, § 11(e), 79 Stat. 1120; Dec. 16, 1967, Pub.L. 90–206, Title II, § 225(h), 81 Stat. 644; Sept. 15, 1969, Pub.L. 91–67, § 2, 83 Stat. 107; Aug. 9, 1975, Pub.L. 94–82, Title II, § 204(a), 89 Stat. 421; Nov. 30, 1989, Pub.L. 101–194, Title VII, § 704(a)(2)(B), 103 Stat. 1769; Nov. 5, 1990, Pub.L. 101–509, Title I, § 101(b)(4)(D), 104 Stat. 1439; Oct. 13, 1994, Pub.L. 103–356, § 101, 108 Stat. 3410.)

307 **§ 31–1. Repealed** (Aug. 14, 1991, Pub.L. 102–90, § 6(c), Honoraria prohibited Title V, Ethics in Government Act of 1978 (5 U.S.C. App)).

308 **§ 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 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 con-

sumed 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 (Pub.L. 95–521).

(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 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, participating, the supervisors of such individuals where applicable, 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 payment 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.)

309 § 31–3. Registered lobbyist participation in travel; guidelines.

(1) In general

Except as provided in paragraph (4) and not later than 60 days after September 14, 2007, and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

(A) guidelines, for purposes of implementing the amendments made by subsection (a), on evaluating a trip proposal and judging the reasonableness of an expense or expenditure, including guidelines related to evaluating—

(i) the stated mission of the organization sponsoring the trip;

(ii) the organization's prior history of sponsoring congressional trips, if any;

(iii) other educational activities performed by the organization besides sponsoring congressional trips;

(iv) whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics;

(v) whether the length of the trip and the itinerary is consistent with the official purpose of the trip;

(vi) whether there is an adequate connection between a trip and official duties;

(vii) the reasonableness of an amount spent by a sponsor of the trip;

(viii) whether there is a direct and immediate relationship between a source of funding and an event; and

(ix) any other factor deemed relevant by the Select Committee on Ethics; and

(B) regulations describing the information it will require individuals subject to the requirements of the amendments made by subsection (a) to submit to the committee in order to obtain the prior approval of the committee for travel under paragraph 2 of rule XXXV of the Standing Rules of the Senate, including any required certifications.

(2) Consideration

In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Federal Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

(3) Unreasonable expense

For purposes of this section, travel on a flight described in paragraph 1(c)(1)(C)(ii) of rule XXXV of the Standing Rules of the Senate shall not be considered to be a reasonable expense.

(4) Extension

The deadline for the initial guidelines required by paragraph (1) may be extended for 30 days by the Committee on Rules and Administration. (Pub.L. 110–81, Title V, § 544(b), Sept. 14, 2007, 121 Stat. 769.)

§ 31a–1. Expense allowance of Majority and Minority Leaders of Senate; expense allowance of Majority and Minority Whips; methods of payment; taxability. 310

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, § 100, 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.)

§ 31a–2. Representation Allowance Account for the Majority and Minority Leaders of Senate. 311

(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.)

312 § 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.)

313 § 31a–2b. Transfer of funds from appropriations account of Majority and Minority Leaders of Senate to appropriations account for "Miscellaneous Items" within Senate contingent fund.

Requests for transfers

(a) 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".

Authority to incur expenses

(b) 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.

Authority to advance sums

(c) 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.)

§ 31a–2c. Transfer of funds from appropriations account of Majority and Minority Whips of Senate to appropriations account for "Miscellaneous Items" within Senate contingent fund. 314

(a) 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) 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) 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.)

§ 31a–2d. Transfer of funds from appropriations account of the Office of the Vice President and the Offices of Secretaries for the Majority and Minority to the Senate contingent fund. 315

(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. Expenses 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.)

316 § 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.)

317 § 31a–4. Chairmen of the Majority and Minority Policy Committees' Expense Account

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 the Internal Revenue Code of 1986 [26 U.S.C.A. § 1 et seq.] (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.)

318 § 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.)

CROSS REFERENCES

Compensation of Vice President, see section 104 of Title 3, United States Code, relating to the President (Senate Manual section **982**).

§ 32a. Compensation of Deputy President pro tempore of Senate. 319

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.)

NOTE

See Senate Manual section **91**. The Senate may designate any Member to hold the Office of Deputy President pro tempore of the Senate. Such person is authorized to appoint and fix the compensation of such employees as he deems appropriate, but the gross compensation to such employees shall not exceed $90,000 for any fiscal year.

§ 32b. Expense allowance of President pro tempore of Senate; methods of payment; taxability. 320

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.)

NOTE.—OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE

(a) Establishment.—There is established the Office of the President pro tempore emeritus of the Senate.

(b) Designation.—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate,

shall be the President pro tempore emeritus of the United States Senate.

(c) Appointment and compensation of employees.—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President pro tempore emeritus determines appropriate.

(d) Expense allowance.—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed $15,000 each fiscal year. The President pro tempore emeritus may receive the expense allowance: (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus; or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986 [26 U.S.C.A. § 1 et seq.].

(e) Effective date.—This section shall take effect on the date of enactment of this Act [Feb. 20, 2003] and shall apply only with respect to the 108th Congress, the 109th Congress, and the 110th Congress. (Pub.L. 108–7, Div. H, Title I, § 7, Feb. 20, 2003, 117 Stat. 350, as amended Pub.L. 108–447, Div. G, Title I, §§ 4, 13(b), Dec. 8, 2004, 118 Stat. 3169, 3171; Pub.L. 110–161, Div. H, Title I, § 3, Dec. 26, 2007, 121 Stat. 2221.)

[Amendments by Pub.L. 108–447, Div. G, § 13, to this note applicable to fiscal year 2005 and each fiscal year thereafter.]

321 § 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; Oct. 1, 1981, Pub.L. 97–51, § 112(b)(2), 95 Stat. 963.)

322 § 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.)

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."

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

324 § 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, § 5, Aug. 2, 2005, 119 Stat. 568.)

§ 40. Deductions for withdrawal. 325

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.)

§ 40a. Deductions for delinquent indebtedness. 326

Whenever a Representative, Delegate, or 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; Aug. 20, 1996, Pub.L. 104–186, Title II, § 203(8), 110 Stat. 1726.)

§ 42a. Special delivery postage allowance for President of the Senate. 327

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.)

§ 43d. Organizational expenses of Senator-elect. 328

(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 incurred by Senator-elect; funding; maximum amount

(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.)

§ 46a. Stationery allowance for President of the Senate. **329**

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; Jan. 6, 1964, Pub.L. 88–258, Title IV, 77 Stat. 864; May 29, 1967, Pub.L. 90–21, Title I, 81 Stat. 38; Dec. 12, 1969, Pub.L. 91–145, 83 Stat. 342; July 9, 1971, Pub.L. 92–51, 85 Stat. 128; Dec. 15, 1971, Pub.L. 92–184, Ch. IV, 85 Stat. 635; Oct. 31, 1972, Pub.L. 92–607, § 506(k)(3), 86 Stat. 1508; June 12, 1975, Pub.L. 94–32, Title I, Ch. VII, 89 Stat. 182; Feb. 20, 2003, Pub.L. 108–7, Div. H, Title I, § 2(a), 117 Stat. 349.)

§ 46a.–1. Senate revolving fund for stationery allowances; availability of unexpended balances; withdrawals. **330**

There is established within the Contingent Fund of the Senate a revolving fund which shall consist of (1) the unexpended balance of the appropriation "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), Oct. 31, 1972, 86 Stat. 1508; Pub.L. 96–304, § 112(b)(3), July 8, 1980, 94 Stat. 889, 892; 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.)

331 § 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.)

332 § 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.)

333 § 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, c. 296, § 17, 14 Stat. 323; Jan. 20, 1874, c. 11, 18 Stat. 4; Dec. 8, 2004, Pub.L. 108–447, Div. G, Title I, § 11, 118 Stat. 3171.)

334 § 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 of 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, c. 103, 19 Stat.54.)

335 § 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 that 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 sup-

plied 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, Oct. 31, 1972, 86 Stat. 1504.)

§ 58. Mail, telegraph, telephone, stationery, office supplies, and home State office and travel expenses for Senators. 336

(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, that part of 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 [1]

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) 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.

(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

[1] S. Res. 540, 96–2, agreed to Dec. 8, 1980, provided: "That, until otherwise provided by law, reimbursement with respect to travel expenses incurred by a Senator or employee described in section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)); shall be made as if the phrase 'only for actual transportation expenses' read 'for travel expenses essential to the transaction of official business while away from his official station or post of duty.'"

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, § 506(a)–(j), Oct. 31, 1972, 86 Stat. 1505; 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) to (c), Aug. 5, 1977, 91 Stat. 663; 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, § 101(e), Oct. 2, 1982, 96 Stat. 1189; Pub.L. 98–51, § 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), October 21, 1987; Pub.L. 100–458, §§ 8(a), 13, 14(a), October 1, 1988,

101 Stat. 815; §§ 8(a), 13, 14(a), 102 Stat. 2162; 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 to 2260, 2280; Pub.L. 102–90, § 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.)

337 § 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, § 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.)

338 § 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.)

339 § 58a–2. Certification of telecommunications equipment and services as official.

(a) Regulations issues 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.)

§ 58a–3. Report on telecommunications to Committee on Rules and Administration. 340

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.)

§ 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. 341

(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.)

342 **§ 58b. Repealed** (Pub.L. 100–137, § 2, October 21, 1987, 101 Stat. 819).

343 **§ 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, 815; Pub.L. 105–55 Title I, § 3(b), Oct. 7, 1997, 111 Stat. 1180.)

§ 58c–1. Repealed (Public Law 105–55, Title I, § 3(c)(1), Oct. 7, 1997, 111 Stat. 1180). **344**

§ 59. Home State office space for Senators; lease of office space. 345

(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 on 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.)

346 § 59–1. Additional home State office space for Senators.

(a) Presidential declaration of disaster or emergency

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.A. § 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) Effective date

This section is effective on and after June 12, 1997.
(Pub.L. 105–18, Title II, § 7002, June 12, 1997, 111 Stat. 192.)

§ 59b. Purchase of office equipment or furnishings by Senators. 347

(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.)

§ 59d–1 Transportation of official records and papers to a Senator's State. 348

(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.)

349 § 59e. Official mail of persons entitled to use the 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;

(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) 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).

(C) Redesignated (B)

(D) Repealed. (Pub.L. 105–275, Title I, § 104(a)(3), Oct. 21, 1998, 112 Stat. 2439.)

(3) Repealed. (Pub.L. 106–57, Title I, § (a)(3), Sept. 29, 1999, 113 Stat. 415.)

(4) Repealed. (Pub.L. 105–275, Title I, § 104(b), Oct. 21, 1998, 112 Stat. 2439.)

(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.)

§ 59f. Mass mailings by Senate offices; quarterly statements; publication of summary tabulations. 350

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, § 3(b), July 22, 1994, 108 Stat. 1427.)

§ 59g. Mass mailing of information under frank; quarterly registration with Secretary of Senate. 351

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.)

Chapter 4.—OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES

§ 60–1. Authority of officers of Congress over Congressional employees. 352

(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, § 431, Oct. 26, 1970, 84 Stat. 1190.)

353 § 60–2. Amendment to Senate conflict of interest rule.[1]

(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.)

354 § 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 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 De-

[1] See Standing Rule XXXVII.

cember 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).

(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. 1329–310; Pub.L. 101–509, Title V, § 529 [Title I, § 101(b)(4)(E)], Nov. 5, 1990, 104 Stat. 1440; Pub.L. 106–554, § 1(a)(2) [Title 1, § 2], Dec. 21, 2000, 114 Stat. 2763, 2763A–96.)

§ 60a–1a. Rates of compensation paid by Secretary of Senate; applicability of Senate pay adjustments by President pro tempore of Senate. 355

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.)

§ 60a–1b. Senate pay adjustments; action by President pro tempore of Senate. 356

(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.)

357 § 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]

(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 the 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, § 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.)

358 § 60c–2. Repealed (Pub.L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1081).

NOTE

The Secretary of the Senate is authorized and directed, if requested by an individual whose compensation is disbursed by the Secretary, to pay the compensation by sending a check to a financial organization designated by the individual. See § 3332 of Title 31, Money and Finance, Senate Manual section **1201**.

359 § 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.)

§ 60c–3. Withholding and remittance of State income tax by Secretary of Senate. 360

(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 upon the United States, Senate, or any officer or employee of the 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 XI[1] 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, § 101(2), Aug. 13, 1974, 88 Stat. 427.)

361 § 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 12353, dated March 23, 1982.

[1] Changed from "rule XXX" as a result of the adoption of S. Res. 274, Nov. 14, 1979, and S. Res. 389, Mar. 25, 1980, 96th Cong.

(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 12353, dated March 23, 1982, 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 XI 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.)

362 § 60c–5 Student loan repayment program.

(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, United States Code (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 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(3) Employing Office

The term "employing office" means the employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), 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) 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);

(IV) disclosure of the program limitations provided for in subsection (d)(4) and paragraphs (2), (3), (6), and (7) of subsection (f);

(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 1/12 of the applicable annual maximum gross compensation limitation under section 105(d)(2), (e), or (f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(d)(2), (e), or (f)).

(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).

(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 104(c) of the Legislative Appropriation Act, 1977 (2 U.S.C. 60c-2a(c)) or section 5514 of Title 5, United States Code, 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 105(a) of the Legislative Branch Act, 1965 (2 U.S.C. 104a) 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).

(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, United States Code (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), 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), 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, Ch. 9, § 916, Jan. 10, 2002, 115 Stat. 2324.)

§ 60j. Longevity compensation.[1] **363**

(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;

[1] The application of this section is restricted by section 60j–4 of this section.

(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 851 of Title 40.

(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), 225(h), Dec. 16, 1967, 81 Stat. 637, 644; Pub.L. 91–656, § 4, Jan. 8, 1971, 84 Stat. 1952; Pub.L. 93–371, § 101, 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.)

§ 60j–1. Capitol Police longevity compensation. 364

Any member of the Capitol Police who by reason of the provision repealed by subsection (b)[1] was receiving immediately prior to September 1, 1964, longevity compensation provided by section 105 of the Legislative Branch Appropriation Act, 1959,[2] 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 shall be counted. (Pub.L. 88–454, § 104(c), Aug. 20, 1964, 78 Stat. 550.)

§ 60j–2. Longevity compensation for telephone operators on United States telephone exchange and members of Capitol Police paid by Chief Administrative Officer of House. 365

The provisions of subsections (a) and (b) of section 60j of this title (as amended by section 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.)

§ 60j–3. Repealed (Pub.L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189). 366

§ 60j–4. Longevity compensation not applicable to individuals paid by Secretary of Senate; savings provision. 367

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 subsections 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, § 107, July 14, 1983, 97 Stat. 267.)

[1] Refers to second sentence of section 106(d) of Legislative Branch Appropriation Act, 1963, repealed by section 104(b) of Legislative Branch Appropriation Act, 1965.

[2] Section 105 of Legislative Branch Appropriation Act, 1959, repealed by section 106(d) of Legislative Branch Appropriation Act, 1963.

368 § 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.)

369 § 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.)

370 § 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 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 appoint-

[1] So in original. Probably should be followed by "the".

ment 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 computation

NOTE.—This subsection has been executed.

(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

NOTE

This subsection sets forth the maximum and minimum salaries which may be paid to employees in the office of a Senator. These figures are changed annually by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970. For the current figures consult the Senate Disbursing Office.

Each Member of the Senate is authorized by section 111(c) of the Legislative Branch Appropriation Act, 1978 (Pub. Law 95–94, 91 Stat. 662–663, Aug. 5, 1977), to designate employees in his office to assist him in connection with his membership on committees of the Senate. With certain exceptions, an employee so designated is to be accorded all privileges of a professional staff member of the committee to which designated. The text of section 111(c) is as follows:

(c)(1) 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) An employee designated by a Senator under this subsection 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 subsection which are similar to the policies and practices adopted with respect to the application of section 705(c)(1) of Senate Resolution 4, 95th Congress, and section 106(c)(1) of the Supplemental Appropriations Act, 1977.

(3) A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this subsection with respect to such committee is terminated.

SEC. 111(a) provides for an amount to be added to each Senator's Official Personnel and Expense Account for compensation of committee-related employees authorized under subsection (c). This amount is subject to change annually by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970. For the current figure consult the Senate Disbursing Office.

SEC. 111(b) repealed, effective the first day of the 100th Congress. (Oct. 21, 1987, § 3, Pub.L. 100–137, 101 Stat. 819.)

(e) Gross rate of compensation of employee of committee of Senate employed by joint committee, select committee, or standing committee

NOTE

This subsection sets forth the uniform maximum salary that may be paid to all committee employees. These figures are changed annually by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970. For the current figures consult the Senate Disbursing Office.

(f) General limitation

NOTE

This subsection sets forth the maximum and minimum salaries which may be paid to Senate employees (other than committee employees, employees in a Senator's office, and employees serving in a position the salary of which is prescribed by law). These figures are changed annually by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970. For the current figures consult the Senate Disbursing Office.

(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, 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), Dec. 22, 1987, 101 Stat. 1329–290; 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; Pub.L. 110–161, Div. H, Title I, § 4, Dec. 26, 2007, 121 Stat. 2221; modified by Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970; July 8, 1980, Pub.L. 96–304, Title I, § 107(a), 94 Stat. 890.)

§ 61–1a. Availability of appropriated funds for payment to an individual of pay from more than one position; conditions. 371

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.)

§ 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". 372

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.)

§ 61–1c. Aggregate gross compensation of employee of Senator of State with population under 5,000,000. 373

(a) Notwithstanding the provisions of section 61–1(d)(1) of this title, and except as otherwise provided in subparagraph (C) of such paragraph,

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.)

374 § 61a. Compensation of Secretary of Senate.

NOTE

Pursuant to Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970, the annual rate of compensation of the Secretary of the Senate is the same as level III of the Executive Schedule (5 U.S.C. § 5314), but may not be more than $1,000 less than the annual rate of compensation of a Senator.

375 § 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. 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, § 504, Oct. 31, 1972, 86 Stat. 1505.)

376 § 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, § 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, § 102, June 5, 1981, 95 Stat. 61; Pub.L. 98–367, § 1, July 17, 1984, 98 Stat. 474.)

377 § 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.)

§ 61b. Compensation of Parliamentarian of Senate. **378**

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, § 1, 69 Stat. 499; June 27, 1956, Ch. 453, § 101, 70 Stat. 356; Aug. 13, 1974, Pub.L. 93–371, § 4, 88 Stat. 429; July 25, 1975, Pub.L. 94–59, Title I, § 105, 89 Stat. 275.)

§ 61b–3. Professional archivist; Secretary's authority to obtain services from General Services Administration. **379**

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.)

§ 61c–1. Adjustment of rate of compensation by Secretary of Senate. **380**

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.)

§ 61c–2. Compensation of Assistants to Majority and Minority in Office of Secretary of Senate. **381**

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.)

§ 61d. Compensation of Chaplain of Senate. **382**

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.)

383 § 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.)

384 § 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.)

385 § 61d–3. Repealed (Pub.L. 108–199, Div. H, § 155(b), Jan. 23, 2004, 118 Stat. 450).

386 § 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.)

387 § 61e. Compensation of Sergeant at Arms and Doorkeeper of Senate.

NOTE

Pursuant to Orders of the President pro tempore of the Senate issued under authority of section 4 of the Federal Pay Comparability Act of 1970, the annual rate of compensation of the Sergeant at Arms and Doorkeeper of the Senate is the same as level III of the Executive Schedule (5 U.S.C. § 5314), but may not be more than $1,000 less than the annual rate of compensation of a Senator.

§ 61e–3. Deputy Sergeant at Arms and Doorkeeper to act on death, resignation, disability, or absence of Sergeant at Arms and Doorkeeper of Senate. 388

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. 389

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.)

§ 61f–1a. Travel expenses of Sergeant at Arms and Doorkeeper of the Senate. 390

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, § 108, June 5, 1981, 95 Stat. 62; Pub.L. 100–458, § 6, Oct. 1, 1988, 102 Stat. 2161; Pub.L. 101–520, Title I, § 6, Nov. 5, 1990, 104 Stat. 2258.)

391 § 61f–7. Abolition of statutory positions in Office of Sergeant at Arms and Doorkeeper of Senate; authority to establish and fix compensations 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.)

392 § 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 for—

(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, § 7, Oct. 1, 1988, 102 Stat. 2162.)

§ 61f–9. Employment of personnel by Sergeant at Arms and Doorkeeper of Senate at daily rates of compensation; authorization; limitation on amount of compensation. 393

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.)

§ 61f–10. Procurement of temporary help. 394

(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) 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.)

§ 61f–11. Provision of services and equipment on a reimbursable basis. 395

(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.)

396 § 61f–12. Treatment of electronic services provided by Sergeant at Arms.

(a) In General

The Office of the Sergeant at Arms and Doorkeeper of the United States Senate, and any officer, employee, or agent of the Office, shall not be treated as acquiring possession, custody, or control of any electronic mail or other electronic communication, data, or information by reason of its being transmitted, processed, or stored (whether temporarily or otherwise) through the use of an electronic system established, maintained, or operated, or the use of electronic services provided, in whole or in part by the Office.

(b) Effective date

This section shall apply to fiscal year 2005 and each fiscal year thereafter. (Pub.L. 108–447, Div. G, Title I, § 10, Dec. 8, 2004, 118 Stat. 3170; Pub.L. 109–289, Div. B, Title II, § 20701(c)(1), as added Pub.L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 38.)

397 § 61f–13. Media support services.

(a) Definitions

In this section, the terms "national committee" and "political party" have the meaning given such terms in section 431 of this title.

(b) In general

The official duties of employees of the Sergeant at Arms and Doorkeeper of the Senate under the Senate Daily Press Gallery, the Senate Periodical Press Gallery, the Senate Press Photographers Gallery, and the Senate Radio and Television Correspondents Gallery may include providing media support services with respect to the presidential nominating conventions of the national committees of political parties.

(c) Approval of Sergeant at Arms

The terms and conditions under which employees perform official duties under subsection (b) of this section shall be subject to the approval of the Sergeant at Arms and Doorkeeper of the Senate.

(d) Effective date

This section shall apply to fiscal year 2008 and each fiscal year thereafter. (Pub.L. 110–161, Div. H, Title I, § 7, Dec. 26, 2007, 121 Stat. 2222.)

§ 61g–6. Payment of expenses of Conference of Majority and Conference of Minority from Senate contingent fund. 398

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, § 101(e), Oct. 2, 1982, 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.)

§ 61g–6a. Salaries and expenses for Senate Majority and Minority Policy Committees and Senate Majority and Minority Conference Committees. 399

(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.)

400 § 61g–6b. Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority.

(a) In general

Upon the written request of the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading "OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY" under the heading "Salaries, Officers and Employees" such amount as the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority shall specify to the appropriations account under the heading "MISCELLANEOUS ITEMS" within the contingent fund of the Senate.

(b) Authority to incur expenses

The Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority may incur such expenses as may be necessary or appropriate. Expenses incurred by the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority shall be paid from the amount transferred under subsection (a) of this section by the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority and upon vouchers approved by the Secretary of the Conference of the Majority or the Secretary of the Conference of the Minority, as applicable.

(c) Authority to advance sums

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

(d) Effective date

This section shall apply to fiscal year 2008 and each fiscal year thereafter. (Pub.L. 110–161, Div. H, Title I, § 3, Dec. 26, 2007, 121 Stat. 2221.)

§ 61g–7. Services of consultants to Majority and Minority Conference Committee of Senate. 401

(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.)

§ 61g–8. Utilization of funds for specialized training of professional staff for Majority and Minority Conference Committee of the Senate. 402

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.)

§ 61h–4. Appointment of employees by Senate Majority and Minority Leaders; compensation. 403

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.)

NOTE

S. Res. 89, 100–1, Jan. 28, 1987, established within the offices of Majority and Minority Leaders the positions of chief of staff for the Majority Leader and chief of staff for the Minority Leader. Rate of compensation shall be fixed by

the appropriate leader, not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

404 § 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.)

405 § 61h–6. Appointment of consultants by Majority Leader, Minority Leader, Secretary of Senate, and Legislative Counsel of Senate; compensation.

(a) The Majority Leader and the Minority Leader, are each authorized to appoint and fix the compensation of not more than nine[1] 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 section 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) 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

[1] See note entitled "Consultants" under this section.

annual compensation which may be paid to employees of a standing committee of the Senate. (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, §§ 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.)

NOTE.—CONSULTANTS

Pub.L. 110–161, Div. H, Title I, § 8, Dec. 26, 2007, 121 Stat. 2222, provided that: "With respect to fiscal year 2008, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a) [subsec. (a) of this section]) shall be applied by substituting 'nine individual consultants' for 'eight individual consultants'.".

Similar provisions were contained in the following appropriations Acts:

Pub.L. 109–55, Title I, §–2, Aug. 2, 2005, 119 Stat. 568.
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. **406**

(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, 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.)

§ 61j–2. Compensation and appointment of employees by Senate Majority and Minority Whips. **407**

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.)

§ 61k. Appointment and compensation of employees by President pro tempore of Senate. **408**

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.)

409 § 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.)

410 § 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.)

411 § 63. Repealed (Pub.L. 104–186, Title II, § 204(21), Aug. 20, 1996, 110 Stat. 1733).

412 § 64. Omitted.

413 § 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.)

414 § 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.)

415 § 64–3. Reimbursement for Capitol Police salaries paid by Senate 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.)

§ 64a. Death, resignation, or disability of Secretary and Assistant Secretary of Senate; Financial Clerk deemed successor as disbursing officer. 416

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; Oct. 31, 1969, Pub.L. 91–105, § 2, 83 Stat. 169; Aug. 18, 1970, Pub.L. 91–382, § 101, 84 Stat. 810; June 6, 1972, Pub.L. 92–310, § 220(g), 86 Stat. 204; July 17, 1984, Pub.L. 98–367, § 2(a), 98 Stat. 474.)

§ 64b. Death, resignation, or disability of Secretary of Senate; Assistant Secretary of Senate to act as Secretary; written designation of absent status. 417

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, § 401, Dec. 15, 1971, 85 Stat. 635; Pub.L. 93–371, § 1, Aug. 13, 1974, 88 Stat. 427; Pub.L. 98–367, § 2(b), July 17, 1984, 98 Stat. 474.)

§ 65a. Insurance of office funds of Secretary of Senate and Sergeant at Arms; payment of premiums. 418

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, § 101, 70 Stat. 360.)

§ 65b. Advances to Sergeant at Arms of Senate for extraordinary expenses. 419

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, § 108, Oct. 1, 1976, 90 Stat. 1445; Pub.L. 95–26, § 104, May 4, 1977, 91 Stat. 82.)

420 § 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.)

421 § 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, § 104, July 14, 1983, 97 Stat. 266.)

422 § 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) 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) The provisions of subsection (a) shall be effective in the case of expenditures for fiscal years ending after September 30, 1986.

(c) 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, § 2, July 11, 1987, Title I, 101 Stat. 423; Pub.L. 102–90, § 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.)

§ 66a. Restriction on payment of dual compensation by Secretary of Senate. **423**

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. **424**

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, June 19, 1934, Ch. 648, Title I, § 1, 48 Stat. 1022.)

§ 68. Payments from Senate contingent fund. **425**

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, § 1, 25 Stat. 546; Aug. 2, 1946, Ch. 753, § 102, 60 Stat. 814; Pub.L. 93–554, Title I, Ch. III, § 101, Dec. 27, 1974, 88 Stat. 1776; Pub.L. 104–186, Title I, § 105(c), Aug. 20, 1996, 110 Stat. 1722.)

§ 68–1. Committee on Rules and Administration; designation of employees to approve vouchers for payments from Senate contingent fund. **426**

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 pur-

poses. (Pub.L. 93–145, § 101, Nov. 1, 1973, 87 Stat. 529; Pub.L. 97–51, § 126, Oct. 1, 1981, 95 Stat. 965; Pub.L. 98–473, § 123A(c), Oct. 12, 1984, 98 Stat. 1970.)

427 § 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, § 1, 32 Stat. 26; June 10, 1921, Ch. 18, Title III, § 304, 42 Stat. 24; Aug. 20, 1996, Pub.L. 104–186, Title II, § 204 (45), 110 Stat. 1737; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

428 § 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, § 103, July 14, 1983, 97 Stat. 266.)

§ 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. 429

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 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, 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.)

§ 68–6. Transfers from appropriations accounts for expenses of Office of Secretary of Senate and Office of Sergeant at Arms and Doorkeeper of Senate. 430

(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.)

431 § 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 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.)

432 § 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.)

§ 68–8. Vouchering Senate office charges. 433

(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.)

§ 68a. Materials, supplies, and fuel payments from Senate contingent fund. 434

Payments from the contingent fund of the Senate for materials and supplies (including fuel) purchased 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, § 1, 49 Stat. 463; Aug. 2, 1946, Ch. 753, § 102, 60 Stat. 814; June 30, 1949, Ch. 288, § 102(a), 63 Stat. 380.)

§ 68b. Per diem and subsistence expenses from Senate contingent fund.[1] 435

No part of the appropriations made under the heading "Contingent Expenses of the Senate" 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

[1] Pursuant to the authority granted by section 68b the Committee on Rules and Administration issues "United States Senate Travel Regulations." Copies of the regulations currently in effect may be obtained from the Committee.

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; Aug. 14, 1961, Pub.L. 87–139, § 7, 75 Stat. 340; Nov. 10, 1969, Pub.L. 91–114, § 3, 83 Stat. 190; May 19, 1975, Pub.L. 94–22, § 8, 89 Stat. 86; Aug. 5, 1977, Pub.L. 95–94, Title I, § 112(e), 91 Stat. 664; Sept. 8, 1978, Pub.L. 95–355, Title I, § 103, 92 Stat. 533; July 8, 1980, Pub.L. 96–304, Title I, § 102(b), 94 Stat. 889.)

436 § 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" shall be computed at such rates[1] 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, § 101, 70 Stat. 360.)

437 § 68e. Advance payments by Secretary of Senate.

(a) 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) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

(Pub.L. 105–55, Title I, § 1, Oct. 7, 1997, 111 Stat. 1179.)

438 § 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, § 305, 42 Stat. 24; June 22, 1949, Ch. 235, § 101, 63 Stat. 218.)

[1] Pursuant to the authority granted by section 68c the Committee on Rules and Administration issues "Regulations Governing Rates Payable to Commercial Reporting Firms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

CROSS REFERENCE

Payments from contingent fund of Senate not to be made unless sanctioned, the vouchers of which are declared conclusive upon all departments of Government, see section 68 of this title (Senate Manual section **425**).

§ 69–1. Availability of funds for franked mail expenses. **439**

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.)

§ 69a. Orientation seminars, etc., for new Senators, Senate officials or members of staffs of Senators or Senate officials; payment of expenses. **440**

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 $30,000 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, § 193, Aug. 15, 1985, 99 Stat. 349; 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; Pub.L. 110–161, Div. H, Title I, § 6(a), Dec. 26, 2007, 121 Stat. 2222.)

§ 69b. Senate Leader's Lecture Series. **441**

(a) 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) 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 of the lecture series shall be made on vouchers approved by the Secretary of the Senate.

(d) This section is effective on and after October 1, 1997.

(Pub.L. 105–275, Title I, § 5, Oct. 21, 1998, 112 Stat. 2433.)

442 § 72a. Committee staffs.

(a) Appointment of professional members; number, qualifications; termination of employment

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress.)

(b) Professional members for Committee on Appropriations; examinations of executive agencies' operations

(Made inapplicable with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress.)

(c) Clerical employees; appointment; number, duties; termination of employment

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress.)

(d) Recordation of committee hearings, data, etc.; access to records

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **26.10a**.)

(e) Repealed

(f) Limitations on appointment of professional members

(Made inapplicable with respect to the Senate by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **27.4**.)

(g) Appointments when no vacancy exists; payment from Senate contingent fund

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress.)

(h) Salary rates, assignments of facilities and accessibility of committee records for minority staff appointees

(Made inapplicable by sec. 2 of S. Res. 274, 96th Congress. For rule on same, see Senate Manual section **27.1**.)

(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 the 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 pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, 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 re-

spect 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 a 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, § 202, 60 Stat. 834; July 30, 1947, Ch. 361, § 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, §§ 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; H. Res. 549, Mar. 25, 1980; Pub.L. 100–458, § 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.)

443 § 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) of Senate Resolution 4, 95th Congress, and section 72a–1d(c)(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.)

§ 72a–1g. Referral of ethics violations by Senate Ethics Committee to Government Accountability Office for investigation. 444

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.)

§ 72a–1h. Mandatory Senate ethics training for members and staff. 445

(a) Training program

The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) Requirements

The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on September 14, 2007 not later than 165 days after September 14, 2007. (Pub.L. 110–81, Title V, § 553, Sept. 14, 2007, 121 Stat. 773.)

§ 72a–1i. Annual report by Select Committee on Ethics. 446

The Select Committee on Ethics of the Senate shall issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction or, in which, even if the allegations in the complaint are true, no violation of Senate rules would exist; or

(B) because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion.

(3) The number of alleged violations in which the committee staff conducted a preliminary inquiry.

(4) The number of alleged violations that resulted in an adjudicatory review.

(5) The number of alleged violations that the committee dismissed for lack of substantial merit.

(6) The number of private letters of admonition or public letters of admonition issued.

(7) The number of matters resulting in a disciplinary sanction.

(8) Any other information deemed by the committee to be appropriate to describe its activities in the preceding year. (Pub.L. 110–81, Title V, § 554, Sept. 14, 2007, 121 Stat. 773.)

447 § 72d. Committee on Appropriations; discretionary powers.

(a) 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, and 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) Senate Resolution 54, agreed to February 13, 1997, is amended by striking section 4.

(c) This section shall be effective on and after October 1, 1998, or October 21, 1998, whichever is later. (Pub.L. 105–275, Title I, § 10, Oct. 21, 1998, 112 Stat. 2435; Pub.L. 109–55, § 6, Aug. 2, 2005, 119 Stat. 568.)

448 § 72d–1. Transfer of funds from the appropriation accounts for salaries or expenses for the Appropriations Committee of the Senate.

(a)(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) 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) 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.)

§ 74b. Employment of additional administrative assistants. 449

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, § 244, 60 Stat. 839; Aug. 20, 1996, Pub.L. 104–186, Title II, § 204(18), 110 Stat. 1732.)

§ 88a. Repealed (Pub.L. 104–186, Title II, § 204(34)(A), Aug. 20, 1996, 110 Stat. 1734). 450

§ 88b. Education of other minors who are Senate employees. 451

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.)

§ 88b–1. Congressional pages. 452

(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 a 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.)

§ 88b–7. Daniel Webster Senate Page Residence Revolving Fund. 453

(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.)

454 § 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.)

455 § 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, § 118(a), June 1, 1976, 90 Stat. 615; Pub.L. 104–186, Title II, § 204 (53), Aug. 20, 1996, 110 Stat. 1737.)

456 § 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 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 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.)

457 § 104d. Notification of post-employment restrictions.

(a) Notification of post-employment restrictions

After a Member of Congress or an elected officer of either House of Congress leaves office, or after the termination of employment with the House of Representatives or the Senate of an employee who is covered under paragraph (2), (3), (4), or (5) of section 207(e) of Title 18, the Clerk of the House of Representatives, after consultation with the Committee on Standards of Official Conduct, or the Secretary of the Senate, as the case may be, shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under section 207(e) of that title.

(b) Posting on Internet

The Clerk of the House of Representatives, with respect to notifications under subsection (a) of this section relating to Members, officers, and employees of the House, and the Secretary of the Senate, with respect to such notifications relating to Members, officers, and employees of the Senate, shall post the information contained in such notifications on the public Internet site of the Office of the Clerk or the Secretary of the Senate, as the case may be, in a format that, to the extent technically practicable, is searchable, sortable, and downloadable. (Pub.L. 110–81, Title I, § 103, Sept. 14, 2007, 121 Stat. 739.)

458 § 104f. Notification of post-employment restrictions.

(a) In general

After a Senator or an elected officer of the Senate leaves office or after the termination of employment with the Senate of an employee of the Senate, the Secretary of the Senate shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under rule XXXVII of the Standing Rules of the Senate.

(b) Effective date

This section shall take effect 60 days after September 14, 2007. (Pub.L. 110–81, Title V, § 535, Sept. 14, 2007, 121 Stat. 766.)

§ 104g. Senate privately paid travel public website. 459

(a) Travel disclosure

Not later than January 1, 2008, the Secretary of the Senate shall establish a publicly available website without fee or without access charge, that contains information on travel that is subject to disclosure under paragraph 2 of rule XXXV of the Standing Rules of the Senate, that includes, with respect to travel occurring on or after January 1, 2008—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) forms filed in the Senate relating to officially related travel.

(b) Retention

The Secretary of the Senate shall maintain the information posted on the public Internet site of the Office of the Secretary under this section for a period not longer than 4 years after receiving the information.

(c) Extension of authority

If the Secretary of the Senate is unable to meet the deadline established under subsection (a) of this section, the Committee on Rules and Administration of the Senate may grant an extension of the Secretary of the Senate.

(e)[1] Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section. (Pub.L. 110–81, Title V, § 546, Sept. 14, 2007, 121 Stat. 772.)

§ 105. Preparation and contents of statement of appropriations. 460

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 information 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. 461

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

[1] So in original. Probably should be subsec. (d).

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.)

462 § 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.)

463 § 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, Sec. 204(56), Aug. 20, 1996, 110 Stat. 1738.)

464 § 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; Aug. 20, 1996, Pub.L. 104–186, Title II, § 204(57), 110 Stat. 1738.)

465 § 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.)

466 § 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, § 1, June 10, 1933; June 30, 1949, ch. 288, § 102, 63 Stat. 380.)

§ 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. 467

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.)

§ 112. Purchases of stationery and materials for folding. 468

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, 121, 60 Stat. 814, 822; Aug. 20, 1996, Pub.L. 104–186, Title II, § 204(58), 110 Stat. 1738.)

§ 113. Detailed reports of receipts and expenditures by Secretary of Senate and Chief Administrative Officer of House.[1] 469

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; Aug. 20, 1996, Pub.L. 104–186, Title II § 204(60), 110 Stat. 1738.)

§ 114. Fees for copies from Senate journals. 470

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.)

§ 117. Sale of waste paper and condemned furniture. 471

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

[1] Superseded by section 105(a) of Pub.L. 88–454, Aug. 20, 1964, 78 Stat. 550, as amended. See Senate Manual section **456**.

Treasury. (Aug. 7, 1882, ch. 433, § 1, 22 Stat. 337; May 29, 1928, ch. 901, § 1, 45 Stat. 995; Pub.L. 104–186, Title II, § 204(62), Aug. 20, 1996, 110 Stat. 1739.)

472 § 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.)

473 § 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 finishings 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.)

474 § 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, 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) 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.)

§ 118. Actions against officers for official acts.[1] **475**

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.)

§ 118a. Officers of Senate. **476**

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.)

§ 119. Stationery rooms of House and Senate; specifications of classes of articles purchasable. **477**

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, 121, 60 Stat. 814, 822; Pub.L. 104–186, Title II, § 204(65), Aug. 20, 1996, 110 Stat. 1739.)

§ 121. Senate restaurant deficit fund; deposit of proceeds from surcharge on orders. **478**

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, § 102, 60 Stat. 814.)

CROSS REFERENCE

For jurisdiction over, and management of, Senate restaurants, see section 2042 of this title (Senate Manual section **899**).

[1] Rule 69(b) of Federal Rules of Civil Procedure provides as to judgments against public officers.

479 § 12lb–1. Senate Hair Care Services; personnel; revolving fund.

(a) 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) 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 (hereafter in this section referred to as the "revolving fund").

(c)(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), 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) Agency contributions for employees of Senate Hair Care Services shall be paid from the appropriations account for "Salaries, Officers and Employees".[1]

(d) 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) 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) 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) 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) This section shall be effective on and after October 1, 1998, or 30 days after 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.)

[1] Pub.L. 106–554, § 1(a)(2) [Title I § 3(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–96 amended subsection (c) and added a second paragraph (3) pursuant to a drafting error.

§ 121c. Office of Senate Health Promotion. 480

(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 Members, 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.)

481 § 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.

(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.

(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; Pub.L. 110–39, § 1, June 21, 2007, 121 Stat. 231.)

§ 121e. Payment of fees for services of Attending Physician and for use of Senate health and fitness facilities. 482

(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 of this section shall take effect on April 9, 1992. (Pub.L. 102–392, Title III, § 314, Oct. 6, 1992, 106 Stat. 1723.)

§ 121f. Senate Health and Fitness Facility Revolving Fund. 483

(a) 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) 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) 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) 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) 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.)

484 § 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 Buildings 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.)

485 § 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 Commis-

sioner 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.)

486 § 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 Apr. 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 Apr. 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 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.)

487 § 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.)

488 § 123c–1. Advance payments for computer programming 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 programming services. (Pub.L. 97–20, July 6, 1981, 95 Stat. 104.)

489 § 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. **490**

(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.)

491 § 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.)

492 § 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.)

493 § 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 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. (Pub.L. 89–90, July 27, 1965, 79 Stat. 266; Pub.L. 97–12, § 105, June 5, 1981, 95 Stat. 61.)

494 § 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.)

§ 130b. Jury and witness service by Senate and House employees. 495

(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 in 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.)

§ 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. 496

(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 regulationsto 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.)

497 § 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, § 112, November 19, 1995, 109 Stat. 525.)

498 § 130g. Emergency situations; provisions of facilities, equipment, supplies, personnel, and other support services for use of Senate.

(a) 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) 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) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year. (Pub.L. 107–117, Div. B, ch. 9, § 902, Jan. 10, 2002, 115 Stat. 2316.)

Chapter 5.—LIBRARY OF CONGRESS

499 § 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; Oct. 19, 1976,

Pub.L. 94–553, § 105(g), 90 Stat. 2599; Dec. 22, 1987, Pub.L. 100–202, § 101(i) [Title III, § 310], 101 Stat. 1329–290, 1329–310.)

§ 132. Departments of Library. **500**

The Library of Congress shall be arranged in two departments, a general library and a law library. (R.S. § 81.)

§ 132a. Appropriations for increase of general library. **501**

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, § 223, 60 Stat. 838.)

CROSS REFERENCE

Librarian of Congress to make rules and regulations for government of library, see section 136 of this title (Senate Manual section **504**).

§ 132b. Joint Committee on the Library. **502**

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, § 223, 60 Stat. 838; Aug. 20, 1996, Pub.L. 104–186, Title II, § 205, 110 Stat. 1742.)

§ 133. Joint Committee during recess of Congress. **503**

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, § 223, 60 Stat. 838.)

§ 136. Librarian of Congress; appointment; rules and regulations. **504**

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; June 6, 1972, Pub.L. 92–310, § 220(f), 86 Stat. 204.)

§ 136a–2. Librarian of Congress and Deputy Librarian of Congress; compensation. **505**

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(a), July 30, 1983, 97 Stat. 336; Pub.L. 106–57, Title II, § 209(a), Sept. 29, 1999, 113 Stat. 424.)

506 § 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.)

507 § 139. Omitted.

508 § 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 3709 of the Revised Statutes of the United States (41 U.S.C. 5). 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.)

509 § 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 sections 1535 and 1536 of Title 31. (Pub.L. 101–163, Title II, § 205, Nov. 21, 1989, 103 Stat. 1060.)

CROSS REFERENCE

Establishment, purposes, and authority, see Sections 1101 through 1110 of Title 2, United States Code (Senate Manual sections **720** through **729**).

510 § 145. Copies of journals and documents.

Two copies of the journals and documents, and of each book printed by either House of Congress, bound [as provided in sections 501 and 1123 of Title 44,] shall be deposited in the Library, and must not be taken therefrom. (R.S. § 97.)

CROSS REFERENCES

Copies of House and Senate documents to be deposited with Library of Congress, see section 701 of Title 44, United States Code (Senate Manual section **1268** and footnote thereto).

Distribution of printed copies of Journals of Senate and House of Representatives, see section 713 of Title 44, United States Code (Senate Manual section **1278**).

§ 145a. Periodical binding of printed hearings of committee testimony. **511**

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, § 141, 60 Stat. 834.)

§ 146. Deposit of Journals of Senate and House. **512**

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.)

§ 154. Library of Congress Trust Fund Board; members; quorum; seal; rules and regulations. **513**

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; May 12, 1978, Pub.L. 95–277, 92 Stat. 236; Feb. 18, 1992, Pub.L. 102–246, §§ 1, 2, 106 Stat. 31; Nov. 9, 2000, Pub.L. 106–481, Title II, § 201, 114 Stat. 2190.)

514 § 156. Gifts, etc., to Library of Congress Trust Fund Board.

The Board is authorized to accept, receive, hold, and administer such gifts, bequests, or devices 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, 43 Stat. 1107; Apr. 13, 1936, ch. 213, 49 Stat. 1205.)

515 § 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, 43 Stat. 1107; Apr. 13, 1936, ch. 213, 49 Stat. 1205.)

516 § 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 percentum 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 percentum, payable semiannually, 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, 43 Stat. 1107; Apr. 13, 1936, ch. 213, 49 Stat. 1205; June 23, 1936, ch. 734, 49 Stat. 1894; July 3, 1962, Pub.L. 87–522, 76 Stat. 135; May 22, 1976, Pub.L. 94–289, 90 Stat. 521.)

517 § 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 Feb. 18, 1992, Pub.L. 102–246, § 3, 106 Stat. 31.)

§ 159. Perpetual succession and suits by or against Library of Congress Trust Fund Board. 518

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.)

§ 160. Disbursement of gifts, etc., to Library. 519

Nothing in sections 154 to 162 and 163 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; Oct. 7, 1997, Pub.L. 105–55, Title II, § 208, 111 Stat. 1194.)

§ 161. Tax exemption of gifts, etc., to Library of Congress. 520

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.)

521 § 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 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 Service 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, § 203(a)(b), 60 Stat. 836; Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972; Oct. 26, 1970, Pub.L. 91–510, § 321(a), 84 Stat. 1181; Dec. 19, 1985, Pub.L. 99–190, § 133, 99 Stat. 1322; Pub.L. 106–57, Title II, § 209(b), Sept. 29, 1999, 113 Stat. 424.)

NOTE

The provision under the heading "Library of Congress" and the subheadings "Congressional Research Service" and "Salaries and Expenses" contained in the Joint Resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1988, and for other purposes", approved December 22, 1987 (101 Stat. 1329–303), provided, in part, that:

". . . Notwithstanding any other provision of law, the compensation for the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of Title 5, United States Code."

Chapter 6.—CONGRESSIONAL AND COMMITTEE PROCEDURE: INVESTIGATIONS

522 § 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.)

523 § 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.)

§ 193. Privilege of witnesses. **524**

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.)

§ 194. Certification of failure to testify or produce; grand jury action. **525**

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.)

§ 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. **526**

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, § 502, July 13, 1972, 86 Stat. 496; Pub.L. 93–126, § 17, Oct. 18, 1973, 87 Stat. 455; Pub.L. 105–277, div G, Title XII, § 1225(g), Title XIII, § 1335(n), Oct. 21, 1998, 112 Stat. 2681–775, 2681–789.)

527 § 194b. Omitted.

528 § 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 or after July 12, 1960, hereafter 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.)

529 § 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.)

530 § 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.)

531 § 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 rollcall 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, § 132, 60 Stat. 831; Oct. 26, 1970, Pub.L. 91–510, § 461(b), 84 Stat. 1193.)

532 §§ 261–270 Repealed.

For provisions relating to disclosure of lobbying activities to influence Federal Government, see section 1601 et seq. of Title 2, United States Code.

Chapter 9.—OFFICE OF LEGISLATIVE COUNSEL

533 § 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 Legisla-

tive 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.)

§ 272. Legislative Counsel. **534**

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, § 1101, 43 Stat. 353; Sept. 20, 1941, ch. 412, Title VI, § 602, 55 Stat. 726.)

§ 273. Compensation. **535**

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, § 1101, 43 Stat. 353, and 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; July 1, 1957, Pub.L. 85–75, § 101, 71 Stat. 250; Aug. 14, 1964, Pub.L. 88–426, Title II, § 203(g), 78 Stat. 415; Aug. 13, 1974, Pub.L. 93–371, § 101(4), 88 Stat. 429; July 25, 1975, Pub.L. 94–59, Title I, § 105, 89 Stat. 275.)

§ 274. Staff, office equipment and supplies. **536**

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, § 1101, 43 Stat. 353; Sept. 20, 1941, ch. 412, Title VI, § 602, 55 Stat. 726.)

§ 275. Functions. **537**

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 of the Senate. The Legislative Counsel shall, from time to time, prescribe rules and regulations for the conduct of the work of the Office for the committees of the Senate, 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, § 1101, 43 Stat. 353; Aug. 2, 1946, ch. 753, Title I, §§ 102, 121, 60 Stat. 814, 822.)

§ 276. Disbursement of appropriations. **538**

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. 1141; June 2, 1924, ch. 234, § 1101, 43 Stat. 353.)

§ 276a. Expenditures. **539**

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.)

540 § 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, § 106, July 14, 1983, 97 Stat. 267.)

Chapter 9D.—OFFICE OF SENATE LEGAL COUNSEL

541 § 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 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.)

§ 288a. Senate Joint Leadership Group. **542**

(a) Accountability of Office

The Office shall be directly accountable to the Joint Leadership Group in the performance of the duties of the Office.

(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

(c) 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.)

543 § 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

(e) 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.)

544 § 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. **545**

(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.)

546 § 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. **547**

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. **548**

(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 the Senate, the Sergeant-at-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.)

549 § 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.)

550 § 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. **551**

(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.)

552 § 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, § 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.)

553 § 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 supply 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. **554**

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.)

Chapter 11.—CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

§ 351. Establishment. **555**

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, § 225(a), Dec. 16, 1967, 81 Stat. 642; Pub.L. 101–194, Title VII, § 701(a)(1), Nov. 30, 1989, 103 Stat. 1763.)

§ 352. Membership. **556**

(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 [2 U.S.C.A. § 261 et seq.]; 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 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 subsection.

(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 subsection shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve. (Pub.L. 90–206, § 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.)

557 § 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.)

§ 354. Use of United States mails. **558**

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, § 225(d), Dec. 16, 1967, 81 Stat. 643.)

§ 355. Administrative support services. **559**

The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis. (Pub.L. 90–206, § 225(e), Dec. 16, 1967, 81 Stat. 643.)

§ 356. Functions. **560**

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, § 255(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.)

561 § 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, § 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.)

562 § 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 subsection 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, § 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.)

563 § 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, § 225(i), Dec. 16, 1967, 81 Stat. 644; Pub.L. 95–19, § 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.)

§ 360. Effect of recommendations on existing law and prior recommendations. **564**

The recommendations of the President taking effect as provided in subsection 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, § 225(j), Dec. 16, 1967, 81 Stat. 644; Pub.L. 95–19, § 401(b), Apr. 12, 1977, 91 Stat. 46; Pub.L. 95–190, § 135(f), Dec. 19, 1985, 99 Stat. 1322; 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.)

§ 361. Publication of recommendations. **565**

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. (Dec. 16, 1967, Pub.L. 90–206, § 225(k), 81 Stat. 644.)

NOTE

Section 135(g) of Public Law 99–190 (99 Stat. 1323, Dec. 19, 1985) provides that the Commission shall not make recommendations on rates of pay in connection with the review of rates of pay conducted in fiscal year 1985 except for the rates of pay of the Governors of the Board of Postal Service.

566 § 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 not 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 subsection 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.)

567 § 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.)

568 § 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.)

Chapter 13.—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

Repealed (Pub.L. 104–186, Title II, § 212(1)(A), (2), Aug. 20, 1996, 110 Stat. 1745). **569**

Chapter 14.—FEDERAL ELECTION CAMPAIGNS

Subchapter I.—Disclosure of Federal Campaign Funds

§ 431. Definitions. **570**

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 reference 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 cred-

it, 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 315(i) and 315A 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 stock and 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.

(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, § 301, Feb. 7, 1972, 86 Stat. 11; Pub.L. 93–443, §§ 201(a), 208(c)(1), Oct. 15, 1974, 88 Stat. 1272, 1286; Pub.L. 94–283, §§ 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, §§ 101(b), 103(b)(1), 211, 304(c), Mar. 27, 2002, 116 Stat. 85, 87, 92, 100.)

§ 432. Organization of political committees. **571**

(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 Corporation, 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, § 302, Feb. 7, 1972, 86 Stat. 12; Pub.L. 93–443, §§ 202, 208(c)(2), Oct. 15, 1974, 88 Stat. 1275, 1286; Pub.L. 94–283, § 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.)

572 § 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 or 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, § 303, Feb. 7, 1972, 86 Stat. 14; Pub.L. 93–443, §§ 203, 208(c)(3), Oct. 15, 1974, 88 Stat. 1276, 1286; Pub.L. 96–187, Title I, § 103, Jan. 8, 1980, 93 Stat. 1347.)

§ 434. Reporting requirements. **573**

(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 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 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.

(III) 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 $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.

(iv) 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 315(i)) 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 309.

(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 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 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 any such receipt;

(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of 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 anther political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;

(D) person who receives 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) 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) applies shall report all receipts and disbursements made for activities described in section 431(20)(A), 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) shall include a disclosure of all receipts and disbursements described in section 441i(b)(2)(A) and (B).

(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).

(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).

(f) Disclosure of electioneering communications

(1) Statement required.—Every person who makes a disbursement for the direct costs of producing and airing electioneering communica-

tions 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 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, 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 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) 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).

(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 Internal Revenue Code.—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 the Internal Revenue Code of 1986.

(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 independent 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), including the name of each candidate whom an expenditure is intended to support or oppose.

(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.

(i) Disclosure of bundled contributions

(1) Required disclosure

Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

(2) Covered period

In this subsection, a "covered period" means, with respect to a committee—

(A) the period beginning January 1 and ending June 30 of each year;

(B) the period beginning July 1 and ending December 31 of each year; and

(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

(3) Applicable threshold

(A) In general

In this subsection, the "applicable threshold" is $15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

(B) Indexing

In any calendar year after 2007, section 441a(c)(1)(B) of this title shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the "base period" shall be 2006.

(4) Public availability

The Commission shall ensure that, to the greatest extent practicable—

(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

(B) the Commission's public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.

(5) Regulations

Not later than 6 months after September 14, 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—

(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;

(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;

(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and

(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

(6) Committees described

A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

(7) Persons described

A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is—

(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995;

(B) an individual who is listed on a current registration filed under section 4(b)(6) of such Act or a current report under section 5(b)(2)(C) of such Act; or

(C) a political committee established or controlled by such a registrant or individual.

(8) Definitions

For purposes of this subsection, the following definitions apply:

(A) Bundled contribution

The term "bundled contribution" means, with respect to a committee described in paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is—

(i) forwarded from the contributor or contributors to the committee by the person; or

(ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

(B) Leadership PAC

The term "leadership PAC" means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party. (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, §§ 501, 503, Mar. 27, 2002, 116 Stat. 87; Pub.L. 108–199, Div. F, Title VI, § 641, Jan. 23, 2004, 118 Stat. 359; Pub.L. 110–81, Title II, § 204(a), Sept. 14, 2007, 121 Stat. 744.)

574 **§ 435. Repealed** (Pub.L. 96–187, Title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354).

575 **§ 436. Repealed** (Pub.L. 96–187, Title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354).

576 **§ 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 purposes for which such funds were expended. (Pub.L. 92–225, § 305, formerly § 307, Feb. 7, 1972, 86 Stat. 16; Pub.L. 93–443, § 208(c)(6), Oct. 15, 1974, 88 Stat. 1286; Pub.L. 96–187, Title I, §§ 105(2), 112a, Jan. 8, 1980, 93 Stat. 1354, 1366.)

577 **§ 437a. Repealed** (Pub.L. 94–283, Title I, § 105, May 11, 1976, 90 Stat. 481).

578 **§ 437b. Repealed** (Pub.L. 97–187, Title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354).

579 **§ 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 (section 5315 of Title 5).

(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 this 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 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.)

§ 437d. Powers of Commission. **580**

(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 mileages 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 approval, 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.)

581 **§ 437e. Repealed** (Pub.L. 96–187, Title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354).

582 **§ 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) 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 indistinguishable 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) 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.)

§ 437g. Enforcement. **583**

(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 Commis-

sion 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 clause (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.

(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 320, 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 Com-

mission 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 320, 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, § 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) 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, United States Code, 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.

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or of 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), Mar. 27, 2002, 116 Stat. 106.)

584 § 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.)

585 § 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 Commission 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 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 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 it 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, § 801(b), Oct. 29, 2002, 116 Stat. 1726.)

§ 439. Statements filed with State officers; "appropriate State" defined; duties of State officers; waiver of duplicate filing requirement for States with electronic access. 586

(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.)

587 § 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 the Internal Revenue Code of 1986;

(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) 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 non-campaign-related automobile expense;

(D) a country club membership;

(E) a vacation or other non-campaign-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 recreation facility.

(c) Restrictions on use of campaign funds for flights on non-commercial aircraft

(1) In general

Notwithstanding any other provision of this Act, a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the candidate, the authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size by the number of candidates on the flight) within a commercially reasonable timeframe after the date on which the flight is taken.

(2) House candidates

Notwithstanding any other provision of this Act, in the case of a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an authorized committee and a leadership PAC of the candidate may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the aircraft is operated by an entity of the Federal Government or the government of any State.

(3) Exception for aircraft owned or leased by candidate

(A) In general

Paragraphs (1) and (2) do not apply to a flight on an aircraft owned or leased by the candidate involved or an immediate family member of the candidate (including an aircraft owned by an entity that is not a public corporation in which the candidate or an immediate family member of the candidate has an ownership interest), so long as the candidate does not use

the aircraft more than the candidate's or immediate family member's proportionate share of ownership allows.

(B) Immediate family member defined

In this subparagraph (A), the term "immediate family member" means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.

(4) Leadership PAC defined

In this subsection, the term "leadership PAC" has the meaning given such term in section 434(i)(8)(B) of this title. (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; Pub.L. 107–155, Title III, § 301, Mar. 27, 2002, 116 Stat. 95; Pub.L. 108–447, Div. H, Title V, § 532, Dec. 8, 2004, 118 Stat. 3272; Pub.L. 110–81, Title VI, § 601(a), Sept. 14, 2007, 121 Stat. 774.)

588 **§ 439b. Repealed** (Pub.L. 96–187, Title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354).

589 **§ 440. Repealed** (Pub.L. 93–443, Title I, § 101(f)(4), Oct. 15, 1974, 88 Stat. 1268).

590 **§ 441. Repealed** (Pub.L. 94–283, Title I, § 112(1), May. 11, 1976, 90 Stat. 486).

591 **§ 441a. Limitations on contributions and expenditures.**

(a) Dollar limits on contributions

(1) Except as provided in subsection (i) and section 315A, 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 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, of 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

(C) if—

(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 304(f)(3)); 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 any 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—

(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) 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), 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), calendar year 1974; and

(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), 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 the 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)) with respect to the candidate during the election cycle; or

(ii) any independent expenditure (as defined in section 431(17) 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) (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 section 315(e)).

(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) 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) 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) 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) 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)) 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); 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. 94–283, § 112(2), May 11, 1976, 90 Stat. 486; Pub.L. 96–187, Title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; Pub.L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub.L. 107–155, Mar. 27, 2002, 116 Stat. 81.)

592 § 441b. Contributions or expenditures by national banks, corporations, or labor organizations.

(a) 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)(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 12(h) of the Public Utility Holding Company Act (15 U.S.C. 791(h)), the term "contribution or expenditure" includes a contribution or expenditure, as those terms are defined in section 431, 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 or for any applicable electioneering communication, in connection with any election to any of the offices referred to in this section, 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 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.

(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)) which is made by any entity described in subsection (a) of this section or by any other person using funds donated by any 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 the Internal Revenue Code of 1986) made under section 434(f)(2)(E) or (F) 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 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)). 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) if an entity described in subsection (a) 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) 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).

(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 the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

(ii) an organization which as 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 Internal Revenue Code.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 to carry out any activity which is prohibited under such Code.

(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)) 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). (Pub.L. 94–283, § 112(2), (May 11, 1976, 90 Stat. 490; renumbered and amended Pub.L. 96–187, Title I, §§ 105(5), 112(d), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub.L. 107–155, §§ 203, 204, 214(d), Mar. 27, 2002, 116 Stat. 91, 92, 95.)

§ 441c. Contributions by government contractors. **593**

(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. 94–283, § 112(2), May 11, 1976, 90 Stat. 492; Pub.L. 96–187, Title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

594 § 441d. Publication and distribution of statements and solicitations; charge for newspaper or magazine space.

(a) 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)), 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

(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;

(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) 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) 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) 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) 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 printed statements, for a period of at least 4 seconds.

(2) Communications by others.—Any communication described in paragraph (3) of subsection (a) 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 and amended Pub.L. 96–187, Title I, §§ 105(5), 111, Jan. 8, 1980, 93 Stat. 1354, 1365; Pub.L. 107–155, § 311, Mar. 27, 2002, 116 Stat. 105.)

§ 441e. Contributions and donations by foreign nationals. **595**

(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)); 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) As used in this section, the term "foreign national" means—

(1) a foreign principal, as such term is defined by section 611(b) Title 22 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)), 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 101(a)(22) of the Immigration and Nationality Act) and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20)) (Pub.L. 94–283, § 112(2), May 11, 1976, 90 Stat. 493; Pub.L. 96–187, Title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; Pub.L. 107–155, §§ 303, 317, Mar. 27, 2002, 116 Stat. 96, 109.)

596 § 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. 94–283, § 112(2), May 11, 1976, 90 Stat. 494; Pub.L. 96–187, Title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

597 § 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. 94–283, § 112(2), May 11, 1976, 90 Stat. 494; Pub.L. 96–187, Title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.)

598 § 441h. Fraudulent misrepresentation of campaign authority.

(a) In general.—No person who is a candidate for Federal office or any 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 any plan, scheme, or design to violate paragraph (1). (Pub.L. 94–283, § 112(2), May 11, 1976, 90 Stat. 494; Pub.L. 96–187, Title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; Pub.L. 107–155, § 309, Mar. 27, 2002, 116 Stat. 104.)

599 § 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 [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)].

(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 [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)].

(2) Applicability—

(A) In general.—Notwithstanding clause (i) or (ii) of section 431(20)(A), 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 [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)] (other than amounts described in subparagraph (B)(iii)); and

(ii) other amounts which are not subject to the limitations, prohibitions and reporting requirements of such 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 do-

nate 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) (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); 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) 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 [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)].

(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 the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (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 Code (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 [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)]; 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 [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)] 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.—Nothwithstanding paragraph (1) or subsection (b)(2)(C), 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 the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (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)) 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), 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) unless the funds are subject to the limitations, prohibitions, and reporting requirements of [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)].

(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. 107–155, § 101(a), Mar. 27, 2002, 116 Stat. 82.)

600 § 441j. Repealed (Pub.L. 96–187, Title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354).

601 § 441k. Prohibition of contribution 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. 107–155, § 318, Mar. 27, 2002, 116 Stat. 109.)

602 § 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.)

Subchapter II—General Provisions

603 § 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

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

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.)

§ 452. Prohibition against use of certain Federal funds for election activities. **604**

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, § 402, Feb. 7, 1972, 86 Stat. 19; Pub.L. 93–443, § 201(b)(2), Oct. 15, 1974, 88 Stat. 1275.)

§ 453. State laws affected. **605**

(a) In general.—Subject to subsection (b), the provisions of [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)], and of rules prescribed under such 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 [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)], 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, § 403, Feb. 7, 1972, 86 Stat. 20; Pub.L. 93–443, § 301, Oct. 15, 1974, 88 Stat. 1289; Pub.L. 107–155, § 103(b), Mar. 27, 2002, 116 Stat. 87.)

§ 454. Partial invalidity. **606**

If any provision of [the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.)], 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, § 404, Feb. 7, 1972, 86 Stat. 20.)

§ 455. Period of limitations. **607**

(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, § 406, Feb. 7, 1972, as added, Pub.L. 93–443, § 302, Oct. 15, 1974, 88 Stat. 1289; Pub.L. 94–283, § 115(f), May 11, 1976, 90 Stat. 496; Pub.L. 107–155, § 313, Mar. 27, 2002, 116 Stat. 106.)

608 **§ 456. Repealed** (Pub.L. 94–283, Title I, § 111, May 11, 1976, 90 Stat. 486).

Chapter 15—OFFICE OF TECHNOLOGY ASSESSMENT

609 **§ 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.)

610 **§ 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.)

611 § 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.)

612 § 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 Act, 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. 613

(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.)

614 § 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) 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 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.)

(The Federal Advisory Committee Act (5 U.S.C. App.) provides that each advisory committee in existence on October 6, 1972 shall terminate not later than October 6, 1974 unless its duration is otherwise provided for in law.)

615 § 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.)

616 § 478. Utilization of services of 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.)

§ 479. Coordination of activities with National Science Foundation. **617**

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. (Oct. 13, 1972, Pub.L. 92–484, § 10(a), 86 Stat. 802.)

§ 480. Omitted. **618**

CODIFICATION

Section, Pub.L. 92–484, Sec. 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. **619**

(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) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified

in the chapter making such appropriations. (Oct. 13, 1972, Pub.L. 92–484, § 12, 86 Stat. 803.)

Chapter 16.—CONGRESSIONAL MAILING STANDARDS

620 **§ 502. Select Committee on Standards and Conduct of the Senate.**[1]

(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.

[1] Name changed to Select Committee on Ethics by section 102 of S. Res. 4, 95th Congress, agreed to February 4 (legislative day, February 1), 1977. Senate Manual section **77**.

(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 551–559 and 701–706, 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. (Dec. 18, 1973, Pub.L. 93–191, § 6, 87 Stat. 744; amended Mar. 27, 1974, Pub.L. 93–255, § 3(b), 88 Stat. 52.)

Chapter 17.—CONGRESSIONAL BUDGET OFFICE

§ 601. Establishment. **621**

(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 con-

tinue 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, and the Library of Congress, and (upon agreement with them) to utilize their services, facilities, and personnel with or without reimbursement. The Comptroller General, 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; Pub.L. 101–508, Title XIII, § 13202, 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), Nov. 29, 1999, 113 Stat. 1536, 1501A–299; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

§ 602. Duties and functions. **622**

(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 deficits), (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. 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, 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 257(b)(2)(A) and for excise taxes assumed to be extended under section 257(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985. 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(a)–(e)(1), (f), (g), July 12, 1974, 88 Stat. 304, 305; 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.)

623 § 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 201(d) and 201(e), 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.

(As amended Pub.L. 106–554, § 1(a)(7) [Title III, § 310(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–639.)

EFFECTIVE DATE

Section effective on the day on which the first Director of the Congressional Budget Office is appointed under section 601(a) of this title, see section 905(b) of Pub.L. 93–344, set out as a note under section 621 of this title.

624 § 604. Omitted.

CODIFICATION

Section, Pub.L. 94–440, Title V, Sec. 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.

625 § 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 903 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 111b).

(b) Subsection (a) 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.)

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.

626 § 606. Disposition of surplus or obsolete personal 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) 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.

627 § 607. Lump-sum payments to separated employees for unused annual leave.

(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) 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 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.

628 **§ 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) 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.)

§ 610. Repayment of student loan on behalf of employee. 629

(a) 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) 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) 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) 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) 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) 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.)

Chapter 17A.—CONGRESSIONAL BUDGET AND FISCAL OPERATIONS

§ 621. Congressional declaration of purpose. 630

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

This 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.

§ 622. Definitions. **631**

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

[1] So in original. Probably should be "as".

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 receipts during that year.

(7) The term "surplus" means, with respect to a fiscal year, the amount by which receipts exceeds 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 of the United States Code.

(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.

(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; 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. 102–486, Title IX, § 902(a)(8), Oct. 24, 1992, 106 Stat. 2944; Pub.L. 105–33, Title X, § 10101, Aug. 5, 1997, 111 Stat. 678.)

632 § 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.)

Subchapter I.—Congressional Budget Process

633 § 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.

On or before:	Action to be completed:
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.)

§ 632. Annual adoption of concurrent resolution on the budget. 634

(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[2] 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 Title 26) 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, survivors, and disability insurance program established under Title II of the Social Security Act [42 U.S.C. 401 et seq.] or the related provisions of Title 26 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;

[1] So in original. Probably should be "for".
[2] So in original. Probably should be "for".

(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 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.

(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 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 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.)

§ 633. Committee allocations. **635**

(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 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900(c)(4)] and shall not exceed the limits for each category set forth in section 251(c) of that Act [2 U.S.C. 901(c)].

(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 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900(c)(4)].

(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 subcommittees. 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 on the Budget of the House of Representatives shall file with the House appropriately revised allocations under section 633(a) of this title 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.)

§ 634. Concurrent resolution on the budget must be adopted before budget-related legislation is considered. 636

(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 the 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 the 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.)

637 § 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.)

638 § 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 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 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

[1] Recodified at the beginning of the 106th Congress as rule XVIII.

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) 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.

(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.)

§ 637. Legislation dealing with Congressional budget must be handled by Budget Committees. 639

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.)

§ 638. House committee action on all appropriation bills to be completed by June 10. 640

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.)

§ 639. Reports, summaries, and projections of Congressional budget actions. 641

(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. 93–444, Title III, § 308, July 12, 1974, 88 Stat. 31–313; 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.)

§ 640. House approval of regular appropriation bills. **642**

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.)

§ 641. Reconciliation. **643**

(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

(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

(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.

(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, 1388–619, 1388–620; Pub.L. 105–33, Title X, § 10111, Aug. 5, 1997, 111 Stat. 685.)

§ 642. Budget-related legislation must be within appropriate levels. 644

(a) Enforcement of budget aggregates

(1) In the 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 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—

(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 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 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 I of the Internal Revenue Code of 1986 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 the 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.)

645 § 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 the 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 901(c) of this title.

(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 907a of this title has been enacted.

(c) Maximum deficit amount point of order in the 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 the 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 the Senate against amendments between the 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 a point of order in the 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, and amended Pub.L. 105–33, Title X, § 10113(a), Aug. 5, 1997, 111 Stat. 687.)

§ 644. Extraneous matter in reconciliation legislation. **646**

(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 the 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)(l)(E), or (b)(l)(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 intervening 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, as added 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.)

§ 645. Adjustments. **647**

(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 17 of the Bretton Woods Agreements Act, 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 "out lays" shall have the same meaning as "additional outlays" in that section. (Pub.L. 934–344, Title III, § 314, as added Pub.L. 105–33, Title X, § 10114(a), Aug. 5, 1997, 111 Stat. 688, and amended Pub.L. 105–89, Title II, § 201(b)(2), Nov. 19, 1997, 111 Stat. 2125.)

§ 645a. Effect of adoption of a special order of business in the House of Representatives. 648

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. 649

(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 of the United States Code) 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 spe-

cifically 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.)

§ 652. Repealed (Pub.L. 105–33, Title X, Sec. 10116(b), Aug. 5, 1997, 111 Stat. 692). **650**

§ 653. Analysis by Congressional Budget Office. **651**

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.)

§ 654. Study by Government Accountability Office of forms of Federal financial commitment not reviewed annually by Congress. **652**

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.)

§ 655. Off-budget agencies, programs, and activities. **653**

(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.)

654 § 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.)

Part B.—Federal Mandates

655 § 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 governments, 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)); 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 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.)

§ 658a. Exclusions. **656**

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 subchapter II of chapter 7 of Title 42 (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.)

657 § 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 the 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 respective levels of State, local, and tribal government; and

(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 the 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.)

§ 658c. Duties of the Director, statements on bills and joint resolutions other than appropriations bills and joint resolutions. **658**

(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 an 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 failing below the 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.)

659 § 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 legislative 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 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 in 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 dis-

agreement, 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.)

660 § 658e. Provisions relating to the House of Representatives.

(a) Enforcement in the 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 the 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.)

661 § 658f. Requests to the 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. **662**

(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. **663**

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.)

664 § 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, including the sale of a government 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 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, and amended Pub.L. 105–33, Title X, § 10117(a), Aug. 5, 1997, 111 Stat. 692.)

665 § 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 the 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.)

666 § 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, and amended Pub.L. 105–33, Title X, § 10117(b), Aug. 5, 1997, 111 Stat. 693.)

667 § 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 the 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) 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 6(c) of the Federal Financing Bank Act of 1973 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 [31 U.S.C. 1511 et seq.]. 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.

(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, and amended Pub.L. 105–33, Title X, § 10117(c), Aug. 5, 1997, 111 Stat. 694.)

§ 661e. Treatment of deposit insurance and agencies and other insurance programs. 668

(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, and amended Pub.L. 105–33, Title X, § 10117(d), Aug. 5, 1997, 111 Stat. 695.)

669 § 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. Repealed** (Pub.L. 105–33, Title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695). **670**

§ **665a. Repealed** (Pub.L. 105–33, Title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695). **671**

§ **665b. Repealed** (Pub.L. 105–33, Title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695). **672**

§ **665c. Repealed** (Pub.L. 105–33, Title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695). **673**

§ **665d. Repealed** (Pub.L. 105–33, Title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695). **674**

§ **665e. Repealed** (Pub.L. 105–33, Title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695). **675**

Chapter 17B.—IMPOUNDMENT CONTROL AND LINE ITEM VETO

Subchapter I.—General Provisions

§ **681. Disclaimer.** **676**

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 limitationsof 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.)

Subchapter II.—Congressional Consideration of Proposed Recissions, Reservations, and Deferrals of Budget Authority

§ **682. Definitions.** **677**

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.)

678 § 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 rescis-

sion 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.)

§ 684. Proposed deferrals of budget authority. **679**

(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.)

680 § 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.)

§ 686. Reports by Comptroller General. **681**

(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.)

682 § 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.)

683 § 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 the House

(1) When the committee of the House of Representatives has reported, or has been discharged 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 the 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.)

NOTE

Exercise of rulemaking powers.

(a) The provisions of this title and of Titles I, III, IV, and V and the provisions of sections 701, 703, and 1017 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 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 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 and sections 258(a)(4)(C), 258A(b)(3)(C)(I)[1], 258B(f)(1), 258B(h)(1), 258(h)(3)[2], 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 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 or section 1017 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.

(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)[1], 258B(f)(1), 258B(h)(1), 258(h)(3)[2], 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.

(2 U.S.C. 621 note.)

Referral of matters dealing with rescissions and deferrals.

On January 30, 1975, the Senate agreed to the following resolution, which provides for the referral of matters dealing with rescissions and deferrals:

[1] So in law. Probably should read "258A(b)(3)(C)(i)".
[2] So in law. Probably should read "258B(h)(3)".

Resolved (1) That messages received pursuant to Title X of the Congressional Budget and Impoundment Control Act 12 U.S.C. 681–2 U.S.C. 688] be referred concurrently to the Appropriations Committee, to the Budget Committee, and to any other appropriate authorizing committee.

(2) That bills, resolutions, and joint resolutions introduced with respect to rescissions and deferrals shall be referred to the Appropriations Committee, the Budget Committee, and pending implementation of section 410 of the Congressional Budget Impoundment Control act [should be section 401, 2 U.S.C. 651] and subject to section 401(d) [2 U.S.C. 651(d)], to any other committee exercising jurisdiction over contract and borrowing authority programs as defined by section 401(c)(2) (A) and (B) [2 U.S.C. 651(c)(2) (A) and (B)]. The Budget Committee and such other Committees shall report their views, if any, to the Appropriations Committee within 20 days following referral of such bills, resolutions, or joint resolutions. The Budget Committee's consideration shall extend only to macroeconomic implications, impact on priorities and aggregate spending levels, and the legality of the President's use of the deferral and rescisions mechanism under Title X. The Appropriations and authorizing committees shall exercise their normal responsibilities over programs and priorities.

(3) If any Committee to which a bill or resolution has been referred recommends its passage, the Appropriations Committee shall report that bill or resolution together with its views and reports of the Budget and any appropriate authorizing committees to the Senate within:

(A) the time remaining under the Act in the case of recisions, or

(B) within 20 days in the case of deferrals.

(4) The 20 days period referred to herein means 20 calendar days; and for the purposes of computing the 20 days, recesses or adjournments of the Senate for more than 3 days to a day certain shall not be counted; and for recesses and adjournments of more than 30 calendar days, continuous duration or the sine die adjournment of a session, the 20 day period shall begin anew on the day following the reconvening of the Senate. (S. Res. 45, 94–1, Jan 30, 1975, 121 Cong. Rec. 1917, amended by unanimous consent, Apr. 11, 1986, Cong. Rec., p. 4157, daily ed).

Joint referral of legislation affecting the budget process.

On August 4, 1977, the Senate agreed to an order providing that legislation affecting the congressional budget process be referred jointly to the Committee on the Budget and the Committee on Governmental Affairs and that, if one committee reports a jointly referred measure, the other must act on the measure within 30 calendar days of continuous possession or be automatically discharged from further consideration of the measure:

Legislative proposals affecting the congressional budget process to which this order applies are:

First. The functions, duties, and powers of the Budget Committee—as described in Title I of the . . . [Congressional Budget and Impoundment Control Act of 1974];

Second. The functions, duties, and powers of the Congressional Budget Office—as described in Title II and IV of the act [2 U.S.C. 601–603; 2 U.S.C. 651–653];

Third. The process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses,

and public debt—including subdivisions thereof. That process includes the establishment of: mandatory ceilings on spending and appropriations; a floor on revenues; timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills; and enforcement mechanisms for the limits and timetables, all as described in Title III and IV of the act [2 U.S.C. 631–641; 2 U.S.C. 651–653].

Fourth. The limiting of backdoor spending devices—as described in Title IV of the act [2 U.S.C. 651–653];

Fifth. The timetables for Presidential submission of appropriations and authorization requests—as described in Title VI of the act [repealed, with portions being codified in sections 1105, 1109, and 1110 of Title 31, United States Code];

Sixth. The definitions of what constitutes impoundment—such as "rescisions" and "deferrals," as provided in the Impoundment Control Act, Title X [2 U.S.C. 681–688];

Seventh. The process and determination by which impoundments must be reported to and considered by Congress—as provided in the Impoundment Control Act, Title X [2 U.S.C. 681–688];

Eighth. The mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, Title X [2 U.S.C. 681–688]—such as GAO review and lawsuits; and

Ninth. The provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act—as set forth in Title I thereof [2 U.S.C. 622]. (By unanimous consent, Aug. 4, 1977; Cong. Rec., p. S13553, daily ed.)

CONSTITUTIONALITY OF LINE ITEM VETO

The United States Supreme Court, in Clinton v. City of New York, 524 U.S. 811, 118 S.Ct. 2091, 141 L.Ed. 2d 393 (1998), found that the Line Item Veto Act of 1996, Pub.L. 104–130, April 9, 1996, 110 Stat. 1200, which is classified generally to Subchapter III of Chapter 17B (section 691 et seq.) of Title 2 was unconstitutional as a violation of the Presentment Clause of the United States Constitution (USCA Const. Art. I § 7, cl. 2).

§§ 691–692. Omitted. **684**

CODIFICATION

Sections were omitted pursuant to section 5 of Pub.L. 104–130.

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 19.—CONGRESSIONAL AWARD PROGRAM

Subchapter I.—Congressional Award Program

685 § 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 § 101 and amended, Pub.L. 106–533, § 1(b)(2), (3), Nov. 22, 2000, 114 Stat. 2553.)

686 § 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) to (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 § 102 and amended, Pub.L. 106–533, § 1(b)(2), (4), Nov. 22, 2000, 114 Stat. 2553.)

§ 803. Board organization. **687**

(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 § 103 and amended, Pub.L. 106–533, § 1(b)(2), (5), Nov. 22, 2000, 114 Stat. 2553, 2554; Pub.L. 109–143, § 1(c)(1), Dec. 22, 2005, 119 Stat. 2659.)

688 § 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) 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 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 § 104, Pub.L. 106–533, § 1(b)(2), Nov. 22, 2000, 114 Stat. 2553; Pub.L. 109–143, § 1(a), (c)(2), Dec. 22, 2005, 119 Stat. 2659.)

§ 805. Regional award directors of program; appointment criteria. **689**

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 § 105, Pub.L. 106–533, § 1(b)(2), Nov. 22, 2000, 114 Stat. 2553.)

§ 806. Powers, functions, and limitations. **690**

(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) 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 § 106, Pub.L. 106–533, § 1(b)(2), Nov. 22, 2000, 114 Stat. 2553.)

691 § 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) 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 § 107, Pub.L. 106–533, § 1(b)(2), Nov. 22, 2000, 114 Stat. 2553.)

692 § 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 § 108, Pub.L. 106–533, § 1(b)(2), Nov. 22, 2000, 114 Stat. 2553; Pub.L. 109–143, § 1(b)(1), Dec. 22, 2005, 119 Stat. 2659.)

Subchapter II. Congressional Recognition for Excellence in Arts Education

693 § 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. **694**

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); or

(B) a bureau[1] funded school as defined in section 2026 of Title 25.

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

(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.)

695 § 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 Slat. 2546.)

696 § 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 activities 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. **697**

(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 enable 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.)

§ 816. Administration. **698**

(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.)

699 § 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 reimburse-

ment 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. **700**

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. **701**

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. **702**

(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

703 § 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

704 § 900. Statement of budget enforcement through sequestration; definitions.

(a) Omitted

(b) General statement of budget enforcement through sequestration

This chapter provides for budget enforcement as called for in HouseConcurrent 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.A. § 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 251(c). 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).

(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).

[1] So in original. "Committees" probably should be capitalized.

(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) or portions thereof.

(G) The term "State and Other Conservation sub-category" means discretionary appropriations for activities in the accounts described in[1] (E)(v)-(E)(ix), with the exception of Urban and Community Forestry as described in[1] (E)(ix), or portions thereof.

(H) The term "Urban and Historic Preservation sub-category" mans discretionary appropriations for activities in the accounts described in[1] (E)(ix)-(E)(xii), with the exception of Forest Legacy and Smart Growth Partnerships as described in[1] (E)(ix), or portions thereof.

(I) The term "Payments in Lieu of Taxes sub-category" means discretionary appropriations for activities in the account described in[1] (E)(xiii) or portions thereof.

(J) The term "Federal Deferred Maintenance sub-category" means discretionary appropriations for activities in the account described in[1] (E)(xiv) or portions thereof.

(K) The term "Coastal Assistance sub-category" means discretionary appropriations for activities in the accounts described in[1] (E)(xv)-(E)(xvii) 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.

[1] So in original. Probably should be followed by "subparagraph".

(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 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), whether physical or financial, owned in whole or in part by the United States.

(20) Repealed (Pub.L. 105–33, Title X, § 10202(b)(6), Aug. 5, 1997, 111 Stat. 698).

(21) Redesignated (19)

(As amended Pub.L. 105–33, Title X, § 10202, Aug. 5, 1997, 111 Stat. 697; 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)(1), (2), Sept. 30, 2004, 118 Stat. 1160; Pub.L. 109–59, Title VIII, § 8001(b), Aug. 10, 2005, 119 Stat. 1915.)

WAIVERS AND SUSPENSIONS IN THE SENATE

Section 271(b) of Pub.L. 99–177, 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), 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]."

[For effective and termination dates of section 271(b) of Pub.L. 99–177, see section 275(a)(1), (b)(2)(D) of Pub.L. 99–177, set out as a note above.]

APPEALS OF RULINGS

Section 271(c) of Pub.L. 99–177, as enacted 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(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 and termination dates of section 271(c) of Pub.L. 99–177, see section 275(a)(1), (b)(2)(D) of Pub.L. 99–177, set out as a note above.]

705 § 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 nonexempt 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 for 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 of 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 the 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 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 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[1]
(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 adjust-

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

ments 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).

(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 17 of the Bretton Woods Agreement Act, 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 part 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), 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).

(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), 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 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).

(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; and

(C) for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 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;

(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; $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. (As amended Pub.L. 105–33, Title X, § 10203(a), (b), Aug. 5, 1997, 111 Stat. 698, 701; Pub.L. 105–89, § 201(b)(1), Nov. 19, 1997, 111 Stat. 2125; Pub.L. 105–178, Title VIII, § 801(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.)

EFFECTIVE AND TERMINATION DATES

Section 14002(c)(3) of Pub.L. 103–66, Title XIV, Aug. 10, 1993, 107 Stat. 684, which provided a termination date for this section was repealed by Pub.L. 105–33, Title X, § 10212(b), Aug. 5, 1997, 111 Stat. 712. See Effective and Applicability Provisions note under section 900 of this title.

For effective and termination dates of this section by section 275 of Pub.L. 99–177 as amended through Pub.L. 105–33, Title X, § 10212(a), Aug. 5, 1997, 111 Stat. 712, see Effective and Applicability Provisions note under section 900 of this title.

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 [subsec. (b) of this section], 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 [subsec. (b) of this section], 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."

706 § **901a. Repealed** (Pub. L 105–33, Title X, Sec. 10204(a)(1), Aug. 5, 1997, 111 Stat. 702).

Section, Pub.L. 99–177, § 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. 707

(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) (guaranteed and direct student loans) and 906(c) (foster care and adoption assistance) of this title 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 nec-

essary) 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 finding 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. 103–354, Title I, § 119(d)(2), Oct. 13, 1994, 108 Stat. 3208; Pub.L. 105–33, Title X, § 10205, Aug. 5, 1997, 111 Stat. 702.)

§ 903. Enforcing deficit targets. **708**

(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 (enforcing discretionary spending limits) of this title or section 902 (enforcing pay-as-you-go) of this title, 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 the 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) (guaranteed student loans) and 906(c) (foster care and adoption assistance) of this title 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) and 901(b)(2)(E) 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 Presidents 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 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 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 the date of enactment of this section (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 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).

(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.)

709 § 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.
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, and 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 updated 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 deficit 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 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 sequestrable 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[1] (f)(2). Fifteen days after enactment, OMB shall issue a report containing the information required in paragraphs[1] (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 respect in which it does not.

(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

[1] So in original. Probably should be followed by "subparagraph".

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. 14, 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.)

710 § 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 (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, United States Code, 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, United States Code, 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, United States Code, 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 (75–0580–1–571);

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 (74–0379–0–1–551);

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);

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

Special supplemental nutrition program for women, infants, and children (WIC) (12–3510–0–1–605);

Family support payments to States (75–1501–0–1–609).

(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. 102–486, 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).

§ 906. General and special sequestration rules. **711**

(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) and 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 affected 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, 658) 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, 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 part.

(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) 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 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 of 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, if an order under section 904 of this title 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 201(d)(2)(A) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(2)(A)), 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.)

§ 907. The baseline. **712**

(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 differences between CBO and OMB.

(ii) On the expiration of the suspension of a provision of law that is suspended under section 171 of Public Law 104–127 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 the 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 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 obligated 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 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 balance for any budget year or outyear, current-year amount shall be calculated using the concepts and definitions that are required for the 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, Dec. 12, 1985, 99 Stat. 1092; Pub.L. 100–119, Title I, § 102(b) (4)–(8), 104(c)(2), 106(b), Sept. 29, 1987; 101 Stat. 773, 774, 777, 780; Pub.L. 101–508, Title XIII, § 13101(b), (e) 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.)

§ 907a. Suspension in event of war or low growth. **713**

EFFECTIVE AND TERMINATION DATES

Section 14002(c)(3) of Pub.L. 103–66, Title XIV, Aug. 10, 1993, 107 Stat. 684, which provided a termination date for this section was repealed by Pub.L. 105–33, Title X, § 10212(b), Aug. 5, 1997, 111 Stat. 712. See Effective and Termination Dates of 1997 Acts note under section 900 of this title.

For effective and termination dates of this section by section 275 of Pub.L. 99–177 as amended through Pub.L. 105–33, Title X, § 10212(a), Aug. 5, 1997, 111 Stat. 712, see Effective and Termination Dates of 1987 Acts note under section 900 of this title.

HISTORICAL AND STATUTORY NOTES

References in Text

Section 254(j) 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.

Prior Provisions

Another section 258 of Pub.L. 99–177, relating to modification of presidential order, was added by Pub.L. 100–119, Title I, § 105(a), classified to section 908 of this title, and repealed by Pub.L. 105–33, Title X, § 10210, August 5, 1997, 111 Stat. 711.

714 § 907b. Modification of Presidential order.

EFFECTIVE AND TERMINATION DATES

Section 14002(c)(3) of Pub.L. 103–66, Title XIV, Aug. 10, 1993, 107 Stat. 684, which provided a termination date for this section was repealed by Pub.L. 105–33, Title X, § 10212(b), Aug. 5, 1997, 111 Stat. 712. See Effective and Termination Dates of 1997 Acts note under section 900 of this title.

For effective and termination dates of this section by section 275 of Pub.L. 99–177 as amended through Pub.L. 105–33, Title X, § 10212(a), Aug. 5, 1997, 111 Stat. 712, see Effective and Termination Dates of 1987 Acts note under section 900 of this title.

715 § 907c. Flexibility among defense programs, projects, and activities.

EFFECTIVE AND TERMINATION DATES

Section 14002(c)(3) of Pub.L. 103–66, Title XIV, Aug. 10, 1993, 107 Stat. 684, which provided a termination date for this section was repealed by Pub.L. 105–33, Title X, § 10212(b), Aug. 5, 1997, 111 Stat. 712. See Effective and Termination Dates of 1997 Acts note under section 900 of this title.

For effective and termination dates of this section by section 275 of Pub.L. 99–177 as amended through Pub.L. 105–33, Title X, § 10212(a), Aug. 5, 1997, 111 Stat. 712, see Effective and Termination Dates of 1987 Acts note under section 900 of this title.

716 § 907d. Special reconciliation process.

EFFECTIVE AND TERMINATION DATES

Section 14002(c)(3) of Pub.L. 103–66, Title XIV, Aug. 10, 1993, 107 Stat. 684, which provided a termination date for this section was repealed by Pub.L. 105–33, Title X, § 10212(b), Aug. 5, 1997, 111 Stat. 712. See Effective and Termination Dates of 1997 Acts note under section 900 of this title.

For effective and termination dates of this section by section 275 of Pub.L. 99–177 as amended through Pub.L. 105–33, Title X, § 10212(a), Aug. 5, 1997, 111 Stat. 712, see Effective and Termination Dates of 1987 Acts note under section 900 of this title.

717 § 908. Repealed (Pub.L. 105–33, Title X, § 10210, Aug. 5, 1997, 111 Stat. 711).

HISTORICAL AND STATUTORY NOTES

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.

Subchapter II.—Operation and Review

718 § 921. Transferred.

719 § 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, 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.

(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.

(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 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 amount,

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 spend-

ing 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.)

Chapter 22.—JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

720 § 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 asa public servant, including service in the United States Senate fora 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 serv-

ing 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 excellence in public service. (Pub.L. 100–458, Title I, § 112, Oct. 1, 1988, 102 Stat. 2172.)

§ 1102. Definitions. **721**

In this subtitle:

(1) The term "Center" means the John C. Stennis Center for Public Service Training and Development established under section 1103(a).

(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).

(3) The term "fund" means the John C. Stennis Center for Public Service Training and Development Trust Fund provided for under section 1105. (Pub.L. 100–458, Title I, § 113, Oct. 1, 1988, 102 Stat. 2172.)

§ 1103. Establishment of the John C. Stennis Center for Public Service Training and Development. **722**

(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) 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.)

723 § 1104. Purposes and authority of the 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 subtitle, to develop such programs, activities, and services as it considers appropriate to carry out the purposes of this subtitle. 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 subtitle 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. 724

(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 and amounts credited to it under subsection (d).

(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 must 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 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.)

§ 1106. Expenditures and audit of Trust Fund. 725

(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 subtitle 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.)

726 § 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 an 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 subtitle 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, United States Code. (Pub.L. 100–458, Title I, § 118, Oct. 1, 1988, 102 Stat. 2175.)

727 § 1108. Administrative provisions.

(a) IN GENERAL.—In order to carry out the provisions of this subtitle, the Center may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this subtitle, 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, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of Title 5, United States Code, 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, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this subtitle, 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 3709 of the Revised Statutes (41 U.S.C. 5);

(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) ANNUAL REPORT.—The Center shall submit to Congress an annual report of its operations under this subtitle. (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.)

CROSS REFERENCE

Authority of the Library of Congress to provide financial services, see section 142j of Title 2, United States Code (Senate Manual Section **509**).

§ 1109. Authorization for appropriations. **728**

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. **729**

There is appropriated to the fund the sum of $7,500,000 to carry out this chapter. (Oct. 1, 1988, Pub.L. 100–458, § 121, 102 Stat. 2176.)

Chapter 22A.—CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT

§ 1151. Open World Leadership Center. **730**

(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

[1] So in original. Probably should be followed by closing quotation marks.

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 Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives 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 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; Pub.L. 109–289, Div. B, Title II, § 20703(d)(6), as added Pub.L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 39.)

Chapter 22B.—HUNGER FELLOWSHIP PROGRAM

731 § 1161. Hunger Fellowship Program.

(a) Short title; findings

(1) Short title

[2] So in original. No subsec. (i) has been enacted.

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), 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 may conduct an 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; Pub.L. 110–161, Div. H, Title I, § 1502(c), Dec. 26, 2007, 121 Stat. 2250.)

Chapter 24.—CONGRESSIONAL ACCOUNTABILITY

Subchapter I.—General

732 § 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 (1) 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.)

§ 1302. Application of laws. **733**

(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.)

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

734 § 1311. Rights and protections under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and Title I of the 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. 2000e5(g)); and

(B) such compensatory damages as would be appropriate if awarded under section 1977 of the Revised Statutes (42 U.S.C. 1981), or as would be appropriate if awarded under sections 1977A(a)(1), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 198la(a)(1), 198la(b)(2), and 198la(b)(3)(D)).

(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 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and 1981a(b)(3)(D)).

(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.)

§ 1312. Rights and protections under the Family and Medical Leave Act of 1993. 735

(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) Definition

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.)

736 § 1313. Rights and protections under the 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 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 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 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. (Codified at 29 U.S.C. 203)

(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.)

§ 1314. Rights and protections under the Employee Polygraph Protection Act of 1988. 737

(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)(l) 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.)

738 § 1315. Rights and protections under the 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.)

§ 1316. Rights and protections relating to veterans' employment and reemployment. 739

(a) Employment and reemployment rights of members of the 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.)

740 § 1316a. Legislative branch appointments.

(1) Definitions

For the purpose 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 [5 U.S.C.A. § 3501 et seq.], 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 1401 of this title (and the provisions of law referred to therein) in the case of an alleged violation of part A of subchapter II of this chapter.

(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 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 regulations under paragraph (4). (Pub.L. 105–339, § 4(c), Oct. 31, 1998, 112 Stat. 3185.)

§ 1317. Prohibition of intimidation or reprisal. **741**

(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.)

Part B.—Public Services and Accommodations Under the Americans With Disabilities Act of 1990

742 § 1331. Rights and protections under the 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, 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. (Codified at 42 U.S.C. 12209)

(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.)

Part C.—Occupational Safety and Health Act of 1970

§ 1341. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations. 743

(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 chapter 15 of Title 29—

(A) the term "employer" as used in such chapter means an employing office;

(B) the term "employee" as used in such chapter 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 purposes of this section and for different categories of violations of subsection (a), 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.)

Part D.—Labor-Management Relations

744 § 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) Definition

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 the 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 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 1348 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 such chapter, 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 Conference 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.)

Part E.—General

§ 1361. Generally applicable remedies and limitations. 745

(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 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).

(b) Interest

In any proceeding under sections 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 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(d)).

(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 chapter 23 of Title 29) deter mining 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.)

Part F.—Study

746 § 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 and labor-management relations) of Title 5.

(9) The Government Accountability 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.)

Subchapter III.—Office of Compliance

§ 1381. Establishment of Office of Compliance. 747

(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 five 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 five 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 chapter 8a of this title 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 (other than the Office), or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board,[1] 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 appointment

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 appointing 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

[1] The General Accounting Office is now the Government Accountability Office.

(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—

(A) Rate of compensation for each day.—Each member of the Board shall be compensated, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board, at a rate equal to the daily equivalent of the lesser 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) Authority to prorate.—The rate of pay of a memember 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 Title IV, 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 of the Senate and the Committee on House Oversight 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; Pub.L. 110–161, Div. H, Title I, § 1101(a), Dec. 26, 2007, 121 Stat. 2236; Pub.L. 110–164, § 1, Dec. 26, 2007, 121 Stat. 2459.)

748 § 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

(A) Authority to fix compensation

The Chair may fix the compensation of the Executive Director.

(B) Limitation

The rate of pay for the Executive Director may not exceed the lesser 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.

(3) Term

The term of office of the Executive Director shall be not more than 2 terms 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 not more than 2 terms of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) Compensation

(A) Authority to fix compensation.—The Chair may fix the compensation of the Deputy Executive Directors.

(B) The rate of pay for a Deputy Executive Director may not exceed 96 percent of the lesser 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.

(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

(A) Authority to fix compensation

The Chair may fix the compensation of the General Counsel.

(B) Limitation

The rate of pay for the General Counsel may not exceed the lesser 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.

(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 not more than 2 terms 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 Government Accountability Office Personnel Appeals Board.

(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; Pub.L. 110–161, Div. H, Title I, § 1101, Dec. 26, 2007, 121 Stat. 2236–37; Pub.L. 110–164, § 2, Dec. 26, 2007, 121 Stat. 2459.)

§ 1383. Procedural rules. **749**

(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 53 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 of which they are published in the Congressional Record. (Pub.L. 104–1, Title III, § 303, Jan. 23, 1995, 109 Stat. 28.)

§ 1384. Substantive regulations. **750**

(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 title (including regulations on the appropriate application of exemptions under the laws made applicable in subchapter II of this title) 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 the 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) 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.)

751 § 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 Act 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. 752

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.)

§ 1402. Counseling. 753

(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 title 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 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. 754

(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.)

755 § 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.)

756 § 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, 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 title. 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.)

757 § 1406. Appeal to the 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. 758

(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 title,

(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 title.

(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.)

759 § 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.)

§ 1409. Judicial review of regulations. **760**

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.)

761 § 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.)

762 § 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.)

763 § 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. 37.)

764 § 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.)

765 § 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. **766**

(a) Awards and settlements

Except as provided in subsection (c), 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 Act. 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), 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.)

§ 1416. Confidentiality. **767**

(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 title, 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

768 § 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.)

769 § 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) Definition

For purposes of subsection (a) of this title, 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 the House and Senate. **770**

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. **771**

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 subchapter I through IV

of this chapter. (Pub.L. 104–1, Title V, § 505, Jan. 23, 1995, 109 Stat. 41.)

772 § 1435. Savings provisions.

(a) Transition provisions for employees of the House of Representatives and of the 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 of the Government Employees Rights Act of 1991 (2 U.S.C. 1205) or Rule LI of the House of Representatives, including counseling for alleged violations of family and medical leave rights under subchapter V of chapter 28 of Title 29, the employee may complete, or initiate and complete, all procedures under chapter 23 of this title and Rule LI, and the provisions of that chapter 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 January 23, 1995, 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 chapter 23 of this title 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 (2 U.S.C. 1207) 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 of this title remains in effect.

(b) Transition provisions for employees of the Architect of the Capitol

(1) Claims arising before effective date

If, as of January 23, 1995, an employee of the Architect of the Capitol has or could have filed a charge or complaint regarding an alleged violation of section 166b–7(e)(2) of Title 40, the employee may complete, or initiate and complete, all procedures under section 166b–7(e) Title 40, 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 January 23, 1995, 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 166b–7(e)(3) of Title 40. 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[1] pursuant to section 166b–7(e)(3) of Title 40, and thereafter proceed exclusively under section 166b–7(e) of Title 40, 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 this title. (Pub.L. 104–1, Title V, § 506, Jan. 23, 1995, 109 Stat. 42.)

§ 1436. Repealed (Pub.L. 106–57, Title III, § 313, Sept. 29, 1999, 113 Stat. 428). **773**

§ 1437. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions. **774**

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 chapter 4 of Title 41. (Pub.L. 104–1, Title V, § 508, Jan. 23, 1995, 109 Stat. 44.)

§ 1438. Severability. **775**

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.)

Chapter 25.—UNFUNDED MANDATES REFORM

§ 1501. Purposes. **776**

The purposes of this chapter are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

[1] The General Accounting Office is now the Government Accountability Office.

(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.)

777 § 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. 778

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) provide 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 subchapter II of chapter 7 of Title 42 (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.)

§ 1504. Agency assistance. 779

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. 780

(a) Sense of the 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.)

EFFECTIVE DATE

Section 110 of Pub.L. 104–4 provided that: "This title [enacting this subchapter and part B of subchapter II of chapter 17a of this title, and amending sections 602, 632, 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, whichever is earlier and shall apply to legislation considered on and after such date."

781 § 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.)

782 § 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 the 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 the House of Representatives. 783

(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.)

§ 1515. Exercise of rulemaking powers. 784

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. 785

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.)

Subchapter II.—Regulatory Accountability and Reform

§ 1531. Regulatory process. 786

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.)

§ 1532. Statements to accompany significant regulatory actions. 787

(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 of 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 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.)

788 § 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. **789**

(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.)

§ 1535. Least burdensome option or explanation required. **790**

(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.)

791 § 1536. Assistance to the 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.)

792 § 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 two 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.)

793 § 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.)

Subchapter III.—Review of Federal Mandates

§ 1551. Baseline study of costs and benefits. 794

(a) In general

No later than 18 months after March 22, 1995, the Advisory Commission on Intergovernmental Relations (hereafter in this title 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 sections 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. 795

(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 two 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) Definition

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.)

§ 1553. Special authorities of Advisory Commission. **796**

(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.)

797 § 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.)

798 § 1555. Definition.

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, Stat. 70.)

799 § 1556. Authorization of appropriations.

There are authorized to be appropriated to the Advisory Commission to carry out section 1551 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

800 § 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.)

Chapter 26.—DISCLOSURE OF LOBBYING ACTIVITIES

§ 1601. Findings. 801

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.)

§ 1602. Definitions. 802

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 [5 U.S.C. 1201 et seq.], under the Inspector General Act of 1978 [12 U.S.C. 1811 et seq.], 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 the Internal Revenue Code of 1986 [26 U.S.C. 6033(a)], 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 or a similar organization that is designated by or registered 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 Futures 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 3-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 3(8) of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 622(8)]);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(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 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(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; Pub.L. 110–81, Title II, § 201(b)(1), Sept. 14, 2007, 121 Stat. 742.)

803 § 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, or on the first business day after such 45th day if the 45th day is not a business day, 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 $2,500; 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 $10,000, (as estimated under section 1604 of this title) in the quarterly period described in section 1604(a) of this title during which the registration would be made is not required to register under subsection (a) of this title 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 $5,000 to the registrant or the client in the quarterly period to fund the lobbying activities of the registrant; and

(B) actively participates in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than $5,000 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 20 years before the date on which such employee first acted as a lobbyist on behalf of the client, the position in which such employee served.

No disclosure is required under paragraph (3)(B) if the organization that would be identified as affiliated with the client is listed on the client's publicly accessible Internet website as being a member of or contributor to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. If a registrant relies upon the preceding sentence, the registrant must disclose the specific Internet address of the web page containing the information relied upon. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this chapter or an organization identified under that paragraph.

(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; Pub.L. 110–81, Title II, §§ 201(b)(2), (5), 207(a)(1), (b), 208, Sept. 14, 2007, 121 Stat. 742, 747.)

804 § 1604. Reports by registered lobbyists.

(a) Quarterly report

No later than 20 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year in which a registrant is registered under section 1603 of this title, or on the first business day after such 20th day if the 20th day is not a business day, 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 quarterly period. A separate report shall be filed for each client of the registrant.

(b) Contents of report

Each quarterly 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 including information under section 1603(b)(3) of this title;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the quarterly 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 quarterly 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 quarterly period.

(5) for each client, immediately after listing the client, an identification of whether the client is a State or local government or a department, agency, special purpose district, or other instrumentality controlled by one or more State or local governments.

(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 $5,000 shall be rounded to the nearest $10,000.

(2) In the event income or expenses do not exceed $5,000, the registrant shall include a statement that income or expenses totaled less than $5,000 for the reporting period.

(d) Semiannual reports on certain contributions

(1) In general

Not later than 30 days after the end of the semiannual period beginning on the first day of January and July of each year, or on the first business day after such 30th day if the 30th day is not a business day, each person or organization who is registered or is required to register under paragraph (1) or (2) of section

1603(a) of this title, and each employee who is or is required to be listed as a lobbyist under section 1603(b)(6) of this title or subsection (b)(2)(C) of this section, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

(A) the name of the person or organization;

(B) in the case of an employee, his or her employer;

(C) the names of all political committees established or controlled by the person or organization;

(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the person or organization, or a political committee established or controlled by the person or organization within the semiannual period, and the date and amount of each such contribution made within the semiannual period;

(E) the date, recipient, and amount of funds contributed or disbursed during the semiannual period by the person or organization or a political committee established or controlled by the person or organization—

(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

(ii) to an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or in the name of, 1 or more covered legislative branch officials or covered executive branch officials,

except that this subparagraph shall not apply if the funds are provided to a person who is required to report the receipt of the funds under section 434 of this title;

(F) the name of each Presidential library foundation, and each Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the person or organization, or a political committee established or controlled by the person or organization, within the semiannual period, and the date and amount of each such contribution within the semiannual period; and

(G) a certification by the person or organization filing the report that the person or organization—

(i) has read and is familiar with those provisions of the Standing Rules of the Senate and the Rules of the House of Representatives relating to the provision of gifts and travel; and

(ii) has not provided, requested, or directed a gift, including travel, to a Member of Congress or an officer or employee of either House of Congress with knowledge that

receipt of the gift would violate rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.

(2) Definition

In this subsection, the term "leadership PAC" has the meaning given such term in section 434(i)(8)(B) of this title.

(e) Electronic filing required

A report required to be filed under this section shall be filed in electronic form, in addition to any other form that the Secretary of the Senate or the Clerk of the House of Representatives may require or allow. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this chapter. (Pub.L. 104–65, § 5, Dec. 19, 1995, 109 Stat. 697; Pub.L. 105–166, § 4(c), Apr. 6, 1998, 112 Stat. 39; Pub.L. 110–81, Title II, §§ 201(a), (b)(6), 202, 203(a), 205, 207(a)(2), Sept. 14, 2007, 121 Stat. 741, 746, 747.)

§ 1605. Disclosure and enforcement. **805**

(a) In general

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 and, in the case of a report filed in electronic form under section 1604(e) of this title, make such report available for public inspection over the Internet as soon as technically practicable after the report is so filed;

(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 quarterly 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 Act;

(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);

(9) maintain all registrations and reports filed under this chapter, and make them available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, that—

(A) includes the information contained in the registrations and reports;

(B) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 1603(b) or 1604(b) of this title; and

(C) provides electronic links or other appropriate mechanisms to allow users to obtain relevant information in the database of the Federal Election Commission;

(10) retain the information contained in a registration or report filed under this chapter for a period of 6 years after the registration or report (as the case may be) is filed; and

(11) make publicly available, on a semiannual basis, the aggregate number of registrants referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8).

(b) Enforcement report

(1) Report

The Attorney General shall report to the congressional committees referred to in paragraph (2), after the end of each semiannual period beginning on January 1 and July 1, the aggregate number of enforcement actions taken by the Department of Justice under this chapter during that semiannual period and, by case, any sentences imposed, except that such report shall not include the names of individuals, or personally identifiable information, that is not already a matter of public record.

(2) Committees

The congressional committees referred to in paragraph (1) are the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. (Pub.L. 104–65, § 6, Dec. 19, 1995, 109 Stat. 698; Pub.L. 110–81, Title II, §§ 201(b)(3), 209(a), (b), 210, Sept. 14, 2007, 121 Stat. 742, 748.)

806 § 1606. Penalties.

(a) Civil penalty

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 $200,000, depending on the extent and gravity of the violation.

(b) Criminal penalty

Whoever knowingly and corruptly fails to comply with any provision of this chapter shall be imprisoned for not more than 5 years or fined under Title 18, or both. (Pub.L. 104–65, § 7, Dec. 19, 1995, 109 Stat. 699; Pub.L. 110–81, Title II, § 211(a), Sept. 14, 2007, 121 Stat. 749.)

§ 1607. Rules of construction. **807**

(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.)

§ 1608. Severability. **808**

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.)

§ 1609. Identification of clients and covered officials. **809**

(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 consid-

ered 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.)

810 § 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 quarterly 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 section for the appropriate quarterly 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 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; Pub.L. 110–81, Title II, § 201(b)(4), Sept. 14, 2007, 121 Stat. 742.)

§ 1611. Exempt organizations. **811**

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.)

§ 1612. Sense of the Senate that lobbying expenses should remain nondeductible. **812**

(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 the 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.)

§ 1613. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees. **813**

(a) Prohibition

Any person described in subsection (b) may not make a gift or provide travel to a covered legislative branch official if the person has knowledge that the gift or travel may not be accepted by that covered legislative branch official under the Rules of the House of Representatives or the Standing Rules of the Senate (as the case may be).

(b) Persons subject to prohibition

The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 4(a)(1), any organization that employs 1 or more lobbyists and is registered or is required to register under section 4(a)(2), and any employee listed

or required to be listed as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C). (Pub.L. 104–65, § 25, as added Pub.L. 110–81, Title II, § 206(a), Sept. 14, 2007, 121 Stat. 747.)

814 § 1614. Annual audits and reports by Comptroller General.

(a) Audit

On an annual basis, the Comptroller General shall audit the extent of compliance or noncompliance with the requirements of this Act by lobbyists, lobbying firms, and registrants through a random sampling of publicly available lobbying registrations and reports filed under this Act during each calendar year.

(b) Reports to Congress

(1) Annual Reports.—Not later than April 1 of each year, the Comptroller General shall submit to the Congress a report on the review required by subsection (a) for the preceding calendar year. The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(A) improve the compliance by lobbyists, lobbying firms, and registrants with the requirements of this Act; and

(B) provide the Department of Justice with the resources and authorities needed for the effective enforcement of this Act.

(2) Assessment of Compliance.—The annual report under paragraph (1) shall include an assessment of compliance by registrants with the requirements of section 4(b)(3).

(c) Access to information

The Comptroller General may, in carrying out this section, request information from and access to any relevant documents from any person registered under paragraph (1) or (2) of section 4(a) and each employee who is listed as a lobbyist under section 4(b)(6) or section 5(b)(2)(C) if the material requested relates to the purposes of this section. The Comptroller General may request such person to submit in writing such information as the Comptroller General may prescribe. The Comptroller General may notify the Congress in writing if a person from whom information has been requested under this subsection refuses to comply with the request within 45 days after the request is made. (Pub.L. 104–65, § 26, as added Pub.L. 110–81, Title II, § 213(a), Sept. 14, 2007, 121 Stat. 750.)

Chapter 28.—ARCHITECT OF THE CAPITOL

Subchapter I.—General

815 § 1801. Appointment of Architect of the Capitol.

(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 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). (Pub.L. 101–163, Title III, § 319, Nov. 21, 1989, 103 Stat. 1068; Pub.L. 104–19, § 701, July 27, 1995, 109 Stat. 220.)

§ 1802. Compensation of Architect of the Capitol. **816**

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. (Aug. 14, 1964, Pub.L. 88–426, § 203(c), 78 Stat. 415; Dec. 16, 1967, Pub.L. 90–206, § 219, 81 Stat. 639; Salary Recommendations, Budget, 1970, pursuant to Act Dec. 16, 1967, Pub.L. 90–206, § 225(h), 81 Stat. 634; August 9, 1975, Pub.L. 94–82, Title II, § 204(b), 89 Stat. 421; Dec. 14, 1979, Pub.L. 96–146, § 1(1), 93 Stat. 1086; Pub.L. 107–68, Title I, § 129(a), Nov. 12, 2001, 115 Stat. 579.)

§ 1803. Delegation of authority by Architect of the Capitol. **817**

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; Feb. 20, 2003, Pub.L. 108–7, Div. H, Title I, § 1205, 117 Stat. 375.)

§ 1804. Deputy Architect of the Capitol to act in case of absence, disability, or vacancy. **818**

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. (Aug. 18, 1970, Pub.L. 91–382, § 101, 84 Stat. 817; Pub.L. 101–163, § 106(d), 103 Stat. 1057, Nov. 21, 1989; Feb. 20, 2003, Pub.L. 108–7, Div. H, Title I, § 1204, 117 Stat. 374.)

§ 1805. Deputy Architect of the Capitol/Chief Operating Officer. **819**

(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.)

§ 1806. Chief Executive Officer for Visitor Services.[1] **820**

(a) There is established in the Office of the Architect of the Capitol the position of Chief Executive Officer for Visitor Services (in this section referred to as the "Chief Executive Officer"), who shall be appointed by the Architect of the Capitol.

[1] Editorially supplied.

(b) The Chief Executive Officer shall be responsible for the operation and management of the Capitol Visitor Center, subject to the direction of the Architect of the Capitol. In carrying out these responsibilities, the Chief Executive Officer shall report directly to the Architect of the Capitol and shall be subject to policy review and oversight by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) The Chief Executive Officer shall be paid at an annual rate equal to the annual rate of pay for the Chief Operating Officer of the Office of the Architect of the Capitol.

(d) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year. (Pub.L. 110–28, Title VI, § 6701, May 25, 2007, 121 Stat. 182.)

821 § 1807. Assistant to the Chief Executive Officer for Visitor Services.

(a) Definition

In this section the term "Chief Executive Officer" means the Chief Executive Officer for Visitor Services established under section 1806 of this title.

(b) Assistant to the Chief Executive Officer

The Architect of the Capitol shall—

(1) after consultation with the Chief Executive Officer, appoint an assistant to perform the responsibilities of the Chief Executive Officer during the absence or disability of the Chief Executive Officer, or during a vacancy in the position of the Chief Executive Officer; and

(2) fix the rate of basic pay for the position of the assistant appointed under paragraph (1) 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.

(c) Effective date

This section shall apply to fiscal year 2008 and each fiscal year thereafter. (Pub.L. 110–161, Div. H, Title I, § 1309, Dec. 26, 2007, 121 Stat. 2244.)

822 § 1808. Inspector General of the Architect of the Capitol.

(a) Short title

This section may be cited as the "Architect of the Capitol Inspector General Act of 2007".

(b) Office of Inspector General

There is an Office of Inspector General within the Office of the Architect of the Capitol which is an independent objective office to—

(1) conduct and supervise audits and investigations relating to the Architect of the Capitol;

(2) provide leadership and coordination and recommend policies to promote economy, efficiency, and effectiveness; and

(3) provide a means of keeping the Architect of the Capitol and the Congress fully and currently informed about problems and defi-

ciencies relating to the administration of programs and operations of the Architect of the Capitol.

(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 Architect of the Capitol, in consultation with the Inspectors General of the Library of Congress, Government Printing Office, Government Accountability Office, and United States Capitol Police. The appointment shall be made 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 Architect of the Capitol.

(B) Audits, investigations, reports, and other duties and responsibilities

The Architect of the Capitol 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;

(iii) issuing any report; or

(iv) carrying out any other duty or responsibility of the Inspector General under this section.

(2) Removal

The Inspector General may be removed from office by the Architect of the Capitol. The Architect of the Capitol shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

(3) Compensation

The Inspector General shall be paid at an annual rate of pay equal to $1,500 less than the annual rate of pay of the Architect of the Capitol.

(d) Duties, responsibilities, authority, and reports

(1) In general

Sections 4, 5 (other than subsections (a)(13) and (e)(1)(B) thereof), 6 (other than subsection (a)(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 Architect of the Capitol and the Office of such Inspector General and such sections shall be applied to the Office of the Architect of the Capitol and the Architect of the Capitol by substituting—

(A) "Office of the Architect of the Capitol" for "establishment"; and

(B) "Architect of the Capitol" for "head of the establishment".

(2) Employees

The Inspector General, in carrying out 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 Office of the Architect of the Capitol.

(e) Transfers

All functions, personnel, and budget resources of the Office of the Inspector General of the Architect of the Capitol as in effect before the effective date of this section are transferred to the Office of Inspector General described under subsection (b) of this section.

(f) 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 Architect of the Capitol shall be deemed to refer to the Inspector General as set forth under this section.

(g) First appointment

By the date occurring 180 days after December 26, 2007, the Architect of the Capitol shall appoint an individual to the position of Inspector General of the Architect of the Capitol described under subparagraph (A) of subsection (c)(1) of this section in accordance with that subparagraph.

(h) Effective date

(1) In general

Except as provided under paragraph (2), this section shall take effect 180 days after December 26, 2007 and apply with respect to fiscal year 2008 and each fiscal year thereafter.

(2) First appointment

Subsection (g) of this section shall take effect on December 26, 2007 and the Architect of the Capitol shall take such actions as necessary after December 26, 2007 to carry out that subsection. (Pub.L. 110–161, Div. H, Title I, § 1301, Dec. 26, 2007, 121 Stat. 2240.)

Subchapter II.—Powers and Duties

823 § 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, § 1, 19 Stat. 147; Feb. 14, 1902, ch. 17, § 1, 32 Stat. 20; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

824 § 1812. Care and superintendence of Capitol.

The Architect of the Capitol shall have the care and superintendence of the Capitol, including lighting. His office shall be in the Capitol Building. (Aug. 15, 1876, ch. 287, § 1, 19 Stat. 147; Mar. 3, 1877, ch. 102, 19 Stat. 298; Oct. 31, 1951, ch. 654, § 3(14), 65 Stat. 708.)

825 § 1813. Exterior of Capitol.

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.)

826 § 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, § 1, 32 Stat. 20; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291; Oct. 31, 1951, ch. 654, § 3(15), 65 Stat. 708.)

CROSS REFERENCE

Changes in architectural features of the Capitol Building or in landscape features of Capitol Grounds, see section 1811 of this title.

NOTE

Section 305 of the Legislative Branch Appropriations Act, 1993, provided that:

"SEC. 305. (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 General Accounting 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." (Pub.L. 102–392, Title III, § 305, Oct. 6, 1992, 106 Stat. 1721.)

NOTE

Section 168 of the Energy Policy Act, 1992, provided Energy Management Requirements for Congressional Buildings as follows:

"(a) In general.—The Architect of the Capitol (hereafter in this section [this note] referred to as the 'Architect') shall undertake a program of analysis and, as necessary, retrofit of the Capitol Building, the Senate Office Buildings, the House Office Buildings, and the Capitol Grounds, in accordance with subsection (b).

"(b) Program—

"(1) Lighting—

"(A) Implementation—

"(i) In general.—Not later than 18 months after the date of the enactment of this Act [Oct. 24, 1992] and subject to the availability of funds to carry out this section [this note], the Architect shall begin implementing a program to replace in each building described in subsection (a) all inefficient office and general use area fluorescent lighting systems with systems that incorporate the best available design and technology and that have payback periods of 10 years or less, as determined by using methods and procedures established under section 544(a) of the National Energy and Conservation Policy Act (42 U.S.C. 8254(a)).

"(ii) Replacement of incandescent lighting.—Whenever practicable in office and general use areas, the Architect shall replace incandescent lighting with efficient fluorescent lighting.

"(B) Completion.—Subject to the availability of funds to carry out this section [this note], the program described in subparagraph (A) shall be completed not later than 5 years after the date of the enactment of this Act [Oct. 24, 1992].

"(2) Evaluation and report—

"(A) In general.—Not later than 6 months after the date of the enactment of this Act [Oct. 24, 1992], the Architect shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report evaluating potential energy conservation measures for each building described in subsection (a) in the areas of heating, ventilation, air conditioning equipment, insulation, windows, domestic hot water, food service equipment, and automatic control equipment.

"(B) Costs.—The report submitted under subparagraph (A) shall detail the projected installation cost, energy and cost savings, and payback period of each energy conservation measure, as determined by using methods and procedures established under section 544(a) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)).

"(3) Review and approval of energy conservation measures.—The Committee on Public Works and Transportation of the House of Representatives and the Committee on Rules and Administration of the Senate shall review the energy conservation measures identified in accordance with paragraph (2) and shall approve any such measure before it may be implemented.

"(4) Utility incentive programs.—In carrying out this section [this note], the Architect is authorized and encouraged to—

"(A) accept any rebate or other financial incentive offered through a program for energy conservation or demand management of electricity, water, or gas that—

"(i) is conducted by an electric, natural gas, or water utility;

"(ii) is generally available to customers of the utility; and

"(iii) provides for the adoption of energy efficiency technologies or practices that the Architect determines are cost-effective for the buildings described in subsection (a); and

"(B) enter into negotiations with electric and natural gas utilities to design a special demand management and conservation incentive program to address the unique needs of the buildings described in subsection (a).

"(5) Use of savings.—The Architect shall use an amount equal to the rebate or other savings from the financial incentive programs under paragraph (4)(A), without additional authorization or appropriation, for the implementation of additional energy and water conservation measures in the buildings under the jurisdiction of the Architect.

"(c) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section [this note]." (Pub.L. 102–486, Title I, § 168, Oct. 24, 1992, 106 Stat. 2862.)

827 § 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.)

§ 1816a. Design-build contracts. **828**

(a) Notwithstanding any other provision of law, the Architect of the Capitol may use the two-phase selection procedures authorized in section 253m of Title 41 for entering into a contract for the design and construction of a public building, facility, or work in the same manner and under the same terms and conditions as the head of executive agency under such section.

(b) This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year. (Pub.L. 110–161, Div. H, Title I, § 1308, Dec. 26, 2007, 121 Stat. 2244.)

§ 1817. Transfer of discontinued apparatus to other branches. **829**

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, c. 182, § 11, 37 Stat. 184; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291; May 29, 1928, c. 901, § 1(120), 45 Stat. 995; Oct. 31, 1951, c. 654, § 3(17), 65 Stat. 708.)

§ 1818. Rental or lease of storage space. **830**

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.)

831 § 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) 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.)

832 § 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.)

§ 1821. Small purchase contracting authority. **833**

(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.)

§ 1822. Leasing of space. **834**

(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 Committees on Appropriations and Rules and Administration of the Senate for space to be leased for the Senate;

(2) the Committee on Appropriations of the House of Representatives and 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, for space to be leased for any other entity under subsection (a).

(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; Pub.L. 110–161, Div. H, Title I, § 1306, Dec. 26, 2007, 121 Stat. 2243.)

835 § 1823. Acquisition of real property for Sergeant at Arms and Doorkeeper of Senate.[1]

(1) The Architect of the Capitol may acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, for the use of the Sergeant at Arms and Doorkeeper of the Senate to support the operations of the Senate—

(A) subject to the approval of the Committee on Rules and Administration of the Senate; and

(B) subject to the availability of appropriations and upon approval of an obligation plan by the Committee on Appropriations of the Senate.

(2) Subject to the approval of the Committee on Appropriations of the Senate, the Secretary of the Senate may transfer funds for the acquisition or maintenance of any property under paragraph (1) from the account under the heading "Senate, Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate" to the account under the heading "Architect of the Capitol, Senate Office Buildings".

(3) This section shall apply with respect to fiscal year 2007 and each fiscal year thereafter. (Pub.L. 109–289, Div. B, Title II, § 20701(b), as added Pub.L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 37.)

836 § 1824. Energy and environmental measures in Capitol Complex Master Plan.

(a) In general

To the maximum extent practicable, the Architect of the Capitol shall include energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

(b) Report

Not later than 6 months after December 19, 2007, the Architect of the Capitol shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate, a report on the energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a) of this section. (Pub.L. 110–140, Title V, § 503, Dec. 19, 2007, 110 Stat. 1655.)

[1] Editorially supplied.

§ 1825. CVC maintenance. 837

For maintenance purposes, the Capitol Visitor Center (CVC) is considered an extension of the Capitol Building, and the maintenance functions for the CVC's infrastructure is the responsibility of the Architect of the Capitol. Starting in fiscal year 2008, and each fiscal year thereafter, the CVC's facilities maintenance budget and associated payroll will be included with the Capitol Building's appropriation budget, and integrated in such a way as to facilitate the reporting of expenses associated with the maintenance of the CVC facility. (Pub.L. 110–161, Div. H, Title I, § 1305, Dec. 26, 2007, 121 Stat. 2242.)

§ 1826. Easements for rights-of-way. 838

(a) In general

The Architect of the Capitol may grant, upon such terms as the Architect of the Capitol considers advisable, including monetary consideration, easements for rights-of-way over, in, and upon the Capitol Grounds and any other public lands under the jurisdiction and control of the Architect of the Capitol.

(b) Limitation

No easement granted under this section may include more land than is necessary for the easement.

(c) Easement account

There is established in the Treasury an easement account for the Architect of the Capitol. The Architect of the Capitol shall deposit in the account all proceeds received relating to the granting of easements under this section. The proceeds deposited in that account shall be available to the Architect, in such amounts and for such purposes provided in appropriations acts.

(d) In-kind consideration

Subject to subsection (f) of this section, the Architect may accept in-kind consideration instead of, or in addition to, any monetary consideration, for any easement granted under this section.

(e) Termination of easement

The Architect of the Capitol may terminate all or part of any easement granted under this section for—

(1) failure to comply with the terms of the grant;

(2) nonuse for a 2-year period; or

(3) abandonment.

(f) Approval

The Architect of the Capitol may grant an easement for rights-of-way under subsection (a) of this section upon submission of written notice of intent to grant that easement and the amount or type of consideration to be received, and approval by—

(1) the Committee on Rules and Administration of the Senate for easements granted on property under Senate jurisdiction;

(2) the House Office Building Commission for property under House of Representatives jurisdiction; and

(3) the Committee on Rules and Administration of the Senate and the House Office Building Commission for easements granted on any other property.

(g) Effective date

This section shall apply to fiscal year 2008 and each fiscal year thereafter. (Pub.L. 110–161, Div. H, Title I, § 1307, Dec. 26, 2007, 121 Stat. 2243.)

Subchapter III.—Personnel

Part A—General

839 § 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 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 Title 2, The Congress.

840 **§ 1832. Assignment and reassignment of personnel by Architect of the Capitol for personal services.**

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 hereafter 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. 100–202, § 106, Dec. 22, 1987, 101 Stat. 1329–433.)

841 **§ 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, § 1, 25 Stat. 258; Aug. 2, 1946, ch. 753, §§ 102, 224, 60 Stat. 814, 838.)

Part B—Compensation

842 **§ 1841. Single per annum gross rates of pay.**

Whenever the rate of pay of—

(1) an employee of the Office of 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. (Oct. 26, 1970, Pub.L. 91–510, § 481, 84 Stat. 1196.)

843 **§ 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 entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", or section 2041 of this title, relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant. (Oct. 26, 1970, Pub.L. 91–510, § 486, 84 Stat. 1197.)

§ 1847. Authorization to fix basic rate of compensation for certain positions. 844

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

"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.

§ 1848. Compensation of certain positions in Office of Architect of the Capitol. 845

(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) 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) 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. 1329–309; Pub.L. 101–163, Title I, § 106(e), Nov. 21, 1989, 103 Stat. 1057.)

846 § 1849. Compensation of certain positions under jurisdiction of Architect of the Capitol.

(a) Compensation of certain positions under jurisdiction of Architect of Capitol

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) Eight 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, Ch. 9, § 914(a), Jan. 10, 2002, 115 Stat. 2324; Pub.L. 109–55, Title I, § 1201(a), Aug. 2, 2005, 119 Stat. 579.)

§ 1850. Compensation of registered nurses. 847

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. (June 20, 1958, Pub.L. 85–462, 72 Stat. 208; Dec. 27, 1974, Pub.L. 93–554, § 101, 88 Stat. 1777; Pub.L. 101–520, § 109, Nov. 5, 1990, 104 Stat. 2269; Pub.L. 103–283, Title I, § 103, July 22, 1994, 108 Stat. 1435.)

Subchapter IV—Appropriations and Expenditures

§ 1861. Appropriations under control of Architect of the Capitol. 848

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 consolidates provisions from the Legislative Branch Appropriation Acts for fiscal years 1930 and 1931. Section was formerly classified to section 689 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.

§ 1862. Transfer of funds. 849

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.)

§ 1865. Capitol Police Buildings and Grounds Account. 850

(a) 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) 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) 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 the date of the enactment of this Act 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, § 906, Aug. 2, 2002, 116 Stat. 877.)

851 § 1866. Certification of vouchers.

It shall not be a duty of the Architect of the Capitol to certify any payroll 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, § 1, 56 Stat. 343.)

852 § 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.)

853 § 1869. Advance payments.

During fiscal year 2008 and each succeeding fiscal year, following notification of the Committees on Appropriations of the House of Representatives and the Senate, the Architect of the Capitol may make payments in advance for obligations of the Office of the Architect of the Capitol for subscription services if the Architect determines it to be more prompt, efficient, or economical to do so. (Pub.L. 110–161, Div. H, Title I, § 1304, Dec. 26, 2007, 121 Stat 2242.)

Chapter 29.—CAPITOL POLICE

Subchapter I.—Organization and Administration

Part A—General

§ 1901. Establishment; officer appointments. **854**

There shall be a Capitol police. 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, § 1, 32 Stat. 124; June 28, 1943, ch. 173, Title I, § 101, 57 Stat. 230; Dec. 20, 1979, Pub.L. 96–152, § 1(a), 93 Stat. 1099; Pub.L. 108–7, Div. H, Title I, § 1018(h)(1), Feb. 20, 2003, 117 Stat. 368.)

NOTE

Capitol Police and Library of Congress Police Merger

Pub.L. 110–178, §§ 2, 3, and 8, Jan. 7, 2008, 121 Stat. 2546, 2554, provided that:

Sec. 2. Transfer of Personnel.

(a) Transfers

(1) Library of Congress Police employees—Effective on the employee's transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under subsection (b).

(2) Library of Congress Police civilian employees—Effective on the employee's transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

(b) Treatment of Library of Congress Police employees

(1) Determination of status within Capitol Police—

(A) Eligibility to serve as members of the Capitol Police.—A Library of Congress Police employee shall become a member of the Capitol Police on the employee's transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

(i) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account paragraph (3)(A)), on the date such employee becomes 60 years of age.

(ii) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

(iii) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

(B) Service as civilian employee of Capitol Police.—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee's transfer date.

(C) Finality of determinations.—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

(D) Deadline for determinations.—The Chief of the Capitol Police shall complete the determinations required under this paragraph for all Library of Congress Police employees not later than September 30, 2009.

(2) Exemption from mandatory separation.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

(A) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

(B) the date on which the individual—

(i) is 57 years of age or older; and

(ii) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account paragraph (3)(A)).

(3) Treatment of prior creditable service for retirement purposes—

(A) Prior service for purposes of eligibility for immediate retirement as member of Capitol Police.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol Police included in calculating the employee's service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

(B) Prior service for purposes of computation of annuity.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this subsection that was accrued prior to becoming a member of the Capitol Police—

(i) shall be treated and computed as employee service under section 8339 or section 8415 of such title; but

(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of applying any formula under section 8339(b), 8339(q), 8415(c), or 8415(d) of such title under which a percentage of the individual's average pay is multiplied by the years (or other period) of such service.

(c) Duties of employees transferred to civilian positions

(1) Duties.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under subsection (a)(2) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under subsection (b)(1)(B), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under subsection (a)(2) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the United States Capitol Police under this section.

(2) Finality of determinations.—Any determination of the Chief of the Capitol Police under this subsection shall not be appealable or reviewable in any manner.

(d) Protecting status of transferred employees

(1) Nonreduction in pay, rank, or grade.—The transfer of any individual under this section shall not cause that individual to be separated or reduced in basic pay, rank or grade.

(2) Leave and compensatory time.—Any annual leave, sick leave, or other leave, or compensatory time, to the credit of an individual transferred under this section shall be transferred to the credit of that individual as a member or an employee of the Capitol Police (as the case may be). The treatment of leave or compensatory time transferred under this section shall be governed by regulations of the Capitol Police Board.

(3) Prohibiting imposition of probationary period.—The Chief of the Capitol Police may not impose a period of probation with respect to the transfer of any individual who is transferred under this section.

(e) Rules of construction relating to employee representation

(1) Employee representation.—Nothing in this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, which enacted 2 U.S.C.A. § 141b and 143c, amended 2 U.S.C.A. § 167i, 167j, 182b, 185, and 1961, and 40 U.S.C.A. § 5101, 5102, and 5104, repealed 2 U.S.C.A. § 167 to 167h, enacted provisions set out as notes under this section and 2 U.S.C.A.§§ 167 and 182b, and repealed provisions set out as notes under this section] shall be construed to authorize any labor organization that represented an individual who was a Library of Congress police employee or a Library of Congress police civilian employee before the individual's transfer date to represent that individual as a member of the Capitol Police or an employee of the Capitol Police after the individual's transfer date.

(2) Agreements not applicable.—Nothing in this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, see Tables for classification] shall be construed

to authorize any collective bargaining agreement (or any related court order, stipulated agreement, or agreement to the terms or conditions of employment) applicable to Library of Congress police employees or to Library of Congress police civilian employees to apply to members of the Capitol Police or to civilian employees of the Capitol Police.

(f) Rule of construction relating to personnel authority of the Chief of the Capitol Police

Nothing in this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 12121 Stat. 2546, see Tables for classification] shall be construed to affect the authority of the Chief of the Capitol Police to—

(1) terminate the employment of a member of the Capitol Police or a civilian employee of the Capitol Police; or

(2) transfer any individual serving as a member of the Capitol Police or a civilian employee of the Capitol Police to another position with the Capitol Police.

(g) Transfer date defined

In this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, see Tables for classification], the term "transfer date" means, with respect to an employee—

(1) in the case of a Library of Congress Police employee who becomes a member of the Capitol Police, the first day of the first pay period applicable to members of the United States Capitol Police which begins after the date on which the Chief of the Capitol Police issues the written certification for the employee under subsection (b)(1);

(2) in the case of a Library of Congress Police employee who becomes a civilian employee of the Capitol Police, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2009; or

(3) in the case of a Library of Congress Police civilian employee, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2008.

(h) Cancellation in portion of unobligated balance of FEDLINK revolving fund

Amounts available for obligation by the Librarian of Congress as of the date of the enactment of this Act [Jan. 7, 2008] from the unobligated balance in the revolving fund established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182c) for the Federal Library and Information Network program of the Library of Congress and the Federal Research program of the Library of Congress are reduced by a total of $560,000, and the amount so reduced is hereby cancelled.

Sec. 3. Transition Provisions.

(a) Transfer and allocations of property and appropriations

(1) In general.—Effective on the transfer date of any Library of Congress Police employee and Library of Congress Police civilian employee who is transferred under this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, see Tables for classification]—

(A) the assets, liabilities, contracts, property, and records associated with the employee shall be transferred to the Capitol Police; and

(B) the unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the employee shall be transferred to and made available under the appropriations accounts for the Capitol Police for "Salaries" and "General Expenses", as applicable.

(2) Joint review.—During the transition period, the Chief of the Capitol Police and the Librarian of Congress shall conduct a joint review of the assets, liabilities, contracts, property records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the transfer under this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, see Tables for classification].

(b) Treatment of alleged violations of certain employment laws with respect to transferred individuals

(1) In general.—Notwithstanding any other provision of law and except as provided in paragraph (3), in the case of an alleged violation of any covered law (as defined in paragraph (4)) which is alleged to have occurred prior to the transfer date with respect to an individual who is transferred under this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, see Tables for classification], and for which the individual has not exhausted all of the remedies available for the consideration of the alleged violation which are provided for employees of the Library of Congress under the covered law prior to the transfer date, the following shall apply:

(A) The individual may not initiate any procedure which is available for the consideration of the alleged violation of the covered law which is provided for employees of the Library of Congress under the covered law.

(B) To the extent that the individual has initiated any such procedure prior to the transfer date, the procedure shall terminate and have no legal effect.

(C) Subject to paragraph (2), the individual may initiate and participate in any procedure which is available for the resolution of grievances of officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to provide for consideration of the alleged violation. The previous sentence does not apply in the case of an alleged violation for which the individual exhausted all of the available remedies which are provided for employees of the Library of Congress under the covered law prior to the transfer date.

(2) Special rules for applying Congressional Accountability Act of 1995.—In applying paragraph (1)(C) with respect to an individual to whom this subsection applies, for purposes of the consideration of the alleged violation under the Congressional Accountability Act of 1995 [Pub.L. 104–1, Jan. 23, 1995, 109 Stat. 3, see Short Title note set under 2 U.S.C.A. § 1301 and Tables]—

(A) the date of the alleged violation shall be the individual's transfer date;

(B) notwithstanding the third sentence of section 402(a) of such Act (2 U.S.C. 1402(a)), the individual's request for counseling under such section shall be made not later than 60 days after the date of the alleged violation; and

(C) the employing office of the individual at the time of the alleged violation shall be the Capitol Police Board.

(3) Exception for alleged violations subject to hearing prior to transfer.—Paragraph (1) does not apply with respect to an alleged violation for which a hearing has commenced in accordance with the covered law on or before the transfer date.

(4) Covered law defined.—In this subsection, a "covered law" is any law for which the remedy for an alleged violation is provided for officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) Availability of detailees during transition period

During the transition period, the Chief of the Capitol Police may detail additional members of the Capitol Police to the Library of Congress, without reimbursement.

(d) Effect on existing Memorandum of Understanding

The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect during the transition period, subject to—

(1) the provisions of this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, see Tables for classification]; and

(2) such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding, consistent with the provisions of this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, see Tables for classification].

(e) Rule of construction relating to personnel authority of the Librarian of Congress

Nothing in this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, see Tables for classification] shall be construed to affect the authority of the Librarian of Congress to—

(1) terminate the employment of a Library of Congress Police employee or Library of Congress Police civilian employee; or

(2) transfer any individual serving in a Library of Congress Police employee position or Library of Congress Police civilian employee position to another position at the Library of Congress.

Sec. 8. Definitions.

In this Act [the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007, Pub.L. 110–178, Jan. 7, 2008, 121 Stat. 2546, which enacted 2 U.S.C.A. §§ 141b and 143c, amended 2 U.S.C.A.§§ 167i, 167j, 182b, 185, and 1961, and 40 U.S.C.A. §§ 5101, 5102, and 5104, repealed 2 U.S.C.A. §§ 167 to 167h, enacted provisions set out as notes under this section and 2 U.S.C.A. §§ 167 and 182b, and repealed provisions set out as notes under 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," (2 U.S.C. 167 et seq.);

(2) the term "Library of Congress Police employee" 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);

(3) the term "Library of Congress Police civilian employee" means an employee of the Library of Congress Office of Security and Emergency Preparedness who provides direct administrative support to, and is supervised by, the Library of Congress Police, but shall not include an employee of the Library of Congress who performs emergency preparedness or collections control and preservation functions; and

(4) the term "transition period" means the period the first day of which is the date of the enactment of this Act [Jan. 7, 2008] and the final day of which is September 30, 2009.

Similar provisions were contained in the following prior Act:

Pub.L. 110–161, Div. H, Title I, § 1004(b), (c), and (h), Dec. 26, 2007, 121 Stat. 2227, 2236.

Training, Detailing, and Hiring Authority Pending Transfer of Library of Congress Police Employees

Pub.L. 108–83, Title I, § 1006, Sept. 30, 2003, 117 Stat. 1023, as amended 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) [set out as a note under this section]—

(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) [set out as a note under this section].

(2) Limitation on new Library of Congress Police employees.—Notwithstanding the first section of the Act of August 4, 1950 [2 U.S.C.A. § 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) [of this note], 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) [set out as a note under this section], 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 [Legislative Branch Appropriations Act, 2004, Pub.L. 108–3, Sept. 30, 2003, 117 Stat. 1007; see Tables for complete classification] is enacted before October 1, 2003; and

(B) fiscal year 2004 and each fiscal year, thereafter.

[Pub.L. 110–161, Div. H, Title I, § 1004(g)(1) and (2), Dec. 26, 2007, 121 Stat. 2236 and Pub.L. 110–178, § 7(a) and (b), Jan. 7, 2008, 121 Stat. 2554, provided, in part, that effective Oct. 1, 2009, section 1006 of Pub.L. 110–83, Title I, is repealed. See Pub.L. 110–161, Div. H, § 1004(g)(2) and Pub.L. 110–178, § 7(b), set out as an Effective and Applicability Provisions notes under this section.]

Capitol Police Board; Composition; Redefining Mission

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 [this note], 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) [of this note], 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.

(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) [of this note].

(2) Nothing in this section [this note] 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 the United States Capitol Police

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 [Feb. 20, 2003]).

(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 [5 U.S.C.A. §§ 8301 et seq. and 5 U.S.C.A. § 8401 et seq.].

(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 [this note];

(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) [of this note] 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) [of this note], 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) [of this note] 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) [of this note]; 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 [this note].

(c) Definitions

In this section [this note]—

(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.) [Library of Congress Police Act, Act Aug. 4, 1950, c. 561, 64 Stat. 411, as amended, classified as 2 U.S.C.A. § 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 [Feb. 20, 2003]); and

(B) does not include any civilian employee performing police support functions.

(d) Effective date

Except as otherwise provided in this section [this note], this section shall take effect on the date of enactment of this section [Feb. 20, 2003].

[Pub.L. 110-161, Div. H, Title I, § 1004(g)(1) and (2), Dec. 26, 2007, 121 Stat. 2236 and Pub.L. 110–178, § 7(a) and (b), Jan. 7, 2008, 121 Stat. 2554 provided, in part, that effective Oct. 1, 2009, section 1015 of Pub.L. 108–7, Div. H, is repealed. See Pub.L. 110–161, Div. H, § 1004(g)(2) and Pub.L. 110–178, § 7(b), set out as an Effective and Applicability Provisions notes under this section.]

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) [of this note], 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.

Assistant Chief Compensation

Pub.L. 107–117, Div. B, Ch. 9, § 907(b), Jan. 10, 2002, 115 Stat. 2319, as amended 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.

855 § 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

[1] So in original. Probably should not be capitalized.

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.

(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.)

§ 1906. Disposal of surplus property. **856**

(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.)

§ 1908. Legal representation authority. **857**

(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.)

858 § 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 United States Code 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 upon enactment of this Act.

(g) Omitted

(Pub.L. 109–55, Title I, § 1004, Aug. 2, 2005, 119 Stat. 572.)

§ 1910. Report of disbursements. 859

(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.)

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). 860

§ 1922. Unified payroll administration. 861

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 Oct. 6, 1992, Pub.L. 102–397, Title I, § 102, 106 Stat. 1950; Pub.L. 104–186, Title II, § 221(12), Aug. 21, 1996, 110 Stat. 1750.)

NOTE

EFFECTIVE DATE

Section 104 of Pub.L. 102–397, as amended 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."

862 § 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, § 101, July 9, 1971; 85 Stat. 130, amended Pub.L. 93–145, § 101, Nov. 1, 1973, 87 Stat. 532; Pub.L. 93–371, § 101(5), Aug. 13, 1974, 88 Stat. 430.)

863 § 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., Ch. 9, § 908, Jan. 10, 2002, 115 Stat. 2319; Pub.L. 108–7, Div. H, Title I, § 1007, Feb. 20, 2003, 117 Stat. 358.)

§ 1927. Bonuses, retention allowances, and additional compensation. **864**

(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 Title 2.

(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, Ch. 9, § 909, Jan. 10, 2002, 115 Stat. 2320; Pub.L. 108–7, Div. H, Title I, §§ 1004, 1006, Feb. 20, 2003, 117 Stat. 358.)

§ 1928. Suspension. **865**

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.)

§ 1929. Pay of members under suspension. **866**

On or 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, § 1, 18 Stat. 345.)

§ 1930. Applicable pay rate upon appointment. **867**

(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.)

§ 1931. Additional compensation for employees with specialty assignments and proficiencies. **868**

(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 employee 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 (a)[1] shall not be appealable or reviewable in any manner. (Pub.L. 108–7, div. H., title I, § 1011, Feb. 20, 2003, 117 Stat. 360.)

869 § 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.)

Part C.—Uniforms and Arms

870 § 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 Building (as defined in (40 U.S.C. 5101)), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in 40 U.S.C. 5102), in such manner and at such times as the Sergeant at Arms of the Senate and the Capitol Police Board may, by regulations, prescribe. (R.S. § 1824;

[1] So in original. Probably should read "subsection (a) of this section."

Oct. 31, 1972, Pub.L. 92–607, § 507, 86 Stat. 1508; May 4, 1977, Pub.L. 95–26, § 112, 91 Stat. 87; Pub.L. 108–447, Div. G, Title I, § 1003, Dec. 8, 2004, 118 Stat. 3180.)

§ 1943. Uniform; at whose expense. 871

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.)

§ 1944. Wearing uniform on duty. 872

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.)

Part D.—United States Capitol Police Memorial Fund

§ 1951. Establishment of United States Capitol Police Memorial Fund. 873

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.)

§ 1952. Payments from Fund for families of Detective Gibson and Private First Class Chestnut. 874

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 amount shall be paid to the widow and children of Detective Gibson.

(2) Fifty percent of such amount shall be paid to the widow and children of Private First Class Chestnut. (Pub.L. 105–223, § 2, Aug. 7, 1998, 112 Stat. 1250.)

§ 1954. Administration by Capitol Police Board. 875

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 a 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.)

Subchapter II.—Powers and Duties

876 § 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 sections 1922, 1966, 1967, and 1969 of this title (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 Representative 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.

(d) For purposes of this section, "United States Capitol Buildings and Grounds" shall include the Library of Congress buildings and grounds described under section 11 of the Act entitled "An Act relating to the policing of the buildings of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167j), except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds

are located. (July 31, 1946, ch. 707, § 9, 60 Stat. 719; Dec. 24, 1973, Pub.L. 93–198, Title VII, § 739(g)(4), (5), 87 Stat. 829; Pub.L. 101–520, Nov. 5, 1990, 104 Stat. 2264; 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; Jan. 10, 2002, Pub.L. 107–117, Div. B, Ch. 9, §§ 901(c)(2), 115 Stat. 2316, 2317; Aug. 2, 2002, Pub.L. 107–206, Title I, §§ 902(b), 903(b), 116 Stat. 876; Feb. 20, 2003, Pub.L. 108–7, Div. H, Title I, §1016(c), 117 Stat. 365; Pub.L. 110–161, Div. H, Title I, § 1004(d)(1)(A), (4), Dec. 26, 2007, 121 Stat. 2233, 2234 and Pub.L. 110–178, § 4(a)(1), (d), Jan. 7, 2008, 121 Stat. 2551, 2552.)

NOTE:

Section (d) is effective October 1, 2009.

§ 1962. Detail of police. **877**

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.)

§ 1963. Protection of grounds. **878**

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.)

§ 1966. Protection of Members of Congress, officers of Congress, and members of their families. **879**

(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 Title 2, 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. (Pub.L. 97–143, § 1(a), Dec. 29, 1981, 95 Stat. 1723.)

NOTE

Supplemental Appropriations Act, 1977, Pub.L. 95–26, chapter VIII, § 113.91 Stat. 87, provided:

"Sec. 113. The Chairman of the Capitol Police Board is authorized, subject to such conditions as he may impose, to authorize the assignment of a police motor vehicle for use by instructor personnel of the Capital Police Force while assigned to the Federal Law Enforcement Training Center."

CROSS REFERENCE

For the definition of Capitol Buildings, see section 193m of this title.

880 § 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 in 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 force 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 Oct. 6, 1992, Pub.L. 102–397, Title I, § 101, 106 Stat. 1949, and amended Aug. 20, 1996, Pub.L. 104–186, Title II, § 221(13), 110 Stat. 1750; Sept. 30, 2003, Pub.L. 108–83, Title I, § 1003(a), 117 Stat. 1021.)

§ 1969. Regulation of traffic by Capitol Police Board. **881**

(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. 211, §§ 1, 2, 61 Stat. 308; July 8, 1963, Pub.L. 88–60, 77 Stat. 78; Dec. 24, 1973, Pub.L. 93–198, Title VII, § 739(g)(6), 87 Stat. 829.)

882 § 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 section 5101 to 5107 and 5109 of Title 40. 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; 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.

(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, Ch. 9, § 911, Jan. 10, 2002, 115 Stat. 2322.)

883 § 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.)

884 § 1972. Contributions of comfort and other incidental items and services during Capitol Police 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, Ch. 9, § 910, Jan. 10, 2002, 115 Stat. 2322.)

885 § 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.)

886 § 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) 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) 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 Feb. 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.)

§ 1975. Overseas travel. **887**

(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.)

888 § 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.)

889 § 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 employ-

ment, 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.)

890 § 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.)

891 § 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 pre-

paredness 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.)

§ 1980. Mounted horse unit. **892**

(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 August 2, 2005, 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 Capital Police as of such date. (Pub.L. 109–55, Title I, § 1002, Aug. 2, 2005, 119 Stat. 572.)

§ 1981. Advance payments. **893**

During fiscal year 2008 and each succeeding fiscal year, following notification of the Committees on Appropriations of the House of Representatives and the Senate, the Chief of the Capitol Police may make payments in advance for obligations of the United States Capitol Police for subscription services if the Chief determines it to be more prompt,

efficient, or economical to do so. (Pub.L. 110–161, Div. H, Title I, § 1002, Dec. 26, 2007, 121 Stat. 2227.)

Chapter 30.—OPERATION AND MAINTENANCE OF CAPITOL COMPLEX

Subchapter II.—Senate

894 § 2021. Additional Senate office building.

Upon completion of the additional office building[1] for the United States Senate, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of sections 5101 through 5109 of Title 40 and 1961, 1969, 2023, and 2024 of this title, in the same manner and to the same extent as the present Senate Office Building[1] and the grounds and sidewalks surrounding the same. (June 25, 1948, ch. 658, § 1, 62 Stat. 1029.)

CITY POST OFFICE BUILDING; LEASED PROPERTY AS PART OF SENATE OFFICE BUILDINGS

(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. (Pub.L. 101–520, Title I. § 107, Nov. 5, 1990, 104 Stat. 2267.)

ACQUISITION OF PROPERTY FOR USE AS RESIDENTIAL FACILITY FOR UNITED STATES SENATE PAGES

(a) Acquisition of property.—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, all publicly and privately owned real property in lots 34 and 35 in square 758 in the District of Columbia as those lots appear on the records in the Office of the Surveyor of the District of Columbia as the date of the enactment of this Act [Aug. 3, 1992], extending to the outer face of the curbs of the square in which such lots are located and including all alleys or parts of alleys and streets within the lot lines and curb lines surrounding such real property, together with all improvements thereon.

(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

[1] See Senate Manual sections **125, 126.**

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.) [sections 5101 to 5109 of title 40 and 1961, 1966, and 1969 of this title and provisions set out as notes under sections 5102 and 5109 of title 40], and the Act of June 8, 1942 (2 U.S.C. 2024–2025).

(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 [section 5 of Title 41, Public Contracts], to enter into contracts and to make expenditures for 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 [this note]. 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 [this note]. 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. (Pub.L. 102–330, Aug. 3, 1992, 106 Stat 849.)

§ 2022. Acquisition of buildings and facilities for use in emergency situation. 895

(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 (Amended former 40 U.S.C.A. § 212a; now 2 U.S.C.A. § 1961.)

(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., Ch. 9, § 90, Jan. 10, 2002, 115 Stat. 2315; Pub.L. 107–206, Title I, § 902(a)(1), Aug. 2, 2002, 116 Stat. 876.)

896 § 2023. Control, care, and supervision of Senate Office Building.

The Senate Office Building,[1] 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, § 1, 56 Stat. 343; Aug. 2, 1946, ch. 753, §§ 102, 224, 60 Stat. 814, 838.)

897 § 2024. Assignment of space in Senate Office Building.

The assignment of rooms and other space in the Senate Office Building[1] 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, § 1, 56 Stat. 343; Aug. 2, 1946, ch. 753, §§ 102, 224, 60 Stat. 814, 838.)

898 § 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

[1] See Senate Manual sections **125, 126.**

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, § 1, 47 Stat. 391; Aug. 20, 1964, Pub.L. 88–454, 78 Stat. 545; Oct. 13, 1980, Pub.L. 96–444, § 1(a)(1), (b), 94 Stat. 1889.)

Subchapter III.—Restaurants

§ 2042. Senate Restaurants; management by Architect of the Capitol. 899

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 Restaurant 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.)

§ 2043. Authorization and direction to effectuate purposes of sections 2042 to 2047 of this title. 900

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.)

901 § 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 section 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. (July 6, 1961, Pub.L. 87–82, § 4, 75 Stat. 199; July 9, 1971, Pub.L. 92–51, § 101, 85 Stat. 129; July 10, 1972, Pub.L. 92–342, § 101, 86 Stat. 435.)

902 § 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 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.)

903 § 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.)

904 § 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.)

§ 2048. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave. 905

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 compensation 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 subchapters III and IV of chapter 53 of title 5, and shall thereafter be adjusted in accordance with section 5307 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, § 101, July 9, 1971, 85 Stat. 138, amended Pub.L. 94–59, Title V, § 500, July 25, 1975, 89 Stat. 289; Pub.L. 101–509, Title V, § 529, Nov. 5, 1990, 104 Stat. 1440.)

§ 2049. Loans for Senate Restaurants. 906

(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 (2 U.S.C. 2042 through 2048), 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.

(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, § 101, Aug. 22, 1984, 98 Stat. 1395.)

Subchapter IV.—Child Care

907 § 2061. Designation of play area 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.)

§ 2063. Senate Employee Child Care Center. **908**

(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 214b 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 5. 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 such date.

(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 provisions of this section. (Pub.L. 102–90, Title III, § 311, Aug. 14, 1991, 105 Stat. 467.)

§ 2064. Senate Employee Child Care Center employee benefits. **909**

(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") estab-

lished 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, 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.

(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) Source of contributions for benefits

Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, and 8708, 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 the Internal Revenue Code of 1986 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 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, § 1203, July 2, 1993, 107 Stat. 268.)

§ 2065. Reimbursement of Senate day care center employees. **910**

(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.)

Subchapter V.—Historical Preservation and Fine Arts

Part A.—United States Capitol Preservation Commission

911 § 2081. United States Capitol Preservation Commission.

(a) Establishment and purposes

There is established in the Congress the United States Capitol Preservation Commission (hereinafter in sections 2081 to 2086 of this title 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.)

§ 2082. Authority of Commission to accept gifts and conduct other transactions relating to works of fine art and other property. 912

(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.)

913 § 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 sections 2081 to 2086 of this title 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.)

§ 2084. Audits by the Comptroller General. **914**

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.)

§ 2085. Advisory boards. **915**

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.)

§ 2086. Definition. **916**

As used in sections 2081 to 2086 of this title, 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.)

Part B.—Senate Commission on Art

§ 2101. Senate Commission on Art. **917**

(a) Establishment

There is hereby established a Senate Commission on Art (hereinafter referred to as "the Commission") consisting of the President pro tempore 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

[1] So in original. Probably should end with a period.

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, Sept. 30, 2003, 117 Stat. 1010.)

918 § 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 193 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 the 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

Building by the Commission. (Pub.L. 100–696, Title IX, § 901(a), (b)(2), Nov. 18, 1988, 102 Stat. 4610, 4611.)

§ 2103. Supervision and maintenance of Old Senate Chamber. 919

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.)

§ 2104. Publication of list of works of art, historical objects, and exhibits. 920

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.)

§ 2105. Authorization of appropriations. 921

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 Chairman or Vice Chairman of the Commission: *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.)

§ 2106. Repealed (Pub.L. 108–83, Title I, § 3(a)3, Sept. 30, 2003, 117 Stat. 1010). 922

§ 2107. Conservation, restoration, replication, or replacement of items in United States Senate Collection. 923

(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 Title 2 shall be available for the expenses incurred, 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 of 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 works, objects, document, or material historically accurate.

(b) United States Senate Collection

All such works, objects, documents or material referred to in subsection (a) of this section shall 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. 104–53, § 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, Sept. 29, 1999; Pub.L. 106–57, § 309, 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.)

924 § 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.

(d) Omitted (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.)

Part D.—Miscellaneous

§ 2131. National Statuary Hall. 925

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 exceeding 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 indicated in this section. (R.S. § 1814; Aug. 15, 1876, ch. 287, § 1, 19 Stat. 147; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

§ 2131a. Eligibility for placement of statues in National Statuary Hall. 926

(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.)

§ 2132. Replacement of statue in Statuary Hall. 927

(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 statue

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 hereafter from the States under such section. (Pub.L. 106–554, § 1(a)(2) [Title III, § 311], Dec. 21, 2000, 114 Stat. 2763, 2763A–119.)

928 § 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.)

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 on 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."

§ 2134. Art exhibits. **929**

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. (Mar. 3, 1879, ch. 182, § 1, 20 Stat. 391.)

§ 2135. Private studios and works of art. **930**

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, § 1, 18 Stat. 376.)

Subchapter VI.—Botanic Garden and National Garden

§ 2141. Supervision of Botanic Garden. **931**

The supervision of the Capitol police shall extend over the Botanical Garden. (R.S. § 1826.)

§ 2142. Superintendent, etc., of Botanic Garden and greenhouses. **932**

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.)

§ 2145. Restriction on use of appropriation for Botanic Garden. **933**

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. (July 31, 1958, Pub.L. 85–570, § 101, 72 Stat. 450.)

§ 2146. National Garden. **934**

(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; 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.)

Subchapter VII.—Other Entities and Services

§ 2161. John W. McCormack Residential Page School. 935

(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 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 5101 to 5107 and 5109 of title 40 and sections 1922, 1961, 1966, 1967, and 1969 of this title.

(g) Designation; employment of services under supervision and control of Architect of Capitol; joint approval and direction of Speaker and President pro tempore; annual estimates to Congress; regulations governing Architect of 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) Sections 88(a) and 88(b) of title 2 unaffected

Nothing in section 88b–1 of title 2 and this section shall affect the operation of section 88b of title 2, relating to educational facilities of pages and other minors who are congressional employees. (Oct. 26, 1970, Pub.L. 91–510, § 492, 84 Stat. 1199; Dec. 24, 1973, Pub.L. 93–198, § 421, 87 Stat. 789; Aug. 20, 1996, Pub.L. 104–186, Title II, § 204(34)(c), 110 Stat. 1734.)

ACQUISITION OF PROPERTY AS AN ADDITION TO THE CAPITOL GROUNDS

To enable the Architect of the Capitol to acquire on behalf of the United States, as an addition to the United States Capitol Grounds, by purchase, condemnation, transfer, or otherwise, all publicly or privately owned property contained in square 764 in the District of Columbia, and all alleys or parts of alleys contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided,* That any proceeding for condemnation brought under this paragraph shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368): *Provided further,* That for the purposes of this paragraph, square 764 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further,* That notwithstanding any other provision of law, any real property owned by the United States and any public alleys or parts of alleys and streets contained within the curblines surrounding such square shall, upon request of the Architect of the Capitol, be transferred to the jurisdiction and control of the Architect of the Capitol without reimbursement or transfer of funds, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to part III of Reorganization Plan numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol: *Provided further,* That, upon acquisition of such real property pursuant to this paragraph, the Architect of the Capitol is authorized to use such property as a green park area, pending its development for permanent use as the site of the John W. McCormack Residential Page School, subject to the approval of the Senate Office Building Commission and the House Office Building Commission: *Provided further,* That the jurisdiction of the Capitol Police shall extend over any real property acquired under this paragraph and such property shall become a part of the United States Capitol Grounds and be subject to the provisions of sections 193a–193m, 212a, and 212b of title 40, United States Code: *Provided further,* That the Architect of the Capitol, under the direction of the Senate Office Building Commission and the House Office Building Commission, is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the provisions of this paragraph; $1,450,000, to remain available until expended. (Oct. 31, 1972, Pub.L. 92–607, 86 Stat. 1512.)

§ 2162a. Promoting maximum efficiency in operation of Capitol Power Plant. 936

(a) Steam boilers

(1) In general

The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures and adjusting the operation of the boilers to take into account variations in demand, including seasonality, for the use of the system.

(2) Effective date

The Architect shall implement the steps required under paragraph (1) not later than 30 days after December 19, 2007.

(b) Chiller plant

(1) In general

The Architect of the Capitol shall take such steps as may be necessary to operate the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting water temperatures and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the system.

(2) Effective date

The Architect shall implement the steps required under paragraph (1) not later than 30 days after December 19, 2007.

(c) Meters

Not later than 90 days after December 19, 2007, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(d) Report on implementation

Not later than 180 days after December 19, 2007, the Architect of the Capitol shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate. (Pub.L. 110–140, Title V, § 504, Dec. 19, 2007, 110 Stat. 1656.)

937 § 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, § 601, Oct. 1, 1976, 90 Stat. 1453.)

938 § 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 House Committee on House Oversight of the House of Representatives, the Senate Committee on Rules and Administration, the United States Cap-

itol 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. (Mar. 12, 1968, Pub.L. 90–264, § 301, 82 Stat. 46; Aug. 20, 1996, Pub.L. 104–186, Title II, § 221(16), 110 Stat. 1750.)

§ 2166. Capitol Guide Service. **939**

(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 Administration 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 regulation 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 purposes 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.)

Subchapter VIII.—Miscellaneous

§ 2181. Assignment of space for meetings of joint committees, conference committees, etc. **940**

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, § 242, 60 Stat. 839.)

§ 2183. Protection of buildings and property. **941**

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.)

CROSS REFERENCES

Policing of Capitol building and grounds, see section 1961 of this title.

§ 2184. Purchase of furniture or carpets for House or Senate. **942**

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, §§ 102, 121, 224, 60 Stat. 814, 822, 838; Aug. 20, 1996, Pub.L. 104–186, Title II, § 221(2), 110 Stat. 1748.)

TITLE 3.—THE PRESIDENT

Chapter 1.—PRESIDENTIAL ELECTIONS AND VACANCIES

960 § 1. Time of appointing electors.

The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President. (June 25, 1948, ch. 644, § 1, 62 Stat. 672.)

961 § 2. Failure to make choice on prescribed day.

Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct. (June 25, 1948, ch. 644, § 1, 62 Stat. 672.)

962 § 3. Number of electors.

The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives. (June 25, 1948, ch. 644, § 1, 62 Stat. 672.)

963 § 4. Vacancies in electoral college.

Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (June 25, 1948, ch. 644, § 1, 62 Stat. 673.)

964 § 5. Determination of controversy as to appointment of electors.

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned. (June 25, 1948, ch. 644, § 1, 62 Stat. 673.)

965 § 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection.

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws

of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States, a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States, shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States, at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration. (June 25, 1948, ch. 644, 62 Stat. 673; Oct. 31, 1951, ch. 655, § 6, 65 Stat. 711; Oct. 19, 1984, Pub.L. 98–497, Title I, § 107(e)(1), (2)(A), 98 Stat. 2291.)

§ 7. Meeting and vote of electors. **966**

The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct. (June 25, 1948, ch. 644, § 1, 62 Stat. 673.)

§ 8. Manner of voting. **967**

The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution. (June 25, 1948, ch. 644, § 1, 62 Stat. 674.)

§ 9. Certificates of votes for President and Vice President. **968**

The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State. (June 25, 1948, ch. 644, § 1, 62 Stat. 674.)

§ 10. Sealing and endorsing certificates. **969**

The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such States given for President, and of all the votes given for Vice President, are contained therein. (June 25, 1948, ch. 644, § 1, 62 Stat. 674.)

970 § 11. Disposition of certificates.

The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Archivist of the United States at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Archivist of the United States for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled. (Oct. 31, 1951, ch. 655, § 7, 65 Stat. 712; Oct. 19, 1984, Pub.L. 98–497, Title I, § 107(e)(1), 98 Stat. 2291.)

971 § 12. Failure of certificates of electors to reach President of Senate or Archivist of the United States; demand on State for certificate.

When no certificate of vote and list mentioned in sections 9 and 11 of this title from any State shall have been received by the President of the Senate or by the Archivist of the United States by the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government. (Oct. 31, 1951, ch. 655, § 8, 65 Stat. 712; Oct. 19, 1984, Pub.L. 98–497, Title I, § 107(e)(1), (2)(B), 98 Stat. 2291.)

972 § 13. Same; demand on district judge for certificate.

When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall send a special messenger to the district judge in whose custody one certificate of votes from the State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government. (Oct. 31, 1951, ch. 655, § 9, 65 Stat. 712; Oct. 19, 1984, Pub.L. 98–497, Title I, § 107(e)(1), 98 Stat. 2291.)

973 § 14. Forfeiture for messenger's neglect of duty.

Every person who, having been appointed, pursuant to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment,

shall neglect to perform the services required from him, shall forfeit the sum of $1,000. (June 25, 1948, ch. 644, § 1, 62 Stat. 675.)

§ 15. Counting electoral votes in Congress. **974**

Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently

decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of. (June 25, 1948, ch. 644, § 1, 62 Stat. 675.)

975 § 16. Same; seats for officers and Members of two Houses in joint meeting.

At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this subchapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House. (June 25, 1948, ch. 644, § 1, 62 Stat. 676.)

976 § 17. Same; limit of debate in each House.

When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate. (June 25, 1948, ch. 644, § 1, 62 Stat. 676.)

§ 18. Same; parliamentary procedure at joint meeting. 977

While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw. (Sept. 3, 1954, ch. 1263, § 3, 68 Stat. 1227.)

§ 19. Vacancy in offices of both President and Vice President; officers eligible to act. 978

(a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs, Secretary of Homeland Security.

(2) An individual acting as President under this subsection shall continue to do so until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President. (June 25, 1948, ch. 644, § 1, 62 Stat. 677; Sept. 9, 1965, Pub.L. 89–174, § 6(a), 79 Stat. 669; Oct. 15, 1966, Pub.L. 89–670, § 10(a), 80 Stat. 948; Aug. 12, 1970, Pub.L. 91–375, § 6(b), 84 Stat. 775; Aug. 4, 1977, Pub.L. 95–91, Title VII, § 709(g), 91 Stat. 609; Oct. 17, 1979, Pub.L. 96–88, Title V, § 508(a), 93 Stat. 692; Oct. 25, 1988, Pub.L. 100–527, § 13(a), 102 Stat. 2643; Oct. 11, 1996, Pub.L. 104–287, § 7(5), 110 Stat. 3400; Mar. 9, 2006, Pub.L. 109–177, Title V, § 503, 120 Stat. 247.)

979 § 20. Resignation or refusal of office.

The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State. (June 25, 1948, ch. 644, § 1, 62 Stat. 678.)

980 § 21. Definitions.

As used in this chapter the term—

(a) "State" includes the District of Columbia.

(b) "executives of each State" includes the Board of Commissioners of the District of Columbia. (Oct. 4, 1961, Pub.L. 87–389, § 2(a), 75 Stat. 820.)

Chapter 2.—OFFICE AND COMPENSATION OF PRESIDENT

981 § 101. Commencement of term of office.

The term of four years for which a President and Vice President shall be elected, shall, in all cases, commence on the 20th day of January next succeeding the day on which the votes of the electors have been given. (June 25, 1948, ch. 644, § 1, 62 Stat. 678.)

982 § 104. Salary of the Vice President.

(a) The per annum rate of salary of the Vice President of the United States shall be the rate determined for such position under chapter 11 of title 2, as adjusted under this section. Subject to subsection (b), effective at the beginning of the first month in which an adjustment takes effect under section 5303 of title 5 in the rates of pay under the General Schedule, the salary of the Vice President shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the nearest higher multiple of $100),

equal to the percentage of such per annum 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 the second and third sentences of subsection (a) in any calendar year (before rounding) 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. (June 25, 1948, ch. 644, 62 Stat. 678; Jan. 19, 1949, ch. 2, § 1(b), 63 Stat. 4; Mar. 2, 1955, ch. 9, § 4(c), 69 Stat. 11; Pub.L. 88–426, Title III, § 304(a), Aug. 14, 1964, 78 Stat. 422; Pub.L. 91–67, § 1, Sept. 15, 1969, 83 Stat. 106; Pub.L. 94–82, Title II, § 203, Aug. 9, 1975, 89 Stat. 420; Pub.L. 97–257, Title I, § 105(b), Sept. 10, 1982, 96 Stat. 849; Pub.L. 101–194, Title VII, § 704(a)(2)(A), Nov. 30, 1989, 103 Stat. 1769; Pub.L. 101–509, Title V, § 529 (Title I, § 101(b)(4)(I)), Nov. 5, 1990, 104 Stat. 1427, 1440; Pub.L. 103–356, Title I, § 101(2), Oct. 13, 1994, 108 Stat. 3410.)

§ 111. Expense allowance of Vice President. **983**

There shall be paid to the Vice President in equal monthly installments an expense allowance of $20,000 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(c), 63 Stat. 4; Oct. 20, 1951, ch. 521, § 619(b), 65 Stat. 570; Feb. 20, 2003, Pub.L. 108–7, Div. H, Title I, § 1(a), 117 Stat. 348.)

TITLE 4.—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

Chapter 4.—THE STATES

985 § 113. Residence of Members of Congress for State income tax laws.

(a) No State, or political subdivision thereof, in which a Member of Congress maintains a place of abode for purposes of attending sessions of Congress may, for purposes of any income tax (as defined in section 110(c) of this title) levied by such State or political subdivision thereof—

(1) treat such Member as a resident or domiciliary of such State or political subdivision thereof; or

(2) treat any compensation paid by the United States to such Member as income for services performed within, or from sources within, such State or political subdivision thereof,

unless such Member represents such State or a district in such State.

(b) For purposes of subsection (a)—

(1) the term "Member of Congress" includes the delegates from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner from Puerto Rico; and

(2) the term "State" includes the District of Columbia. (July 19, 1977, Pub.L. 95–97, § 1(a), 91 Stat. 271.)

TITLE 5.—GOVERNMENT ORGANIZATION AND EMPLOYEES

Chapter 8.—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

§ 801. Congressional review. **990**

(a)(1)(A) Before a rule can take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule, including whether it is a major rule; and

(iii) the proposed effective date of the rule.

(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction in each House of the Congress by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

(3) A major rule relating to a report submitted under paragraph (1) shall take effect on the latest of—

(A) the later of the date occurring 60 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register, if so published;

(B) if the Congress passes a joint resolution of disapproval described in section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date of rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

(b)(1) A rule shall not take effect (or continue), if the Congress enacts a joint resolution of disapproval, described under section 802, of the rule.

(2) A rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of subsection (a)(3) may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) necessary for national security; or

(D) issued pursuant to any statute implementing an international trade agreement.

(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

(A) in the case of the Senate; 60 session days, or

(B) in the case of the House of Representatives; 60 legislative days,

before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect) on—

(I) in the case of the Senate, the 15th session day, or

(II) in the case of the House of Representatives, the 15th legislative day, after the succeeding session of Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

(e)(1) For purposes of this subsection, section 802 shall also apply to any major rule promulgated between March 1, 1996, and the date of the enactment of this chapter.

(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register on the date of enactment of this chapter; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 802.

(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

(g) If the Congress does not enact a joint resolution of disapproval under section 802 respecting a rule, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval. (Added Pub.L. 104–121, Title II, § 251, Mar. 29, 1996, 110 Stat. 868.)

§ 802. Congressional disapproval procedure. **991**

(a) For purposes of this section, the term "joint resolution" means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: "That Congress disapproves the rule submitted by the _____ relating to _____, and such rule shall have no force or effect." (The blank spaces being appropriately filled in).

(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

(2) For purposes of this section, the term "submission or publication date" means the later of the date on which—

(A) the Congress receives the report submitted under section 801(a)(1); or

(B) the rule is published in the Federal Register, if so published.

(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. 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 joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) 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 (a) shall be decided without debate.

(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a rule—

(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(1) The joint resolution of the other House shall not be referred to a committee.

(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

(g) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure 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. (Added Pub.L. 104–121, Title II, § 251, Mar. 29, 1996, 110 Stat. 871.)

§ 803. Special rule on statutory, regulatory, and judicial deadlines. **992**

(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of enactment of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

(b) The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation. (Added Pub.L. 104–121, Title II, § 251, Mar. 29, 1996, 110 Stat. 873.)

§ 804. Definitions. **993**

For purposes of this chapter—

(1) The term "Federal agency" means any agency as that term is defined in section 551(1).

(2) The term "major rule" means any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

(A) an annual effect on the economy of $100,000,000 or more;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The term does not include any rule promulgated under the Telecommunications Act of 1996 and the amendments made by that Act.

(3) The term "rule" has the meaning given such term in section 551, except that such term does not include—

(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing; thereof, or accounting practices or disclosures bearing on any of the foregoing;

(B) any rule relating to agency management or personnel; or

(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. (Added Pub.L. 104–121, Title II, § 251, Mar. 29, 1996, 110 Stat. 873.)

994 § 805. Judicial review.

No determination, finding, action, or omission under this chapter shall be subject to judicial review. (Added Pub.L. 104–121, Title II, § 251, Mar. 29, 1996, 110 Stat. 873.)

995 § 806. Applicability; severability.

(a) This chapter shall apply notwithstanding any other provisions of law.

(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby. (Added Pub.L. 104–121, Title II, § 251, Mar. 29, 1996, 110 Stat. 873.)

996 § 807. Exemption for monetary policy.

Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee. (Added Pub.L. 104–121, Title II, § 251, Mar. 29, 1996, 110 Stat. 874.)

997 § 808. Effective date of certain rules.

Notwithstanding section 801—

(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping, or

(2) any rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines. (Added Pub.L. 104–121, Title II, § 251, Mar. 29, 1996, 110 Stat. 874.)

Chapter 29.—COMMISSIONS, OATHS, RECORDS, AND REPORTS

Subchapter I.—Commissions, Oaths, and Records

§ 2905. Oath; renewal.[1] 998

* * * * * * *

(b) An individual who, on appointment, as an employee of a House of Congress, subscribed to the oath of office required by section 3331 of this title is not required to renew the oath so long as his service as an employee of that House of Congress is continuous. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 412.)

Subchapter II.—Reports

§ 2954. Information to committees of Congress on request. 999

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Governmental Affairs of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 413; Nov. 2, 1994, Pub.L. 103–437, § 3(b), 108 Stat. 4581.)

Chapter 31.—AUTHORITY FOR EMPLOYMENT

§ 3110. Employment of relatives; restrictions. 1000

(a) For the purpose of this section—

(1) "agency" means—

(A) an Executive agency;

(B) an office, agency, or other establishment in the legislative branch;

(C) an office, agency, or other establishment in the judicial branch; and

(D) the government of the District of Columbia;

(2) "public official" means an officer (including the President and a Member of Congress), a member of the uniformed service, and employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement, in connection with employment in an agency; and

(3) "relative" means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over

[1] For text of oath to be taken by employees of the Senate and House of Representatives, see section 3331 of title 5, United States Code (not included herein).

which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

(d) The Office of Personnel Management may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible. (Dec. 16, 1967, Pub.L. 90–206, § 221(a), 81 Stat. 640; Oct. 13, 1978, Pub.L. 95–454, § 906(a)(2), 92 Stat. 1224.)

Chapter 33.—EXAMINATION, SELECTION, AND PLACEMENT

Subchapter II.—Oath of Office

1001 § 3333. Employee affidavit; loyalty and striking against the Government.

(a) Except as provided by subsection (b) of this section, an individual who accepts office or employment in the Government of the United States or in the government of the District of Columbia shall execute an affidavit within 60 days after accepting the office or employment that his acceptance and holding of the office or employment does not or will not violate section 7311 of this title. The affidavit is prima facie evidence that the acceptance and holding of office or employment by the affiant does not or will not violate section 7311 of this title.

(b) An affidavit is not required from an individual employed by the Government of the United States or the government of the District of Columbia for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. This subsection does not relieve an individual from liability for violation of section 7311 of this title. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 424.)

Chapter 55.—PAY ADMINISTRATION

Subchapter I.—General Provisions

1002 § 5503. Recess appointments.[1]

(a) Payment for services may not be made from the Treasury of the United States to an individual appointed during a recess of the Senate

[1] For proceedings on nominations see rule XXXI of the Standing Rules of the Senate (Senate Manual section **31**).

to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until the appointee has been confirmed by the Senate. This subsection does not apply—

(1) if the vacancy arose within 30 days before the end of the session of the Senate;

(2) if, at the end of the session, a nomination for the office, other than the nomination of an individual appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or

(3) if a nomination for the office was rejected by the Senate within 30 days before the end of the session and an individual other than the one whose nomination was rejected thereafter receives a recess appointment.

(b) A nomination to fill a vacancy referred to by paragraph (1), (2), or (3) of subsection (a) of this section shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 475.)

Subchapter IV.—Dual Pay and Dual Employment

§ 5531. Definitions. 1003

For the purpose of section 5533 of this title—

(1) "member" has the meaning given such term by section 101(23) of title 37;

(2) "position" means a civilian office or position (including a temporary, part-time, or intermittent position), appointive or elective, in the legislative, executive, or judicial branch of the Government of the United States (including a Government corporation and a nonappropriated fund instrumentality under the jurisdiction of the armed forces) or in the government of the District of Columbia;

(3) "retired or retainer pay" means retired pay, as defined in section 8311(3) of this title, determined without regard to subparagraphs (B) through (D) of such section 8311(3); except that such term does not include an annuity payable to an eligible beneficiary of a member or former member of a uniformed service under chapter 73 of title 10;

(4) "agency in the legislative branch" means the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Office of the Architect of the Capitol, the United States Botanic Garden, and the Congressional Budget Office;

(5) "employee of the House of Representatives" means a congressional employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives;

(6) "employee of the Senate" means a congressional employee whose pay is disbursed by the Secretary of the Senate; and

(7) "congressional employee" has the meaning given that term by section 2107 of this title, excluding an employee of an agency in the legislative branch. (Dec. 5, 1991; Pub.L. 102–290; 105 Stat. 1391; Pub.L. 104–186, Title II, § 215(6), Aug. 20, 1996, 110 Stat. 1745; Pub.L. 106–398, § 1, Oct. 30, 2000, 114 Stat. 1654, 1654A–293; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

1004 § 5532 **Repealed** (Pub.L. 106–65, Title VI, § 651(a)(1), Oct. 5, 1999, 113 Stat. 664.).

* * * * * * *

1005 **§ 5533. Dual pay from more than one position; limitations; exceptions.**

* * * * * * *

(c)(1) Unless otherwise authorized by law and except as otherwise provided by paragraph (2) or (4) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if the aggregate gross pay from the positions exceeds $7,724 a year ($10,540,[1] in the case of pay disbursed by the Secretary of the Senate).

(2) Notwithstanding paragraph (1) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position, for each of which the pay is disbursed by the Chief Administrative Officer of the House of Representatives, if the aggregate gross pay from those positions exceeds the maximum per annum gross rate of pay authorized to be paid to an employee out of the clerk hire allowance of a Member of the House.

(3) For the purposes of this subsection, "gross pay" means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual.

(4) Paragraph (1) of this subsection does not apply to pay on a when-actually-employed basis received from more than one consultant or expert position if the pay is not received for the same day. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 483; July 28, 1967, Pub.L. 90–57, § 105(h), 81 Stat. 143; Dec. 16, 1967, Pub.L. 90–206, § 214(o), 81 Stat. 637; June 12, 1968, Order of President pro tempore, Cong. Rec. Vol. 114, p. S7074 (June 12, 1968, daily ed.), pursuant to Act Dec. 16, 1967, Pub.L. 90–206, § 214(o), 81 Stat. 637; Oct. 26, 1970, Pub.L. 91–510, § 477, 84 Stat. 1195; Nov. 1, 1973, Pub.L. 93–145, § 101, 87 Stat. 532; Oct. 1, 1976, Pub.L. 94–440, § 103, 90 Stat. 1443; Pub.L. 95–454, Title IX, § 906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub.L. 96–70, Title III, § 3302(e)(8), Sept. 27, 1979, 93 Stat. 498; Pub.L. 104–186, Title II, § 215(7), Aug. 20, 1996, 110 Stat. 1745.)

Chapter 57.—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

Subchapter I.—Travel and Subsistence Expenses; Mileage Allowances

1006 **§ 5702. Per diem; employees traveling on official business.**

(a)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee when traveling on official business away from the employee's designated post of duty, or away from the employee's home

[1] Effective January 1, 2007, for individuals whose pay is disbursed by the Secretary of the Senate, the figure is "$30,827". (Feb. 16, 2007, Order of the President pro tempore, pursuant to Act Jan. 8, 1971, Pub.L. 91–656, § 4, 84 Stat. 1952.)

or regular place of business (if the employee is described in section 5703 of this title), is entitled to any one of the following:

(A) a per diem allowance at a rate not to exceed that established by the Administrator of General Services for travel within the continental United States, and by the President or his designee for travel outside the continental United States;

(B) reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Administrator for travel within the continental United States or an amount established by the President or his designee for travel outside the continental United States; or

(C) a combination of payments described in subparagraphs (A) and (B) of this paragraph.

(2) Any per diem allowance or maximum amount of reimbursement shall be established to the extent feasible, by locality.

(3) For travel consuming less than a full day, the payment prescribed by regulation shall be allocated in such manner as the Administrator may prescribe.

(b)(1) Under regulations prescribed under section 5707 of this title, an employee who is described in subsection (a) of this section and who abandons the travel assignment prior to its completion—

(A) because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to reimbursement for expenses of transportation to the employee's designated post of duty, or home or regular place of business, as the case may be, and to payments pursuant to subsection (a) of this section until that location is reached; or

(B) because of a personal emergency situation (such as serious illness, injury, or death of a member of the employee's family, or an emergency situation such as fire, flood, or act of God), may be allowed, with the approval of an appropriate official of the agency concerned, reimbursement for expenses of transportation to the employee's designated post of duty, or home or regular place of business, as the case may be, and payments pursuant to subsection (a) of this section until that location is reached.

(2)(A) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who, with the approval of an appropriate official of the agency concerned, interrupts the travel assignment prior to its completion for a reason specified in subparagraph (A) or (B) of paragraph (1) of this subsection, may be allowed (subject to the limitation provided in subparagraph (B) of this paragraph)—

(i) reimbursement for expenses of transportation to the location where necessary medical services are provided or the emergency situation exists,

(ii) payments pursuant to subsection (a) of this section until that location is reached, and

(iii) such reimbursement and payments for return to such assignment.

(B) The reimbursement which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be the employee's actual costs of transportation to the location where necessary medical services are provided or the emergency exists, and return to assignment from

such location, less the costs of transportation which the employee would have incurred had such travel begun and ended at the employee's designated post of duty or home or regular place of business, as the case may be. The payments which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be based on the additional time (if any) which was required for the employee's transportation as a consequence of the transportation's having begun and ended at a location on the travel assignment (rather than at the employee's designated post of duty, or home or regular place of business, as the case may be).

(3) Subject to the limitations contained in regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who interrupts the travel assignment prior to its completion because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to payments pursuant to subsection (a) of this section at the location where the interruption occurred.

(c) This section does not apply to a justice or judge, except to the extent provided by section 456 of title 28. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 498; Nov. 10, 1969, Pub.L. 91–114, § 1, 83 Stat. 190; May 19, 1975, Pub.L. 94–22, § 3, 89 Stat. 84; Aug. 14, 1979, Pub.L. 96–54, § 2(a)(36), 93 Stat. 383; Sept. 10, 1980, Pub.L. 96–346, § 1, 94 Stat. 1148; Pub.L. 99–234, § 102, Jan. 2, 1986, 99 Stat. 1756; Pub.L. 102–378, § 2(47), Oct. 2, 1992, 106 Stat. 1353.)

1007 § 5704. Mileage and related allowances.

(a)(1) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of a privately owned automobile when that mode of transportation is authorized or approved as more advantageous to the Government. In any year in which the Internal Revenue Service establishes a single standard mileage rate for optional use by taxpayers in computing the deductible costs of operating their automobiles for business purposes, the rate per mile established by the Administrator shall not exceed the single standard mileage rate established by the Internal Revenue Service.

(2) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to a rate per mile established by the Administrator of General Services, instead of the actual expenses of transportation, for the use of privately owned airplane or a privately owned motorcycle when that mode of transportation is authorized or approved as more advantageous to the Government.

(b) A determination that travel by a privately owned vehicle is more advantageous to the Government is not required under subsection (a) of this section when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

(d) In addition to the rate per mile authorized under subsection (a) of this section, the employee may be reimbursed for—

(1) parking fees;

(2) ferry fees;

(3) bridge, road, and tunnel costs; and

(4) airplane landing and tie-down fees. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 499; May 19, 1975, Pub.L. 94–22, § 5, 89 Stat. 85; Sept. 10, 1980, Pub.L. 96–346, § 2, 94 Stat. 1148; Sept. 30, 1994, Pub.L. 103–329, Title VI, § 634(a), 108 Stat. 2428.)

§ 5706. Allowable travel expenses. **1008**

Except as otherwise permitted by this subchapter or by statutes relating to members of the uniformed services, only actual and necessary travel expenses may be allowed to an individual holding employment or appointment under the United States. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 500.)

§ 5708. Effect on other statutes. **1009**

This subchapter does not modify or repeal—

* * * * * * *

(2) any statute providing for mileage allowances for Members of Congress;

(3) any statute fixing or permitting rates higher than the maximum rates established under this subchapter; or

(4) any appropriation statute item for examination of estimates in the field. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 500.)

Subchapter III.—Transportation of Remains, Dependents, and Effects

§ 5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad. **1010**

(a) For the purpose of this section, "agency" means—

* * * * * * *

(3) an agency in the legislative branch; and . . .

(b) When an employee dies, the head of the agency concerned, under the regulations prescribed by the President and, except as otherwise provided by law, may pay from appropriations available for the activity in which the employee was engaged—

(1) the expense of preparing and transporting the remains to the home or official station of the employee, or such other place appropriate for interment as is determined by the head of the agency concerned, if death occurred while the employee was in a travel status away from his official station in the United States or while performing official duties outside the continental United States or in transit thereto or therefrom;

(2) the expense of transporting his dependents, including expenses of packing, crating, draying, and transporting household effects and other personal property to his former home or such other place as is determined by the head of the agency concerned, if death occurred while the employee was performing official duties outside the continental United States or in transit thereto or therefrom; and

(3) the travel expenses of not more than 2 persons to escort the remains of a deceased employee, if death occurred while the employee was in travel status away from his official station in the United States or while performing official duties outside the United States or in transit thereto or therefrom, from the place of death to the home or official station of such person, or such other place appropriate for interment as is determined by the head of the agency concerned. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 507; Pub.L. 101–510; § 1206(d), Nov. 5, 1990, 104 Stat. 1661; Pub.L. 105–277, Oct. 21, 1998, 112 Stat. 2681–210.)

Chapter 73.—SUITABILITY, SECURITY, AND CONDUCT

Subchapter II.—Employment Limitations

1011 § 7311. Loyalty and striking.

An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia. (Sept. 6, 1966, Pub.L. 89–554, 80 Stat. 524.)

Subchapter IV.—Foreign Gifts and Decorations

1012 § 7342. Receipt and disposition of foreign gifts and decorations.

(a) For the purpose of this section—

(1) "employee" means—

(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Regulatory Commission;

(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

(D) a member of a uniformed service;

(E) the President and the Vice President;

(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

(2) "foreign government" means—

(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

(C) any agent or representative of any such unit or such organization, while acting as such;

(3) "gift" means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

(4) "decoration" means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

(5) "minimal value" means a retail value in the United States at the time of acceptance of $100 or less, except that—

(A) on January 1, 1981, and at 3-year intervals thereafter, "minimal value" shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

(B) regulations of an employing agency may define "minimal value" for its employees to be less than the value established under this paragraph; and

(6) "employing agency" means—

(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2), (d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

(b) An employee may not—

(1) request or otherwise encourage the tender of a gift or decoration; or

(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

(c)(1) The Congress consents to—

(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

(A) deposit the gift for disposal with his or her employing agency; or

(B) subject to the approval of the employing agency, deposit the gift with that agency for official use.

Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of subtitle I of Title 40 and Title III of the Federal

Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

(2) Such listings shall include for each tangible gift reported—

(A) the name and position of the employee;

(B) a brief description of the gift and the circumstances justifying acceptance;

(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

(D) the date of acceptance of the gift;

(E) the estimated value in the United States of the gift at the time of acceptance; and

(F) disposition or current location of the gift.

(3) Such listings shall include for each gift of travel or travel expenses—

(A) the name and position of the employee;

(B) a brief description of the gift and the circumstances justifying acceptance; and

(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

(4)(A) In transmitting such listings for the Central Intelligence Agency, the Director of the Central Intelligence Agency may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3)

if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

(B) In transmitting such listings for the Office of the Director of National Intelligence, the Director of National Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

(2) Each employing agency shall—

(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

(B) establish a procedure for obtaining an appraisal; when necessary, of the value of gifts; and

(C) take any other actions necessary to carry out the purpose of this section.

(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies. (Sept. 11, 1967, Pub.L. 90–83, § 1(45)(C), 81 Stat. 208; Aug. 17, 1977, Pub.L. 95–105, § 515, 91 Stat. 862; Oct. 7, 1978, Pub.L. 95–426, § 712(a)–(c), 92 Stat. 994; Pub.L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub.L. 107–217, § 3(a), Aug. 21, 2002, 116 Stat. 1295; Pub.L. 108–458, Title I, § 1079(b), Dec. 17, 2004, 118 Stat. 3696; Pub.L. 109–435, Title VI, § 604(b), Dec. 20, 2006, 120 Stat. 3241.)

Chapter 81.—COMPENSATION FOR WORK INJURIES

1013 §§ 8101–8152.

NOTE.—Since it is not feasible to reproduce in the Senate Manual all the pertinent provisions of law relating to compensation for work injuries sustained by employees of the Congress, reference only is made here to those provisions. *See* sections 8101–8152 of title 5, United States Code.

Chapters 83 and 84.—RETIREMENT

§§ 8331–8351, §§ 8401–8479, and sections 201–208 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983. 1014

NOTE.—Since it is not feasible to reproduce in the Senate Manual all the pertinent provisions of law relating to retirement benefits of Members and employees of Congress, reference only is made here to those provisions. *See* subchapter III of chapter 83 of title 5, United States Code, and chapter 84 of such title (as added by the Federal Employees' Retirement System Act of 1986; Pub.L. 99–335, 100 Stat. 514).

Chapter 87.—LIFE INSURANCE

§§ 8701–8716. 1015

NOTE.—Since it is not feasible to reproduce in the Senate Manual all the pertinent provisions of law relating to group life insurance for Members and employees of Congress, reference only is made here to those provisions. *See* sections 8701–8716 of title 5, United States Code.

Chapter 89.—HEALTH INSURANCE

§§ 8901–8914. 1016

NOTE.—Since it is not feasible to reproduce in the Senate Manual all the pertinent provisions of law relating to health benefits of Members and employees of Congress, reference only is made here to those provisions. *See* sections 8901–8914 of title 5, United States Code.

Title 5.—APPENDIX

FEDERAL ADVISORY COMMITTEE ACT 1017

(Oct. 6, 1972, Pub.L. 92–463, 86 Stat. 770; Sept. 13, 1976, Pub.L. 94–409, § 5(c), 90 Stat. 1247; Dec. 12, 1980, Pub.L. 96–523, § 2, 94 Stat. 3040; Dec. 21, 1982, Pub.L. 97–375, § 201(c), 96 Stat. 1822; 1977 Reorg. Plan No. 1, Sec. 5F, Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634; Pub.L. 105–153, § 2(a), Dec. 17, 1997, 111 Stat. 2689).

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration.

(3) The term "agency" has the same meaning as in section 551(1) of title 5, United States Code.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

APPLICABILITY

SEC. 4. (a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by—

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

SEC. 5. (a) In the exercise of its legislative review functions, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgement;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or

employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

* * * * * * *

ESTABLISHMENT AND PURPOSE OF ADVISORY COMMITTEES

SEC. 9. (a) No advisory committee shall be established unless such establishment is—

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Administrator, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

* * * * * * *

(Oct. 6, 1972, Pub.L. 92–463, 86 Stat. 770; 1997 Reorg. Plan No. 1 § 5F; 91 Stat. 1634.)

Title 5.—APPENDIX

Ethics in Government Act of 1978

TITLE I.—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

1018 § 101. Persons required to file.

(a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O–6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) The officers and employees referred to in subsections (a), (d), and (e) are—

(1) the President;

(2) the Vice President;

(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; each member of a uniformed service whose pay grade is at or in excess of O–7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Regulatory Commission who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule;

(7) the Director of the Office of Government Ethics and each designated agency ethics official;

(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President;

(9) a Member of Congress as defined under section 109(12);

(10) an officer or employee of the Congress as defined under section 109(13);

(11) a judicial officer as defined under section 109(10); and

(12) a judicial employee as defined under section 109(8).

(g)(1) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

(i) the last day of the individual's service in such area during such designated period; or

(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.

(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

(2) the report required by subsection (e) shall be filed as provided in such subsection.

(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—

(1) such individual is not a full-time employee of the Government,

(2) such individual is able to provide services specially needed by the Government,

(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) public financial disclosure by such individual is not necessary in the circumstances. (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; Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1725; Pub.L. 101–280, § 3(1), (2), May 4, 1990, 104 Stat. 152; Pub.L. 102–25, Title VI, § 605(a), Apr. 6, 1991, 105 Stat. 110; Pub.L. 102–378, § 4(a)(1), Oct. 2, 1992, 106 Stat. 1356; Pub.L. 109–435, Title VI, § 604(c), Dec. 20, 2006, 120 Stat. 3241.)

1019 § 102. Contents of reports.

(a) Each report filed pursuant to section 101 (d) and (e) shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other

than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and the reporting individual shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds $200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

(i) not more than $1,000,

(ii) greater than $1,000 but not more than $2,500,

(iii) greater than $2,500 but not more than $5,000,

(iv) greater than $5,000 but not more than $15,000,

(v) greater than $15,000 but not more than $50,000,

(vi) greater than $50,000 but not more than $100,000,

(vii) greater than $100,000 but not more than $1,000,000,

(viii) greater than $1,000,000 but not more than $5,000,000, or

(ix) greater than $5,000,000.

(2)(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of $100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

(B) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater and received during the preceding calendar year.

(C) In an unusual case, a gift need not be aggregated under subparagraph (A) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit

in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed $10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds $1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of $5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

(i) the identity of each source of such compensation; and

(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.

(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—

(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year.

(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

(A) not more than $15,000;

(B) greater than $15,000 but not more than $50,000;

(C) greater than $50,000 but not more than $100,000;

(D) greater than $100,000 but not more than $250,000;

(E) greater than $250,000 but not more than $500,000;

(F) greater than $500,000 but not more than $1,000,000;

(G) greater than $1,000,000 but not more than $5,000,000;

(H) greater than $5,000,000 but not more than $25,000,000;

(I) greater than $25,000,000 but not more than $50,000,000; and

(J) greater than $50,000,000.

(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property

used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceeds $1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(E) In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

(F) For purposes of this section, categories with amounts or values greater than $1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3));

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or

(C) an entity described under the provisions of paragraph (8), but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in

any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from

holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

(E) For purposes of this subsection, "interested party" means a reporting individual, his spouse, and any minor or dependent child; "broker" has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

(F) Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.

(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraph (3)(C) (iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit

amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly and willfully, or negligently, (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly and willfully, or negligently, (i) solicit or receive any information with respect to a qualified

blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection; or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $10,000.

(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

(7) Any trust may be considered to be a qualified blind trust if—

(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

(8) A reporting individual shall not be required to report the financial interest held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(A)(i) the fund is publicly traded; or

(ii) the assets of the fund are widely diversified; and

(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(i) a reporting individual shall not be required under this title to report—

(1) financial interests in or income derived from—

(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

(2) benefits received under the Social Security Act. (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; Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1727; Pub.L. 101–280, § 3(3), May 4, 1990, 104 Stat. 152; Pub.L. 102–90, Title III, § 314(a), Aug. 14, 1991, 105 Stat. 469; Pub.L. 104–65, §§ 20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705.)

1020 § 103. Filing of reports.

(a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2) (A) or (B), 106(a)(1) (A) or (B), or 107 (a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than individuals nominated to be judicial officers and those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

(d) Reports required to be filed under this title by the Director of the Office of Government Ethics shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

(e) Each individual identified in section 101(c) who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this title with the Federal Election Commission.

(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) Each supervising ethics office shall develop and make available forms for reporting the information required by this title.

(h)(1) The reports required under this title shall be filed by a reporting individual with—

(A)(i)(I) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives, an officer or employee of the Architect of the Capitol, the United States Capitol Police, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico; and

(II) the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the Government Accountability Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and

(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

(I) the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as designated in the statute establishing such agency or commission; or

(II) if such statute does not designate such committee, the Secretary of the Senate for agencies and commissions established in even numbered calendar years, and the Clerk of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

(B) the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a) of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

(j)(1) A copy of each report filed under this title with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible. (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; Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1736; Pub.L. 101–280, § 3(1), (4), May 4, 1990, 104 Stat. 152, 153; Pub.L. 102–90, Title III, § 313(1), Aug. 14, 1991, 105 Stat. 469; Pub.L. 104–186, Title II, § 216(1), Aug. 20, 1996, 110 Stat. 1747; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub.L. 109–55, Title I, § 1003(a), Aug. 2, 2005, 119 Stat. 572.)

1021 § 104. Failure to file or filing false reports.

(a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $10,000.

(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period,

shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of $200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch.

(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances. (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; Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub.L. 101–280, § 3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub.L. 101–650, Title IV, § 405, Dec. 1, 1990, 104 Stat. 5124.)

§ 105. Custody of and public access to reports. **1022**

(a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that—

(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, be[1] revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.

(b)(1) Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within thirty days after any report is received under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g). The agency, office, Clerk, or Secretary of

[1] So in original. Probably should be "by".

the Senate, as the case may be, may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) Not withstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(3)(A) This section does not require the immediate and unconditional availability of reports filed by an individual described in section 109(8) or 109(10) of this Act if a finding is made by the Judicial Conference, in consultation with United States Marshall[2] Service, that revealing personal and sensitive information could endanger that individual or a family member of that individual.

(B) A report may be redacted pursuant to this paragraph only—

(i) to the extent necessary to protect the individual who filed the report or a family member of that individual; and

(ii) for as long as the danger to such individual exists.

(C) The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate an annual report with respect to the operation of this paragraph including—

(i) the total number of reports redacted pursuant to this paragraph;

(ii) the total number of individuals whose reports have been redacted pursuant to this paragraph;

(iii) the types of threats against individuals whose reports are redacted, if appropriate;

(iv) the nature or type of information redacted;

(v) what steps or procedures are in place to ensuree that sufficient information is available to litigants to determine if there is a conflict of interest;

(vi) principles used to guide implementation of redaction authority; and

(vii) any public complaints received relating to redaction.

(D) The Judicial Conference, in consultation with the Department of Justice, shall issue regulations setting forth the circumstances under which redaction is appropriate under this paragraph and the procedures for redaction.

(E) This paragraph shall expire on December 31, 2009, and apply to filings through calendar year 2009.

(c)(1) It shall be unlawful for any person to obtain or use a report—

[2] So in original. Probably should be "Marshal".

(A) for any unlawful purpose;

(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(d) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation. (Pub.L. 95–521, Title I, § 105, Oct. 26, 1978, 92 Stat. 1833; Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub.L. 101–280, § 3(6), May 4, 1990, 104 Stat. 154; Pub.L. 102–90, Title III, § 313(2), Aug. 14, 1991, 105 Stat. 469; Pub.L. 103–359, Title V, § 501(m), Oct. 14, 1994, 108 Stat. 3430; Pub.L. 104–201, Div. A, Title XI, § 1122(b)(2), Sept. 23, 1996, 110 Stat. 2687; Pub.L. 105–318, § 7, Oct. 30, 1998, 112 Stat. 3011; Pub.L. 107–126, Jan. 16, 2002, 115 Stat. 2404; Pub.L. 108–136, § 921(g), Nov. 24, 2003, 117 Stat. 1568; Pub.L. 108–458, § 1079(c), Dec. 17, 2004, 118 Stat. 3695; Pub.L. 110–24, §§ 2, 3, May 3, 2007, 121 Stat. 100.)

§ 106. Review of reports. **1023**

(a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

(2) Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in

compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

(2) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a)—

(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

(A) divestiture,

(B) restitution,

(C) the establishment of a blind trust,

(D) request for an exemption under section 208(b) of title 18, United States Code, or

(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office

of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title. (Pub.L. 95–521, Title I, § 106, Oct. 26, 1978, 92 Stat. 1833; Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1739; Pub.L. 101–280, § 3(1), (7), May 4, 1990, 104 Stat. 152, 155.)

§ 107. Confidential reports and other additional requirements. **1024**

(a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation. (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. 101–194, Title II, § 202 Nov. 30, 1989, 103 Stat. 1740.)

1025 § 108. Authority of Comptroller General.

(a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively. (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; Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1741.)

1026 § 109. Definitions.

For the purposes of this title, the term—

(1) "congressional ethics committees" means the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives;

(2) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986;

(3) "designated agency ethics official" means an officer or employee who is designated to administer the provisions of this title within an agency;

(4) "executive branch" includes each Executive agency (as defined in section 105 of title 5, United States Code), other than the Government Accountability Office, and any other entity or administrative unit in the executive branch;

(5) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual;

(6) "honoraria" has the meaning given such term in section 505 of this Act;

(7) "income" means all income from whatever source derived, including but not limited to the following items: compensation for

services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(8) "judicial employee" means any employee of the judicial branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule;

(9) "Judicial Conference" means the Judicial Conference of the United States;

(10) "judicial officer" means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

(11) "legislative branch" includes—

(A) the Architect of the Capitol;

(B) the Botanic Gardens;

(C) the Congressional Budget Office;

(D) the Government Accountability Office;

(E) the Government Printing Office;

(F) the Library of Congress;

(G) the United States Capitol Police;

(H) the Office of Technology Assessment; and

(I) any other agency, entity, office, or commission established in the legislative branch;

(12) "Member of Congress" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) "officer or employee of the Congress" means—

(A) any individual described under subparagraph (B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;

(B)(i) each officer or employee of the legislative branch who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and

(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule;

(14) "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(15) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(16) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

(17) "Secretary concerned" has the meaning set forth in section 101(a)(9) of title 10, United States Code, and, in addition, means—

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration;

(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(C) the Secretary of State, with respect to matters concerning the Foreign Service;

(18) "supervising ethics office" means—

(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with the Secretary of the Senate pursuant to section 103(h) of this title;

(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with the Clerk of the House of Representatives pursuant to section 103(h) of this title;

(C) the Judicial Conference for judicial officers and judicial employees; and

(D) the Office of Government Ethics for all executive branch officers and employees; and

(19) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual. (Pub.L. 95–521, Title I, § 109, Oct. 26, 1978, 92 Stat. 1836; Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1724; Pub.L. 101–280, § 3(1), (8), May 4, 1990, 104 Stat. 152, 155; Pub.L. 102–378, § 4(a)(2), Oct. 2, 1992, 106 Stat. 1357; Pub.L. 102–572, Title IX, § 902(b)(2), Oct. 29, 1992, 106 Stat. 4516; Pub.L. 103–160, Div. A, Title XI, § 1182(d)(3), Nov. 30, 1993, 107 Stat. 1773; Pub.L. 103–337, Div. A, Title IX, § 924(d)(3), Oct. 5, 1994, 108 Stat. 2832; Pub.L. 104–186, Title II, § 216(2), Aug. 20, 1996, 110 Stat. 1747; Pub.L. 105–368, Nov. 11, 1998, 112 Stat. 3342; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

§ 110. Notice of actions taken to comply with ethics agreements. **1027**

(a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a). (Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1744, amended Pub.L. 101–280, § 3(1), May 4, 1990, 104 Stat. 152.)

§ 111. Administration of provisions. **1028**

The provisions of this title shall be administered by—

(1) The Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);

(2) the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representa-

tives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and

(3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

The Judicial Conference may delegate any authority it has under this title to an ethics committee established by the Judicial Conference. (Pub.L. 95–521, Title I, § 111, as added Pub.L. 101–194, Title II, § 202, Nov. 30, 1989, 103 Stat. 1744, amended Pub.L. 101–280, § 3(1), (9), May 4, 1990, 104 Stat. 152, 157.)

1029 **§ 112. Repealed** (Pub.L. 101–280, § 3(10)(A), May 4, 1990, 104 Stat. 157).

TITLE V.—GOVERNMENTWIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

1030 **§ 501. Outside earned income limitation.**

(a) OUTSIDE EARNED INCOME LIMITATION—

(1) Except as provided by paragraph (2), a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS–15 of the General Schedule, or in the case of positions not under the General Schedule, for which the rate of work pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

(2) In the case of any individual who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS–15 of the General Schedule, or in the case of positions not under the General Schedule, for which the rate of work pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member or such an officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member or such officer or employee during such calendar year and the denominator of which is 365.

(b) HONORARIA PROHIBITION.—An individual may not receive any honorarium while that individual is a Member, officer or employee.

(c) TREATMENT OF CHARITABLE CONTRIBUTIONS.—Any honorarium which, except for subsection (b), might be paid to a Member, officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall exceed $2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of

such individual derives any financial benefit. (Pub.L. 95–521, Title V, Oct. 26, 1978, 92 Stat. 1864, as amended Pub.L. 101–194, Title VI § 601(a), Nov. 30, 1989, 103 Stat. 1760; Pub.L. 101–280, § 7(a), May 4, 1990, 104 Stat. 161; Pub.L. 102–378, § 4(b)(1), (2), Oct. 2, 1992, 106 Stat. 1357.)

§ 502. Limitations on outside employment. **1031**

(a) LIMITATIONS.—A Member or an officer or employee who is a non-career officer or employee and who occupies a position classified above GS–15 of the General Schedule, or in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule, shall not—

(1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship;

(2) permit that Member's, officer's or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

(3) receive compensation for practicing a profession which involves a fiduciary relationship;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

(b) TEACHING COMPENSATION OF JUSTICES AND JUDGES RETIRED FROM REGULAR ACTIVE SERVICE.—For purposes of the limitation under section 501(a), any compensation for teaching approved under subsection (a)(5) of this section shall not be treated as outside earned income—

(1) when received by a justice of the United States retired from regular active service under section 371(b) of title 28, United States Code;

(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of section 371 of title 28, United States Code, as certified in accordance with such subsection; or

(3) when received by a justice or judge of the United States retired from regular active service under section 372(a) of title 28, United States Code.

(Pub.L. 95–521, Title V, Oct. 26, 1978, 92 Stat. 1864, as amended Pub.L. 101–194, Title VI § 601(a), Nov. 30, 1989, 103 Stat. 1760; Pub.L. 101–280, § 7(a)(1),(b), May 4, 1990, 104 Stat. 161; Pub.L. 101–650, Title III, § 319, Dec. 1, 1990, 104 Stat. 5117; Pub.L. 102–198, § 6, Dec. 9, 1991, 105 Stat. 1624; Pub.L. 102–378, § 4(b) (1), (2), Oct. 2, 1992, 106 Stat. 1357.)

§ 503. Administration. **1032**

This title shall be subject to the rules and regulations of—

(1) and administered by—

(A) the Committee on Standards of Official Conduct of the House of Representatives, with respect to Members, officers, and employees of the House of Representatives; and

(B) in the case of Senators and legislative branch officers and employees other than those officers and employees specified in subparagraph (A), the committee to which reports filed by such officers and employees under title I are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officer and employees;

(2) the Office of Government Ethics and administered by designated agency ethics officials with respect to officers and employees of the executive branch; and

(3) and administered by the Judicial Conference of the United States (or such other agency as it may designate) with respect to officers and employees of the judicial branch. (Pub.L. 95–521, Title V, Oct. 26, 1978, 92 Stat. 1864, as amended Pub.L. 101–194, Title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761; Pub.L. 101–280, § 7(c), May 4, 1990, 104 Stat. 161; Pub.L. 102–90, Title I, § 6(b)(1), Aug. 14, 1991, 105 Stat. 450.)

1033 § 504. Civil penalties.

(a) CIVIL ACTION.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than $10,000 or the amount of compensation, if any, which the individual received for the prohibited conduct, whichever is greater.

(b) ADVISORY OPINIONS.—Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

(Pub.L. 95–521, Title V, Oct. 26, 1978, 92 Stat. 1864, as amended Pub.L. 101–194, Title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761.)

1034 § 505. Definitions.

For purposes of this title:

(1) The term "Member" means a Senator in, a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(2) The term "officer or employee" means an officer or employee of the Government except any special Government employee (as defined in section 202 of title 18, United States Code).

(3) The term "honorarium" means a payment of money or anything of value for an appearance, speech or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government) by a Member, officer or employee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person,

and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

(4) The term "travel expenses" means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

(5) The term "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1986. (Pub.L. 95–521, Title V, Oct. 26, 1978, 92 Stat. 1864, as amended Pub.L. 101–194, Title VI, § 601(a), Nov. 30, 1989, 103 Stat. 1761; Pub.L. 102–90, Title I, § 6(b)(2), (3), Title III, § 314(b), Aug. 14, 1991, 105 Stat. 450, 469.)

TITLE 10.—ARMED FORCES

Chapter 2.—DEPARTMENT OF DEFENSE

* * * * * * *

1040 § 114. Annual authorization of appropriations.

(a) No funds may be appropriated for any fiscal year to or for the use of any armed force or obligated or expended for—

(1) procurement of aircraft, missiles, or naval vessels;

(2) any research, development, test, or evaluation, or procurement or production related thereto;

(3) procurement of tracked combat vehicles;

(4) procurement of other weapons;

(5) procurement of naval torpedoes and related support equipment;

(6) military construction;

(7) the operation and maintenance of any armed force or of the activities and agencies of the Department of Defense (other than the military departments);

(8) procurement of ammunition; or

(9) other procurement by any armed force or by the activities and agencies of the Department of Defense (other than the military departments);

unless funds therefore have been specifically authorized by law.

(b) In subsection (a)(6), the term "military construction" includes any construction, development, conversion, or extension of any kind which is carried out with respect to any military facility or installation (including any Government-owned or Government-leased industrial facility used for the production of defense articles and any facility to which section 2353 of this title applies), any activity to which section 2807 of this title applies, any activity to which chapter 1803 of this title applies, and advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23. Such term does not include any activity to which section 2821 or 2854 of this title applies.

(c)(1) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) may not exceed $1,070,000,000.

(2) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), amounts received by the United States pursuant to subparagraph (A) of section 21(a)(1) of that Act (22 U.S.C. 2761(a)(1)—

(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of that Act (22 U.S.C. 2795 et seq.), as authorized by section 51(b)(1) of that Act (22 U.S.C. 2795(b)(1)), but subject to the limitation in paragraph (1) and other applicable law; and

(B) to the extent not so credited, shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31.

(d) Funds may be appropriated for the armed forces for use as an emergency fund for research, development, test, and evaluation, or re-

lated procurement or production, only if the appropriation of the funds is authorized by law after June 30, 1966.

(e) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of equipment for the reserve components of the armed forces (including the National Guard) shall be set forth separately from other amounts requested for procurement for the armed forces.

(f) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of ammunition for the Navy and Marine Corps, and for procurement of ammunition for the Air Force, shall be set forth separately from other amounts requested for procurement. (Added Nov. 16, 1973, Pub.L. 93–155, Title VIII, § 803(a), 87 Stat. 612; Oct. 7, 1975, Pub.L. 94–106, Title VIII, § 801(a), 89 Stat. 537; July 14, 1976, Pub.L. 94–361, Title III, § 302, 90 Stat. 924; Nov. 9, 1979, Pub.L. 96–107, Title III, § 303(b), 93 Stat. 806; Sept. 8, 1980, Pub.L. 96–342, Title X, § 1001(a)(1), (b), (c), (d)(1), 94 Stat. 1117; Dec. 12, 1980, Pub.L. 96–513, Title I, § 102, Title V, Part B, § 511(4), 94 Stat. 2840, 2920; July 10, 1981, Pub.L. 97–22, § 2(b), 95 Stat. 124; Dec. 1, 1981, Pub.L. 97–86, Title III, § 302, Title IX, §§ 901(a), 902, 903, 95 Stat. 1104, 1113; Dec. 29, 1981, Pub.L. 97–113, Title I, § 108(b), 95 Stat. 1524; July 12, 1982, Pub.L. 97–214, § 4, 96 Stat. 170; Sept. 8, 1982, Pub.L. 97–252, Title IV, § 402(a), Title XI, §§ 1103, 1105, 96 Stat. 725, 738; Oct. 12, 1982, Pub.L. 97–295, § 1(3), (4), 96 Stat. 1289; Oct. 19, 1984, Pub.L. 98–525, Title XIV, § 1405(2), 98 Stat. 2621; Nov. 8, 1985, Pub.L. 99–145, Title XII, Part A, § 1208, Title XIV, Part A, § 1403, 99 Stat. 723, 743; Oct. 1, 1986, Pub.L. 99–433, Title I, §§ 101(a)(2) in part, 110(b), 100 Stat. 994, 1002; Nov. 14, 1986, Pub.L. 99–661, Div. A, Title I, Part A, § 105(d), Title XIII, Part A, § 1304(a), 100 Stat. 3827, 3979; Apr. 21, 1987, Pub.L. 100–26, § 7(j)(1), 101 Stat. 282; Dec. 4, 1987, Pub.L. 100–180, Div. A, Title XII, Part A, § 1203, 101 Stat. 1154; Nov. 29, 1989, Pub.L. 101–189, Div. A, Title XVI, Part A, § 1602(b), 103 Stat. 1597; Nov. 5, 1990, Pub.L. 101–510, Div. A, Title XIV, Part H, § 1481(a)(1), 104 Stat. 1704; Feb. 10, 1996, Pub.L. 104–106, Div. A, Title XV, § 1501(c)(2), 110 Stat. 498; Sept. 23, 1996, Pub.L. 104–201, Div. A, Title X, Subtitle A, § 1005, 110 Stat. 2632.)

§ 115. Personnel strengths: requirement for annual authorization. 1041

(a) Active-Duty and Selected Reserve End Strengths To Be Authorized by Law.—Congress shall authorize personnel strength levels for each fiscal year for each of the following:

(1) The end strength for each of the armed forces (other than the Coast Guard) for (A) active-duty personnel who are to be paid from funds appropriated for active-duty personnel, unless on active duty pursuant to subsection (b) and (B) active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel unless on active duty or full-time National Guard duty pursuant to subsection (b).

(2) The end strength for the Selected Reserve of each reserve component of the armed forces.

(b) Certain Reserves on Active Duty To Be Authorized by Law.—(1) Congress shall annually authorize the maximum number of members of a reserve component permitted to be on active duty or full-time National Guard duty at any given time who are called or ordered to—

(A) active duty under section 12301(d) of the title for the purpose of providing operational support, as prescribed in regulation issued by the Secretary of Defense:

(B) full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of providing operational support when authorized by the Secretary of Defense;

(C) active duty under section 12301(d) of this title or full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of preparing for and performing funeral honors functions for funerals of veterans under section 1491 of this title;

(D) active duty or retained on active duty under sections 12301(g) of this title while in a captive status; or

(E) active duty or retained on active duty under 12301(h) or 12322 of this title for the purpose of medical evaluation or treatment.

(2) A member of a reserve component who exceeds either of the following limits shall be included in the strength authorized under subparagraph (A) or subparagraph (B), as appropriate, of subsection (a)(1):

(A) A call or order to active duty or full-time National Guard duty that specifies a period greater than three years.

(B) The cumulative periods of active duty and full-time National Guard duty performed by the member exceed 1095 days in the previous 1460 days.

(3) In determining the period of active service under paragraph (2), the following periods of active service performed by a member shall not be included:

(A) All periods of active duty performed by a member who has not previously served in the Selected Reserve of the Ready Reserve.

(B) All periods of active duty or full-time National Guard duty for which the member is exempt from strength accounting under paragraphs (1) through (8) of subsection (i).

(c) Limitation on Appropriations for Military Personnel.—No funds may be appropriated for any fiscal year to or for—

(1) the use of active-duty personnel or full-time National Guard duty personnel of any of the armed forces (other than the Coast Guard) unless the end strength for such personnel of that armed force for that fiscal year has been authorized by law;

(2) the use of the Selected Reserve of any reserve component of the armed forces unless the end strength for the Selected Reserve of that component for that fiscal year has been authorized by law; or

(3) the use of reserve component personnel to perform active duty or full-time National Guard duty under subsection (b) unless the strength for such personnel for that reserve component for that fiscal year has been authorized by law.

(d) Military Technician (Dual Status) End Strengths To Be Authorized by Law.—Congress shall authorize for each fiscal year the end strength for military technicians (dual status) for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician (dual status) during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title. In each budget sub-

mitted by the President to Congress under section 1105 of title 31, the end strength requested for military technicians (dual status) for each reserve component of the Army and Air Force shall be specifically set forth.

(e) End-of-Quarter Strength Levels.—(1) The Secretary of Defense shall prescribe and include in the budget justification documents submitted to Congress in support of the President's budget for the Department of Defense for any fiscal year the Secretary's proposed end-of-quarter strengths for each of the first three quarters of the fiscal year for which the budget is submitted, in addition to the Secretary's proposed fiscal-year end-strengths for that fiscal year. Such end-of-quarter strengths shall be submitted for each category of personnel for which end strengths are required to be authorized by law under subsection (a) or (d). The Secretary shall ensure that resources are provided in the budget at a level sufficient to support the end-of-quarter and fiscal-year end-strengths as submitted.

(2)(A) After annual end-strength levels required by subsections (a) and (d) are authorized by law for a fiscal year, the Secretary of Defense shall promptly prescribe end-of-quarter strength levels for the first three quarters of that fiscal year applicable to each such end-strength level. Such end-of-quarter strength levels shall be established for any fiscal year as levels to be achieved in meeting each of those annual end-strength levels authorized by law in accordance with subsection (a) (as such levels may be adjusted pursuant to subsection (f)) and subsection (d).

(B) At least annually, the Secretary of Defense shall establish for each of the armed forces (other than the Coast Guard) the maximum permissible variance of actual strength for an armed force at the end of any given quarter from the end-of-quarter strength established pursuant to subparagraph (A). Such variance shall be such that it promotes the maintaining of the strength necessary to achieve the end-strength levels authorized in accordance with subsection (a) (as adjusted pursuant to subsection (f)) and subsection (d).

(3) Whenever the Secretary establishes an end-of-quarter strength level under subparagraph (A) of paragraph (2), or modifies a strength level under the authority provided in subparagraph (B) of paragraph (2), the Secretary shall notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of that strength level or of that modification, as the case may be.

(f) Authority for Secretary of Defense Variances for Active Duty and Selected Reserve Strengths.—Upon determination by the Secretary of Defense that such action is in the national interest, the Secretary may—

(1) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by a number equal to not more than 3 percent of that end strength;

(2) increase the end strength authorized pursuant to subsection (a)(1)(B) for a fiscal year for any of the armed forces by a number equal to not more than 2 percent of that end strength;

(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength; and

(4) increase the maximum strength authorized pursuant to subsection (b)(1) for a fiscal year for certain reserves on active duty for any of the reserve components by a number equal to not more than 10 percent of that strength.

(g) Authority for Service Secretary Variances for Active-Duty End Strengths.—Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary. Any such increase for a fiscal year—

(1) shall be by a number equal to not more than 2 percent of such authorized end strength; and

(2) shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (f)(1).

(h) Adjustment When Coast Guard is Operating as a Service in the Navy.—The authorized strength of the Navy under subsection (a)(1) is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.

(i)[1] Certain Personnel Excluded from Counting for Active-Duty End Strengths..—In counting personnel for the purpose of the end-strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:

(1) Members of a reserve component ordered to active duty under section 12301(a) of this title.

(2) Members of a reserve component in an active status ordered to active duty under section 12301(b) of this title.

(3) Members of the Ready Reserve ordered to active duty under section 12302 of this title.

(4) Members of the Selected Reserve of the Ready Reserve or members of the Individual Ready Reserve mobilization category described in section 10144(b) of this title ordered to active duty under section 12304 of this title.

(5) Members of the National Guard called into Federal service under section 12406 of this title.

(6) Members of the militia called into Federal service under chapter 15 of this title.

(7) Members of the National Guard on full-time National Guard duty under section 502(f)(1) of title 32.

(8) Members of reserve components on active duty for training or full-time National Guard duty for training.

(9) Members of the Selected Reserve of the Ready Reserve on active duty to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(b)).

(10) Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out drug interdiction and counter-drug activities under section 112 of title 32.

[1][Repealed. Pub.L. 109–364, Div. A, Title X, § 1071(a)(1)(A), Oct. 17, 2006, 120 Stat. 2398]

(11) Members of a reserve component on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

(12) Members of the National Guard on full-time National Guard duty for the purpose of providing command, administrative, training, or support services for the National Guard Challenge Program authorized by section 509 of title 32.

(13) Members of the National Guard on full-time National Guard duty involuntarily and performing homeland defense activities under chapter 9 of title 32. (Added Pub.L. 101–510, Div. A, Title XIV, § 1483(a), Nov. 5, 1990, 104 Stat. 1710, and amended Pub.L. 102–190, Div. A, Title III, § 312(a), Dec. 5, 1991, 105 Stat. 1335; Pub.L. 104–106, Div. A, Title IV, §§ 401(c), 415, Title V, § 513(a)(1), Title X, § 1061(c), Title XV, § 1501(c)(3), Feb. 10, 1996, 110 Stat. 286, 288, 305, 442, 498; Pub.L. 105–85, Div. A, Title IV, § 413(b), Title V, § 522(i)(1), Nov. 18, 1997, 111 Stat. 1720, 1736; Pub.L. 106–65, Div. A, Title IV, § 415, Oct. 5, 1999, 113 Stat. 587; Pub.L. 106–398, § 1, [Div. A., Title IV, § 422], Oct. 30, 2000, 114 Stat. 1654, 1654A–96; Pub.L. 107–107, Div. A, Title IV, §§ 421(a), 422, Dec. 28, 2001, 115 Stat. 1076, 1077; Pub.L. 107–314, Div. A, Title IV, § 403, Dec. 2, 2002, 116 Stat. 2525; Pub.L. 108–136, Div. A, Title IV, § 403(a), (b), Nov. 24, 2003, 117 Stat. 1450; Pub.L. 108–375, Div. A, Title IV, § 416(a) to (d), Title V, § 512(b), Oct. 28, 2004, 118 Stat. 1866, 1880; Pub.L. 109–364, Div. A, Title X, § 1071(a)(1), (g)(1)(A), Oct. 17, 2006, 120 Stat. 2398, 2402.)

§ 115a. Annual manpower requirements report. **1042**

(a) The Secretary of Defense shall submit to Congress an annual manpower requirements report. The report, which shall be in writing, shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 and of title 31. The report shall contain the Secretary's recommendations for—

(1) the annual active-duty end-strength level for each component of the armed forces for the next fiscal year; and

(2) the annual civilian personnel end-strength level for each component of the Department of Defense for the next fiscal year.

(b)(1) The Secretary shall include in each report under subsection (a) justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time.

(2) The justification and explanation shall specify in detail for all major military force units (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the following:

(A) Unit mission and capability.

(B) Strategy which the unit supports.

(3) The justification and explanation shall also specify in detail the manpower required to perform the medical missions of each of the armed forces and of the Department of Defense.

(c) The Secretary shall include in each report under subsection (a) a detailed discussion of the following:

(1) The manpower required for support and overhead functions within the armed forces and the Department of Defense.

(2) The relationship of the manpower required for support and overhead functions to the primary combat missions and support policies.

(3) The manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

(d) The Secretary shall also include in each such report, with respect to each armed force under the jurisdiction of the Secretary of a military department, the following:

(1) The number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years.

(2) The estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years.

(3) An estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

(A) retirements displayed by year of active commissioned service;

(B) discharges;

(C) other separations;

(D) deaths;

(E) promotions; and

(F) reserve and regular officers ordered to active duty.

(e)(1) In each such report, the Secretary shall also include recommendations for the end-strength levels for medical personnel for each component of the armed forces as of the end of the next fiscal year.

(2) For purposes of this subsection, the term "medical personnel" includes—

(A) in the case of the Army, members of the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, and Army Medical Specialist Corps;

(B) in the case of the Navy, members of the Medical Corps, Dental Corps, Nurse Corps, and Medical Service Corps;

(C) in the case of the Air Force, members designated as medical officers, dental officers, Air Force nurses, medical service officers, and biomedical science officers;

(D) enlisted members engaged in or supporting medically related activities; and

(E) such other personnel as the Secretary considers appropriate.

(f) Repealed (Pub.L. 104–106, Div. A, Title X, § 1061(d)(4), Feb. 10, 1996, 110 Stat. 442).

(g) Redesignated (e).

(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal

year, of the following (displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians):

(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

(2) Within each of the numbers under paragraph (1)—

(A) the number applicable to a reserve component management headquarter organization; and

(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title). (Added Nov. 5, 1990, Pub.L. 101–510, Div. A, Title XIV, Part H, § 1483(a), 104 Stat. 1711; Dec. 5, 1991, Pub.L. 102–190, Div. A, Title X, Part E, § 1061(a)(1), 105 Stat. 1472; Feb. 10, 1996, Pub.L. 104–106, Div. A, Title V, Subtitle B, § 513(e), Title X, Subtitle F, § 1061(d), 110 Stat. 307, 442; Nov. 18, 1997, Pub.L. 105–85, Div. A, Title V, Subtitle C, § 522(i)(2), 111 Stat. 1736; Oct. 17, 1998, Pub.L. 105–261, Div. A, Title IV, Subtitle A, § 403, 112 Stat. 1996.)

§ 116. Annual operations and maintenance report. **1043**

(a)(1) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, with respect to the operations and maintenance of the Army, Navy, Air Force, and Marine Corps for the next fiscal year. The Secretary shall include in each such report recommendations for—

(A) the number of aircraft flying hours for the Army, Navy, Air Force, and Marine Corps for the next fiscal year, the number of ship steaming hours for the Navy for the next fiscal year, and the number of field training days for the combat arms battalions of the Army and Marine Corps for the next fiscal year;

(B) the number of ships over 3,000 tons (full load displacement) in each Navy ship classification on which major repair work should be performed during the next fiscal year; and

(C) the number of airframe reworks, aircraft engine reworks, and vehicle overhauls which should be performed by the Army, Navy, Air Force, and Marine Corps during the next fiscal year.

(2) The Secretary shall also include in each such report the justification for and an explanation of the level of funding recommended in the Budget of the President for the next fiscal year for aircraft flying hours, ship steaming hours, field training days for the combat arms battalions, major repair work to be performed on ships of the Navy, airframe reworks, aircraft engine reworks, and vehicle overhauls.

(b) In this section:

(1) The term "combat arms battalions" means armor, infantry, mechanized infantry, air assault infantry, airborne infantry, ranger, artillery, and combat engineer battalions and armored cavalry and air cavalry squadrons.

(2) The term "major repair work" means, in the case of any ship to which subsection (a) is applicable, any overhaul, modification, alteration, or conversion work which will result in a total cost to the United States of more than $10,000,000. (Added Sept. 8, 1980, Pub.L. 96–342, Title X, § 1001(b)(3), (c)(2), 94 Stat. 1118; Dec. 12,

1980, Pub.L. 96–513, Title V, § 511(4)(B), 94 Stat. 2920; Dec. 1, 1981, Pub.L. 97–86, Title III, § 302, 95 Stat. 1104; Oct. 1, 1986, Pub.L. 99–433, Title I, §§ 101(a)(2), 110(b)(6), (7), (9), (10), 100 Stat. 994, 1002; Nov. 18, 1997, Pub.L. 105–85, Div. A, Title X, Subtitle G, § 1073(a)(3), 111 Stat. 1900.)

1044 § 119. Special access programs: congressional oversight.

(a)(1) Not later than March 1 of each year, the Secretary of Defense shall submit to the defense committees a report on special access programs.

(2) Each such report shall set forth—

(A) the total amount requested for special access programs of the Department of Defense in the President's budget for the next fiscal year submitted under section 1105 of title 31; and

(B) for each program in that budget that is a special access program—

(i) a brief description of the program;

(ii) a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(3) In the case of a report under paragraph (1) submitted in a year during which the President's budget for the next fiscal year, because of multiyear budgeting for the Department of Defense, does not include a full budget request for the Department of Defense, the report required by paragraph (1) shall set forth—

(A) the total amount already appropriated for the next fiscal year for special access programs of the Department of Defense and any additional amount requested in that budget for such programs for such fiscal year; and

(B) for each program of the Department of Defense that is a special access program, the information specified in paragraph (2)(B).

(b)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the defense committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c)(1) Whenever a change in the classification of a special access program of the Department of Defense is planned to be made or whenever classified information concerning a special access program of the Department of Defense is to be declassified and made public, the Secretary of Defense shall submit to the defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

(3) If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Defense, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Defense as a special access program, the Secretary of Defense shall promptly notify the defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e)(1) The Secretary of Defense may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the defense committees.

(f) A special access program may not be initiated until—

(1) the defense committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) In this section, the term "defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations, and the Subcommittee on Defense of the Committee on Appropriations, of the House of Representatives. (Added Dec. 4, 1987, Pub.L. 100–180, Div. A, Title XI, Part D, § 1132(a)(1), 101 Stat. 1151; Nov. 5, 1990, Pub.L. 101–510, Div. A, Title XIV, Part F, § 1461, Part H, § 1482(a), 104 Stat. 1698, 1709; Feb. 10, 1996, Pub.L. 104–106, Div. A, Title X, Subtitle E, § 1055, Title XV,

§ 1502(a)(4), 110 Stat. 442, 502; Pub.L. 106–65, Div. A, Title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; Dec. 28, 2001, Pub.L. 107–107, Div. A., Title X, § 1048(a)(2), 115 Stat. 1222.)

Chapter 9.—DEFENSE BUDGET MATTERS

1045 § 221. Future-years defense program: submission to Congress; consistency in budgeting.

(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, a future-years defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the future-years defense program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.

(c) Nothing in this section shall be construed to prohibit the inclusion in the future-years defense program of amounts for management contingencies, subject to the requirements of subsection (b). (Added Pub.L. 101–189, § 1602(a)(1), Nov. 29, 1989, 103 Stat. 1596; amended Pub.L. 101–510, § 1402(a), Nov. 5, 1990, 104 Stat. 1674; renumbered § 221 and amended Pub.L. 102–484, § 1002(c), Oct. 23, 1992, 106 Stat. 2480.)

1046 § 222. Future-years mission budget.

(a) Future-years mission budget

The Secretary of Defense shall submit to Congress for each fiscal year a future-years mission budget for the military programs of the Department of Defense. That budget shall be submitted for any fiscal year not later than 60 days after the date on which the President's budget for that fiscal year is submitted to Congress pursuant to section 1105 of title 31.

(b) Consistency with future-years defense program

The future-years mission budget shall be consistent with the future-years defense program required under section 221 of this title. In the future-years mission budget, the military programs of the Department of Defense shall be organized on the basis of major roles, missions, or forces of the Department of Defense.

(c) Relationship to other defense budget formats

The requirement in subsection (a) is in addition to the requirements in any other provision of law regarding the format for the presentation regarding military programs of the Department of Defense in the budget submitted pursuant to section 1105 of title 31 for any fiscal year. (Added Oct. 23, 1992, Pub.L. 102–484, Div. A, Title X, Subtitle A, § 1002(a)(2), 106 Stat. 2480; Oct. 5, 1994, Pub.L. 103–337, Div. A, Title X, Subtitle A, § 1004, 108 Stat. 2834.)

§ 226. Scoring of outlays. **1047**

(a) Annual OMB/CBO report

Not later than April 1 of each year, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall submit to the Speaker of the House of Representatives and the Committees on Armed Services, Appropriations, and the Budget of the Senate a joint report containing an agreed resolution of all differences between—

(1) the technical assumptions to be used by the Office of Management and Budget in preparing estimates with respect to all accounts in major functional category 050 (National Defense) for the budget to be submitted to Congress in that year pursuant to section 1105 of title 31; and

(2) the technical assumptions to be used by the Congressional Budget Office in preparing estimates with respect to those accounts for that budget.

(b) Use of averages

If the two Directors are unable to agree upon any technical assumption, the report shall reflect the average of the relevant outlay rates or assumptions used by the two offices.

(c) Matters to be included

The report with respect to a budget shall identify the following:

(1) The agreed first-year and outyear outlay rates for each account in budget function 050 (National Defense) for each fiscal year covered by the budget.

(2) The agreed amount of outlays estimated to occur from unexpended appropriations made for fiscal years before the fiscal year that begins after submission of the report. (Added Pub.L. 102–190, Div. A, Title X, § 1002(a)(1), Dec. 5, 1991, 105 Stat. 1455, § 221; renumbered § 226, Pub.L. 102–484, Div. A, Title X, § 1002(a)(1), Oct. 23, 1992, 106 Stat. 2480; amended Pub.L. 103–160, § 1104, Nov. 30, 1993, 107 Stat. 1749; Pub.L. 108–136, § 1031(a) Nov. 24, 2003, 117 Stat. 1596; Pub.L. 109–364, Div. A, Title X, § 1007, Oct. 17, 2006, 120 Stat. 2373.)

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Chapter 403.—UNITED STATES MILITARY ACADEMY

§ 4342. Cadets: appointment; numbers, territorial distribution. **1048**

(a) The authorized strength of the Corps of Cadets of the Academy (determined for any year as of the day before the last day of the aca-

demic year) is 4,000. Subject to that limitation, cadets are selected as follows:

(1) 65 cadets selected in order of merit as established by competitive examinations from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a "missing status" as defined in section 551(2) of title 37, and children of civilian employees who are in "missing status" as defined in section 5561(5) of title 5. The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability, and the percentage at which the disability is rated is binding upon the Secretary of the Army.

(2) Five cadets nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

(4) Five cadets from each congressional district, nominated by the Representative from the district.

(5) Five cadets from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Three cadets from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) Three cadets from Guam, nominated by the Delegate in Congress from Guam.

(9) Two cadets from American Samoa, nominated by the Delegate in Congress from American Samoa.

(10) One cadet from the Commonwealth of the Northern Mariana Islands, nominated by the resident representative from the commonwealth.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate 10 persons for each vacancy that is available to him under this section. Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.

(b) In addition, there may be appointed each year at the Academy cadets as follows:

(1) one hundred selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay;

(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

(D) would be, or who died while they would have been, entitled to retired pay under Chapter 1223 of this title, except for not having attained 60 years of age;

however, a person who is eligible for selection under clause (1) of subsection (a) may not be selected under this clause.

(2) 85 nominated by the Secretary of the Army from enlisted members of the Regular Army.

(3) 85 nominated by the Secretary of the Army from enlisted members of reserve components of the Army.

(4) 20 nominated by the Secretary of the Army, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Army in order of merit (prescribed pursuant to section 4343 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

(c) The President may also appoint as cadets at the Academy children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

(d) The Superintendent may nominate each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under clauses (2) through (9) of subsection (a) and may not cause the total strength of the Corps of Cadets to exceed the authorized number.

(e) If the annual quota of cadets under subsection (b)(1), (2), (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(f) Each candidate for admission nominated under clauses (3) through (9) of subsection (a) must be domiciled in the State, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

(g) The Secretary of the Army may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy, as determined by the Secretary after consulting with the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, subject to the following:

(1) Cadets chargeable to each nominating authority named in subsection (a)(3) or (4) may not be limited to less than four.

(2) If the Secretary limits the number of appointments under subsection (a)(3) or (4), appointments under subsection (b)(1)–(4) are limited as follows:

(A) 27 appointments under subsection (b)(1);

(B) 27 appointments under subsection (b)(2);

(C) 27 appointments under subsection (b)(3); and

(D) 13 appointments under subsection (b)(4).

(3) If the Secretary limits the number of appointments under subsection (b)(5), appointments under subsection (b)(2)–(4) are limited as follows:

(A) 27 appointments under subsection (b)(2);

(B) 27 appointments under subsection (b)(3); and

(C) 13 appointments under subsection (b)(4).

(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

(h) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Corps of Cadets, the Secretary of the Army may for any year (beginning with the 2001–2002 academic year) permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 240; Sept. 2, 1958, Pub.L. 85–861, § 33(a)(26), 72 Stat. 1565; Sept. 14, 1962, Pub.L. 87–663, § 1(1), (2), 76 Stat. 547; March 3, 1964, Pub.L. 88–276, § 1(1), 78 Stat. 148; Oct. 13, 1966, Pub.L. 89–650, § 1(1)–(4), 80 Stat. 896; July 5, 1968, Pub.L. 90–374, 82 Stat. 283; Oct. 22, 1968, Pub.L. 90–623, § 2(8), 82 Stat. 1314; Sept. 22, 1970, Pub.L. 91–405, Title II, § 204(c), 84 Stat. 852, Aug. 7, 1972, Pub.L. 92–365, § 1, 86 Stat. 505; Nov. 29, 1973, Pub.L. 93–171, § 1(1)–(4), 87 Stat. 690; Oct. 7, 1975, Pub.L. 94–106, Title VIII, § 803(b)(1), 89 Stat. 538; Dec. 12, 1980, Pub.L. 96–513, Title V, Part B, § 512(13), 94 Stat. 2930; Dec. 24, 1980, Pub.L. 96–600, § 2(a), 94 Stat. 3493; Oct. 14, 1981, Pub.L. 97–60, Title II, § 203(a)(1), 95 Stat. 1006; Sept. 24, 1983, Pub.L. 98–94, Title X, Part A, § 1005(a)(1), (b)(1), 97 Stat. 660; Nov. 29, 1989, Pub.L. 101–189, Div. A, Title XVI, Part C, § 1621(a)(1), 103 Stat. 1602; Nov. 5, 1990, Pub.L. 101–510, Div. A, Title V, Part C, § 532(a)(1), 104 Stat. 1563; Nov. 30, 1993, Pub.L. 103–160, Div. A, Title V, Subtitle C, § 531, 107 Stat. 1657; Oct. 5, 1994, Pub.L. 103–337, Div. A, Title XVI, Subtitle C, § 1672(c)(3), 108 Stat. 3015; Feb. 10, 1996, Pub.L. 104–106, Div. A, Title V, Subtitle D, Part I, § 532(a), Title XV, § 1502(a)(1), 110 Stat. 314, 502; Nov. 18, 1997, Pub.L. 105–85, Div. A, Title X, Subtitle G, § 1073(a)(62), 111 Stat. 1903; Pub.L. 106–65, Div. A, Title V, § 531(b)(1), Title X, § 1067(1), Oct. 5, 1999, 113 Stat. 602, 774; Oct. 30, 2000, Pub.L. 106–398, § 1, Div. A, Title V, § 531(a), 114 Stat. 1654A–109; Pub.L. 108–136, Div. A, Title V, § 524(a), Title X, § 1031(a)(53), Nov. 24, 2003, 117 Stat. 1464, 1603; Pub.L. 109–364, Div. A, Title X, § 1071(a)(28), Oct. 17, 2006, 120 Stat. 2399.).

1049 § 4355. Board of Visitors.

(a) A Board of Visitors to the Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

(3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;

(4) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and

(5) six persons designated by the President.

(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Army, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser shall be reimbursed under Government travel regulations for his travel expenses. (Aug. 10, 1956, ch. 1041, 70A Stat. 245; Dec. 23, 1980, Pub.L. 96–579, § 13(a), 94 Stat. 3369; Pub.L. 104–106, Div. A, Title X, § 1061(e)(2), Title XV, § 1502(a)(12), Feb. 10, 1996, 110 Stat. 443, 503; Pub.L. 106–65, Div. A, Title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774.)

Chapter 443.—DISPOSAL OF OBSOLETE OR SURPLUS MATERIAL

§ 4689. Transfer of material and equipment to the Architect of the Capitol. 1050

The Secretary of the Army is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the Department of the Army, as the Architect may request for use at the Capitol powerplant, the Capitol, and the Senate and House Office Buildings. (June 5, 1920, ch. 253, § 1, 41 Stat. 1035; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291; Pub.L. 107–217, Sec. 2(1), Aug. 21, 2002, 116 Stat. 1294; Pub.L. 108–375, § 1084(d)(26), Oct. 28, 2004, 118 Stat. 2063.)

Chapter 603.—UNITED STATES NAVAL ACADEMY

1051 § 6954. Midshipmen: number.

(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,000 or such higher number as may be prescribed by the Secretary of the Navy under subsection (h).

(1) 65 selected in order of merit as established by competitive examination from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a "missing status" as defined in section 551(2) of title 37, and children of civilian employees who are in "missing status" as defined in section 5561(5) of title 5. The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability, and the percentage at which the disability is rated, is binding upon the Secretary of the Navy.

(2) Five nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten from each State, five of whom are nominated by each Senator from that State.

(4) Five nominated by each Representative in Congress.

(5) Five from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Three from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) Three from Guam, nominated by the Delegate in Congress from Guam.

(9) Two from American Samoa, nominated by the Delegate in Congress from American Samoa.

(10) One from the Commonwealth of the Northern Mariana Islands, nominated by the resident representative from the commonwealth.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate 10 persons for each vacancy that is available to him under this section. Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.

(b) In addition there may be appointed each year at the Academy midshipmen as follows:

(1) one hundred selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay;

(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

(D) would be, or who died while they would have been, entitled to retired pay under Chapter 1223 of this title, except for not having attained 60 years of age;

however, a person who is eligible for selection under clause (1) of subsection (a) may not be selected under this clause.

(2) 85 nominated by the Secretary of the Navy from enlisted members of the Regular Navy and the Regular Marine Corps.

(3) 85 nominated by the Secretary of the Navy from enlisted members of the Navy Reserve and the Marine Corps Reserve.

(4) 20 nominated by the Secretary of the Navy, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Naval Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Navy in order of merit (prescribed pursuant to section 6956 of this title) from qualified alternates nominated by person named in clauses (3) and (4) of subsection (a).

(c) The President may also appoint as midshipmen at the Academy children of persons who have been awarded the medal of honor for acts performed while in the armed forces.

(d) The Superintendent of the Naval Academy may nominate for appointment each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under clauses (2) through (8) of subsection (a) and may not cause the total strength of midshipmen at the Navy Academy to exceed the authorized number.

(e) The Secretary of the Navy may limit the number of midshipmen appointed under section (b)(5). When he does so, if the total number of midshipmen, upon admission of a new class at the Academy, will be more than 3,737, no appointment may be made under subsection (b)(2) or (3) of this section or section 6956 of this title.

(f) The Superintendent of the Naval Academy shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

(g) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Brigade of Midshipmen, the Secretary of the Navy may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.

(h)(1) Beginning with the 2003–2004 academic year, the Secretary of the Navy may prescribe annual increases in the midshipmen strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 midshipmen or such lesser number as applies under paragraph (3) for that year. Such annual increases

may be prescribed until the midshipmen strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

(2) Any increases in the midshipmen strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the midshipmen strength limit and the new midshipmen strength limit, as so increased, and the amount of the increase in Senior Navy Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

(3) The amount of an increase under paragraph (1) in the midshipmen strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of midshipmen enrolled in the Navy Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 or this title.

(4) In this subsection, the term "Midshipmen strength limit" means the authorized maximum strength of the Brigade of Midshipmen. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 429; Sept. 7, 1962, Pub.L. 87–651, Title I, § 124, 76 Stat. 514; Sept. 14, 1962, Pub.L. 87–663, § 1(3), 76 Stat. 547; March 3, 1964, Pub.L. 88–276, § 2, 78 Stat. 150; Oct. 13, 1996, Pub.L. 89–650, § 1(1)–(3), 80 Stat. 896; July 5, 1968, Pub.L. 90–374, 82 Stat. 283; Oct. 22, 1968, Pub.L. 90–623, § 2(8), 82 Stat. 1314; Sept. 22, 1970, Pub.L. 91–405, Title II, § 204(c), 84 Stat. 852; Aug. 7, 1972, Pub.L. 92–365, § 2, 86 Stat. 505; Nov. 29, 1973, Pub.L. 93–171, § 2(1)–(3), 87 Stat. 690; Oct. 7, 1975 Pub.L. 94–106, Title VIII, § 803(b)(1), 89 Stat. 538; Dec. 24, 1980, Pub.L. 96–600, § 2(b), 94 Stat. 3493; Oct. 14, 1981, Pub.L. 97–60, Title II, § 203(b)(2), 95 Stat. 1006; Oct. 12, 1982, Pub.L. 97–295, § 1(44), 96 Stat. 1298; Sept. 24, 1983, Pub.L. 98–94, Title X, Part A, § 1005(a)(2), (b)(2), 97 Stat. 660; Nov. 29, 1989, Pub.L. 101–189, Div. A, Title XVI, Part C, § 1621(a)(1), 103 Stat. 1602; Nov. 5, Pub.L. 101–510, Div. A, Title V, Part C, § 532(b)(1), 104 Stat. 1563; Nov. 30, 1993, Pub.L. 103–160, Div. A. Title V, Subtitle C, § 531, 107 Stat. 1657; Oct. 5, 1994, Pub.L. 103–337, Div. A, Title XVI, Subtitle C, § 1673(c)(2), 108 Stat. 3016; Feb. 10, 1996, Pub.L. 104–106, Div. A, Title V, Subtitle D, Part I, § 532(b), 110 Stat. 314; Nov. 18, 1997, Pub.L. 105–85, Div. A, Title X, Subtitle G, § 1073(a)(62), 111 Stat. 1903; Oct. 5, 1999, Pub.L. 106–65, Div. A., Title V, § 531(b)(2), 113 Stat. 602; Oct. 30, 2000; Pub.L. 106–398, § 1 [Div. A, Title V, § 531 (b), 114 Stat. 1654A–109]; Dec. 28, 2001, Pub.L. 107–107, Div. A, Title X, § 1048(g)(1), 115 Stat. 1228; Pub.L. 107–314, § 532(b)(1), Dec. 2, 2002, 116 Stat. 2545; Pub.L. 108–136, §§ 524(b), 1031(a)(55), Nov. 24, 2003, 117 Stat. 1464; Pub.L. 109–163, Div. A, Title V, § 515(b)(1)(Q), Jan. 6, 2006, 119 Stat. 3233.).

1052 § 6956. Midshipmen: nomination and selection to fill vacancies.

(a) If the annual quota of midshipmen from—

(1) enlisted members of the Regular Navy and the Regular Marine Corps;

(2) enlisted members of the Navy Reserve and the Marine Corps Reserve; or

(3) at large by the President;

is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(b) If it is determined that, upon the admission of a new class to the Academy, the number of midshipmen at the Academy will be below the authorized number, the Secretary may fill the vacancies by nominating additional midshipmen from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the Academic Board. At least three-fourths of those nominated under this subsection shall be from qualified alternates under clauses (2) through (8) of section 6954(a) of this title, and the remainder shall be from qualified candidates who competed for appointment under any other provision of law. An appointment of a nominee under this subsection is an additional appointment and is not in place of an appointment otherwise authorized by law.

(c) The failure of a member of a graduating class to complete the course with his class does not delay the appointment of his successor. (Aug. 10, 1956, ch. 1041, 70A Stat. 430; March. 3, 1964, Pub.L. 88–276, § 3, 78 Stat. 151; July 5, 1968, Pub.L. 90–374, 82 Stat. 283; Nov. 29, 1973, Pub.L. 93–171, § 2(4), 87 Stat. 690; Oct. 7, 1975, Pub.L. 94–106, Title VIII, § 803(b)(2), 89 Stat. 538; Oct. 14, 1981, Pub.L. 97–60, Title II, § 206, 95 Stat. 1007; Nov. 5, 1990, Pub.L. 101–510, § 1322(a), 104 Stat. 1671, § 532(b), 104 Stat. 1563, 1671; Nov. 5, 1990, Pub.L. 101–510, § 532(b)(2), § 1322(a)(14), 104 Stat. 1563, 1671; Pub.L. 109–163, Div. A, Title V, § 515(b)(1)(R), Jan. 6, 2006, 119 Stat. 3233.)

§ 6968. Board of Visitors. **1053**

(a) A Board of Visitors to the Naval Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

(3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;

(4) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and

(5) six persons designated by the President.

(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Navy, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser shall be reimbursed under Government travel regulations for his travel expenses. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 434; Dec. 23, 1980, Pub.L. 96–579, § 13(b), 94 Stat. 3369; Feb. 10, 1996, Pub.L. 104–106, Div. A, Title X, Subtitle F, § 1061(c)(2), Title XV, § 1502(a)(12), 110 Stat. 443, 503; Pub.L. 106–65, Div. A, Title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774.)

Chapter 903.—UNITED STATES AIR FORCE ACADEMY

1054 § 9342. Cadets: appointment; numbers, territorial distribution.

(a) The authorized strength of Air Force Cadets of the Academy (determined for any year as of the day before the last day of the academic year) is 4,000 or such higher number as may be prescribed by the Secretary of the Air Force under subsection (j). Subject to that limitation, Air Force Cadets are selected as follows:

(1) 65 cadets selected in order or merit as established by competitive examination from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a "missing status" as defined in section 551(2) of title 37, and children of civilian employees who are in "missing status" as defined in section 5561(5) of title 5. The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability, and the percentage at which the disability is rated is binding upon the Secretary of the Air Force.

(2) Five cadets nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

(4) Five cadets from each congressional district, nominated by the Representative from the district.

(5) Five cadets from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Three cadets from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) Three cadets from Guam, nominated by the Delegate in Congress from Guam.

(9) Two cadets from American Samoa, nominated by the Delegate in Congress from American Samoa.

(10) One cadet from the Commonwealth of the Northern Mariana Islands, nominated by the residents representative from the commonwealth.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate 10 persons for each vacancy that is available to him under this section. Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.

(b) In addition, there may be appointed each year at the Academy cadets as follows:

(1) one hundred selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay;

(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

(D) would be, or who died while they would have been, entitled to retired pay under Chapter 1223 of this title, except for not having attained 60 years of age;

however, a person who is eligible for selection under clause (1) of subsection (a) may not be selected under this clause.

(2) 85 nominated by the Secretary of the Air Force from enlisted members of the Regular Air Force.

(3) 85 nominated by the Secretary of the Air Force from enlisted members of reserve components of the Air Force.

(4) 20 nominated by the Secretary of the Air Force, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Air Force Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Air Force in order of merit (prescribed pursuant to section 9343 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

(c) The President may also appoint as cadets at the Academy children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

(d) The Superintendent may nominate for appointment each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under clauses (2) through (9) of subsection (a) and may not cause the total strength of Air Force Cadets to exceed the authorized number.

(e) If the annual quota of cadets under subsection (b) (1), (2), or (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(f) Each candidate for admission nominated under clauses (3) through (9) of subsection (a) must be domiciled in the State, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

(g) The Secretary of the Air Force may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy as determined by the Secretary after consulting with the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, subject to the following:

(1) Cadets chargeable to each nominating authority named in subsection (a) (3) or (4) may not be limited to less than four.

(2) If the Secretary limits the number of appointments under subsection (a) (3) or (4), appointments under subsection (b)(1)–(4) are limited as follows:

(A) 27 appointments under subsection (b)(1);

(B) 27 appointments under subsection (b)(2);

(C) 27 appointments under subsection (b)(3); and

(D) 13 appointments under subsection (b)(4).

(3) If the Secretary limits the number of appointments under subsection (b)(5), appointment under subsection (b)(2)–(4) are limited as follows:

(A) 27 appointments under subsection (b)(2);

(B) 27 appointments under subsection (b)(3); and

(C) 13 appointments under subsection (b)(4).

(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

(h) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of Air Force Cadets, the Secretary of the Air Force may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.

(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Air Force may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases

may be prescribed until the cadet strength limit is 4,400. However, no increase may be prescribed for any academic year after the 2007–2008 academic year.

(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under sections 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Air Force Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Air Force Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

(4) In this subsection the term "cadet strength limit" means the authorized maximum strength of Air Force Cadets of the Academy.

(Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 563; Sept. 14, 1962, Pub.L. 87–663, § 1(5), (6), 76 Stat. 547; March 3, 1964, Pub.L. 88–276, § 4(1), 78 Stat. 151; Oct. 13, 1966, Pub.L. 89–650, § 1(1)–(3), (5), 80 Stat. 896; July 5, 1968, Pub.L. 90–374, 82 Stat. 283; Oct. 22, 1968, Pub.L. 90–623, § 2(8), 82 Stat. 1314; Sept. 22, 1970, Pub.L. 91–405, Title II, § 204(c), 84 Stat. 852; Aug. 7, 1972, Pub.L. 92–365, § 1(3), 86 Stat. 505; Nov. 29, 1973, Pub.L. 93–171, § 3(1)–(4), 87 Stat. 690; Oct. 7, 1975, Pub.L. 94–106, Title VIII, § 803(b)(1), 89 Stat. 538; Dec. 12, 1980, Pub.L. 96–513, Title V, Part B, § 514(11), 94 Stat. 2935; Dec. 4, 1980, Pub.L. 96–600, § 2(c), 94 Stat. 3493; Oct. 14, 1981, Pub.L. 97–60, Title II, § 203(c)(1), 95 Stat. 1006; Sept. 24, 1983, Pub.L. 98–94, Title X, Part A, § 1005(a)(3), (b)(3), 97 Stat. 660, 661; Nov. 29, 1989, Pub.L. 101–189, Div. A, Title XVI, Part C, § 1621(a)(1), 103 Stat. 1602; Nov. 5, 1990, Pub.L. 101–510, Div. A, Title V, Part C, § 532(c)(1), 104 Stat 1563; Nov. 30, 1993, Pub.L. 103–160, Div. A, Title V, Subtitle C, § 531, 107 Stat. 1657; Oct. 5, 1994, Pub.L. 103–337, Div. A, Title XVI, Subtitle D, § 1674(c)(3), 108 Stat. 3017; Feb. 10, 1996, Pub.L. 104–106, Div. A, Title V, Subtitle D, Part I, § 532(c), Title XV, § 1502(a)(1), 110 Stat. 315, 502; Nov. 18, 1997, Pub.L. 105–85, Div. A, Title X, Subtitle G, § 1073(a)(62), 111 Stat. 1903; Pub.L. 106–65, Div. A, Title V, § 531(b)(3), Title X, § 1067(1), Oct. 5, 1999, 113 Stat. 602, 774; Oct. 30, 2000, Pub.L. 106–398, § 1, Div. A, Title V, § 531(c) 114 Stat. 1654A–110; Pub.L. 107–314, Div. A, Title V, § 532(c), Dec. 2, 2002, 116 Stat. 2546; Pub.L. 108–136, §§ 824(c), 1031(a)(58), Nov. 24, 2003, 117 Stat. 1464, 1063; Pub.L. 109–364, Div. A, Title X, § 1071(a)(38), Oct 17, 2006, 120 Stat. 2400.).

§ 9355. Board of Visitors. **1055**

(a) A Board of Visitors to the Academy is constituted annually. The Board consists of the following members:

(1) Six persons designated by the President.

(2) The chairman of the Committee on Armed Services of the House of Representatives, or his designee.

(3) Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives.

(4) The chairman of the Committee on Armed Services of the Senate, or his designee.

(5) Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate.

(b)(1) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is designated. The President shall designate persons each year to succeed the members designated by the President whose terms expire that year.

(2) At least two of the members designated by the President shall be graduates of the Academy.

(c)(1) If a member of the Board dies or resigns or is terminated as a member of the Board under paragraph (2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(2)(A) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

(B) Termination of membership on the Board under subparagraph (A)—

(i) in the case of a member of the Board who is not a member of Congress, may be made by the Board chairman; and

(ii) in the case of a member of the Board who is a member of Congress, may be made only by the official who designated the member.

(C) When a member of the Board is subject to termination from membership on the Board under subparagraph (A), the Board chairman shall notify the official who designated the member. Upon receipt of such a notification with respect to a member of the Board who is a member of Congress, the official who designated the member shall take such action as that official considers appropriate.

(d) The Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board. Board meetings should last at least one full day. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.

(e)(1) The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(2) The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, con-

sistent with applicable laws concerning disclosure of information, with respect to institutional problems.

(3) The Board shall recommend appropriate action.

(f) The Board shall prepare a semiannual report containing its views and recommendations pertaining to the Academy, based on its meeting since the last such report and any other considerations it determines relevant. Each such report shall be submitted concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing duties as a member of the Board, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 567; Dec. 23, 1980, Pub.L. 95–579, § 13(c), 94 Stat. 3369; Feb. 10, 1996, Pub.L. 104–106, Div A, Title X, Subtitle F, § 1061(e)(2), Title XV, § 1502(a)(12), 110 Stat. 443, 503; Pub.L. 106–65, Div. A, Title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; Pub.L. 108–375, Div. A, Title V, § 543, Oct. 28, 2004, 118 Stat. 1904; Pub.L. 109–364, Div. A, Title X, § 1071(a)(39), Oct. 17, 2006, 120 Stat. 2400.)

Chapter 1013.—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

§ 10541. National Guard and reserve component equipment: annual report to Congress. 1056

(a) The Secretary of Defense shall submit to the Congress each year, not later than February 15, a written report concerning the equipment of the National Guard and the reserve components of the armed forces for each of the three succeeding fiscal years.

(b) Each report under this section shall include the following:

(1) Recommendations as to the type and quantity of each major item of equipment which should be in the inventory of the Selected Reserve of the Ready Reserve of each reserve component of the armed forces.

(2) A statement of the quantity and average age of each type of major item of equipment which is expected to be physically available in the inventory of the Selected Reserve of the Ready Reserve of each reserve component as of the beginning of each fiscal year covered by the report.

(3) A statement of the quantity and cost of each type of major item of equipment which is expected to be procured for the Selective Reserve of the Ready Reserve of each reserve component from commercial sources or to be transferred to each such Selected Reserve from the active-duty components of the armed forces.

(4) A statement of the quantity of each type of major item of equipment which is expected to be retired, decommissioned, transferred, or otherwise removed from the physical inventory of the Selected Reserve of the Ready Reserve of each reserve component and the plans for replacement of that equipment.

(5) A listing of each major item of equipment required by the Selected Reserve of the Ready Reserve of each reserve component indicating—

(A) the full war-time requirement of that component for that item, shown in accordance with deployment schedules and requirements over successive 30-day periods following mobilization;

(B) the number of each such item in the inventory of the component;

(C) a separate listing of each such item in the inventory that is a deployable item and is not the most desired item;

(D) the number of each such item projected to be in the inventory at the end of the third succeeding fiscal year; and

(E) the number of nondeployable items in the inventory as a substitute for a required major item of equipment.

(6) A narrative explanation of the plan of the Secretary concerned to provide equipment needed to fill the war-time requirement for each major item of equipment to all units of the Selected Reserve, including an explanation of the plan to equip units of the Selected Reserve that are short of major items of equipment at the outset of war.

(7) For each item of major equipment reported under paragraph (3) in a report for one of the three previous years under this section as an item expected to be procured for the Selected Reserve or to be transferred to the Selected Reserve, the quantity of such equipment actually procured for or transferred to the Selected Reserve.

(8) A statement of the current status of the compatibility of equipment between Army reserve components and active forces of the Army, the effect of that level of incompatibility on combat effectiveness, and a plan to achieve full equipment compatibility.

(c) Each report under this section shall be expressed in the same format and with the same level of detail as the information presented in the annual Five Year Defense Program Procurement Annex prepared by the Department of Defense. (Added Pub.L. 101–510, § 1483(a), Nov. 5, 1990, 104 Stat. 1714 [former § 115(a)(2), (3)]; amended Pub.L. 102–484, § 1134, Oct. 23, 1992, 106 Stat. 2541; transferred, redesignated § 10541, and amended Pub.L. 103–337, § 1661(d)(2), Oct. 5, 1994, 108 Stat. 2982.)

TITLE 12.—BANKS AND BANKING

Chapter 3.—FEDERAL RESERVE SYSTEM

Subchapter VII.—Directors of Federal Reserve Banks; Reserve Agents and Assistants

§ 303. Qualifications and disabilities. **1060**

No Senator * * * shall be a member of the Board of Governors of the Federal Reserve System or an officer or a director of a Federal Reserve bank. * * * (Dec. 23, 1913, ch. 6, § 4, 38 Stat. 255; Aug. 23, 1935, ch. 614, § 203(a), 49 Stat. 704.)

TITLE 14.—COAST GUARD

Chapter 9.—COAST GUARD ACADEMY

1061 § 194. Annual Board of Visitors.

(a) In addition to the Advisory Committee, a Board of Visitors to the Academy is established to visit the Academy annually and to make recommendations on the operation of the Academy.

(b) The Board shall be composed of—

(1) two Senators designated by the Chairman of the Committee on Commerce, Science, and Transportation of the Senate;

(2) three Members of the House of Representatives designated by the Chairman of the Committee on Transportation and Infrastructure of the House of Representatives;

(3) one Senator designated by the President of the Senate;

(4) two Members of the House of Representatives designated by the Speaker of the House of Representatives; and

(5) the Chairman of the Committee on Commerce, Science, and Transportation of the Senate and the Chairman of the Committee on Transportation and Infrastructure of the House of Representatives, as ex officio Members.

(c) When a Member is unable to attend the annual meeting another Member may be designated as provided under subsection (b).

(d) When an ex officio Member is unable to attend the annual meeting that Member may designate another Member.

(e) Members of the Board shall be designated in the First Session and serve for the duration of the Congress.

(f) The Board shall visit the Academy annually on the date chosen by the Secretary. Each Member of the Board shall be reimbursed, to the extent permitted by law, by the Coast Guard for actual expenses incurred while engaged in duties as a Member of the Board. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 510; Nov. 16, 1990, Pub.L. 101–595, § 304, 104 Stat. 2984; Pub.L. 107–295, Title IV, § 408(a)(1), Nov. 25, 2002, 116 Stat. 2117.)

TITLE 15.—COMMERCE AND TRADE

Chapter 21.—NATIONAL POLICY ON EMPLOYMENT

§ 1022. Economic Report of President; coverage; supplementary reports; reference to Congressional joint committee; percentage rate of unemployment; definitions. 1065

(a) The President shall annually transmit to the Congress not later than 10 days after the submission of the budget under section 1105(a) of title 31, United States Code, with copies transmitted to the Governor of each State and to other appropriate State and local officials, an economic report (hereinafter in this chapter referred to as the "Economic Report") together with the annual report of the Council of Economic Advisers submitted in accord with section 1023(c) of this title, setting forth—

(1) the current and foreseeable trends in the levels of employment, unemployment, production, capital formation, real income, Federal budget outlays and receipts, productivity, international trade and payments, and prices, and a review and analysis of recent domestic and international developments affecting economic trends in the Nation;

(2)(A) annual numerical goals for employment and unemployment, production, real income, productivity, Federal outlays as a proportion of gross national product, and prices for the calendar year in which the Economic Report is transmitted and for the following calendar year, designated as short-term goals, which shall be consistent with achieving as rapidly as feasible the goals of full employment and production, increased real income, balanced growth, fiscal policies that would establish the share of an expanding gross national product accounted for by Federal outlays at the lowest level consistent with national needs and priorities, a balanced Federal budget, adequate productivity growth, price stability, achievement of an improved trade balance, and proper attention to national priorities; and

(B) annual numerical goals as specified in subparagraph (A) for the three successive calendar years, designated as medium term goals;

(3) employment objectives for certain significant subgroups of the labor force, including youth, women, minorities, handicapped persons, veterans, and middle-aged and older persons; and

(4) a program for carrying out the policy declared in section 1021 of this title, together with such recommendations for legislation as the President may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the Economic Report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 1021 of this title.

(c) The Economic Report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the joint committee created by section 1024 of this title.

(d) For the purposes of the Full Employment and Balanced Growth Act of 1978, [15 U.S.C.A. § 3101 et seq.], the percentage rate of unemployment as a percentage of the civilian labor force as set forth by the Bureau of Labor Statistics in the Department of Labor as computed under the procedures in effect as of October 27, 1978.

(e) For the purpose of the Full Employment and Balanced Growth Act of 1978, [15 U.S.C.A. § 3101 et seq.], the terms "inflation", "prices", and "reasonable price stability" refer to the rate of change or level of the consumer price index as set forth by the Bureau of Labor Statistics, United States Department of Labor. (Feb. 20, 1946, ch. 33, § 3, 60 Stat. 24; Aug. 2, 1946, ch. 753, § 226, 60 Stat. 838; June 18, 1956, ch. 399, § 1, 70 Stat. 289; Oct. 27, 1978, Pub.L. 95–523, § 103, 92 Stat. 1892; May 10, 1979, Pub.L. 96–10, § 6(d), 93 Stat. 24; Nov. 5, 1990, Pub.L. 101–508, Title XIII, § 13112(e), 104 Stat. 1388.)

1066 § 1024. Joint Economic Committee.

(a) There is established a Joint Economic Committee, to be composed of ten Members of the Senate, to be appointed by the President of the Senate, and ten Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by six Members and the minority party shall be represented by four Members.

(b) It shall be the function of the joint committee—

(1) to make a continuing study of matters relating to the Economic Report;

(2) to study means of coordinating programs in order to further the policy of this chapter; and

(3) as a guide to the several committees of the Congress dealing with legislation relating to the Economic Report, not later than March 1 of each year (beginning with the year 1947) to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the Economic Report, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings as it deems advisable, and, within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants, to procure such printing and binding, and to make such expenditures, as it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words. The joint committee is authorized to utilize

the services, information, and facilities of the departments and establishments of the Government, and also of private research agencies.

(e) To enable the joint committee to exercise its powers, functions, and duties there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

(f) Service of one individual, until the completion of the investigation authorized by Senate Concurrent Resolution 26, Eighty-first Congress, as an attorney or expert for the joint committee, in any business or professional field, on a part-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, or 284 of title 18, or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States. (Feb. 20, 1946, ch. 33, § 5, 60 Stat. 25; Aug. 2, 1946, ch. 753, § 225, 60 Stat. 838; Feb. 2, 1948, ch. 42, 62 Stat. 16, Oct. 6, 1949, ch. 627, §§ 1, 2, 63 Stat. 721; June 18, 1956, ch. 399, § 2, 70 Stat. 290; Feb. 17, 1959, Pub.L. 86–1, 73 Stat. 3; Oct. 13, 1964, Pub.L. 88–661, 78 Stat. 1093; Jan. 25, 1967, Pub.L. 90–2, 81 Stat. 4; Dec. 27, 1974, Pub.L. 93–554, § 101, 88 Stat. 1776.) (Note: Section 5 of act of February 20, 1946, ch. 33, 60 Stat. 25 was redesignated Section 11 by Pub.L. 95–523, Title I, § 104, Oct. 27, 1978, 92 Stat. 1893.)

§ 1025. Printing of monthly publication by Joint Economic Committee entitled "Economic Indicators"; distribution. 1067

The Joint Economic Committee is authorized to issue a monthly publication entitled "Economic Indicators", and a sufficient quantity shall be printed to furnish one copy to each Member of Congress; the Secretary and the Sergeant at Arms of the Senate; the Clerk, Sergeant at Arms, and Chief Administrative Officer of the House of Representatives; two copies to the libraries of the Senate and House, and the Congressional Library; seven hundred copies to the Joint Economic Committee; and the required number of copies to the Superintendent of Documents for distribution to depository libraries; and the Superintendent of Documents is authorized to have copies printed for sale to the public. (June 23, 1949, ch. 237, 63 Stat. 264; Pub.L. 104–186, Title II, § 217, Aug. 20, 1996, 110 Stat. 1747.)

TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

Chapter 11.—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

1070 § 201. Bribery of public officials and witnesses.

(a) For the purpose of this section—

(1) the term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror;

(2) the term "person who has been selected to be a public official" means any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed; and

(3) the term "official act" means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit.

(b) Whoever—

(1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

(A) to influence any official act; or

(B) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of the lawful duty of such official or person;

(2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for—

(A) being influenced in the performance of any official act;

(B) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) being induced to do or omit to do any act in violation of the official duty of such official or person;

(3) directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person

to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom;

(4) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for being influenced in testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom;

shall be fined under this title or not more than three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(c) Whoever—

(1) otherwise than as provided by law for the proper discharge of official duty—

(A) directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official; or

(B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person;

(2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House orboth Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of such person's absence therefrom;

(3) directly or indirectly, demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon any such trial, hearing, or other proceeding, or for or because of such person's absence therefrom;

shall be fined under this title or imprisoned for not more than two years, or both.

(d) Paragraphs (3) and (4) of subsection (b) and paragraphs (2) and (3) of subsection (c) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or

proceeding, or in the case of expert witnesses, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(e) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title. (Oct. 23, 1962; Pub.L. 87–849, § 1(a), 76 Stat. 1119, and amended Pub.L. 91–405, Title II, § 204(d)(1), Sept. 22, 1970, 84 Stat. 853; Pub.L. 99–646, § 46(a), Nov. 10, 1986, 100 Stat. 3601–3604; Sept. 13, 1994, Pub.L. 103–322, § 330016(2)(D), 108 Stat. 2148.)

1071 § 202. Definitions.

(a) For the purpose of sections 203, 205, 207, 208, and 209 of this title the term "special Government employee" shall mean an officer or employee of the executive or legislative branch of the United States Government, of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, or a part-time United States commissioner, a part-time United States magistrate, or, regardless of the number of days of appointment, an independent counsel appointed under chapter 40 of title 28 and any person appointed by that independent counsel under section 594(c) of title 28. Notwithstanding the next preceding sentence, every person serving as a part-time local representative of a Member of Congress in the Member's home district or State shall be classified a special Government employee. Notwithstanding section 29 (c) and (d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r (c) and (d)),[1] a Reserve Officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of section 203 and sections 205 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving involuntarily shall be classified as a special Government employee. The terms "officer or employee" and "special Government employee" as used in sections 203, 205, 207 through 209, and 218, shall not include enlisted members of the Armed Forces.

(b) For the purposes of sections 205 and 207 of this title, the term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

(c) Except as otherwise provided in such sections, the terms "officer" and "employee" in sections 203, 205, 207 through 209, and 218 of this title shall not include the President, the Vice President, a Member of Congress, or a Federal judge.

[1] Section 30r (c) and (d) of title 5, United States Code, is now contained in sections 502, 2105(d), and 5534 of that title.

(d) The term "Member of Congress" in sections 204 and 207 means—

(1) A United States Senator; and

(2) a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

(e) As used in this chapter, the term—

(1) "executive branch" includes each executive agency as defined in title 5, and any other entity or administrative unit in the executive branch;

(2) "judicial branch" means the Supreme Court of the United States; the United States courts of appeals; the United States district courts; the Court of International Trade; the United States bankruptcy courts; any court created pursuant to article I of the United States Constitution, including the Court of Appeals for the Armed Forces, the United States Court of Federal Claims, and the United States Tax Court, but not including a court of a territory or possession of the United States; the Federal Judicial Center, and any other agency, office, or entity in the judicial branch; and

(3) "legislative branch" means—

(A) the Congress; and

(B) the Office of the Architect of the Capitol, the United States Botanic Garden, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the United States Capitol Police, and any other agency, entity, office, or commission established in the legislative branch. (June 25, 1948, ch. 645, § 1, 62 Stat. 691; Oct. 23, 1962, Pub.L. 87–849, 76 Stat. 1121; Oct. 17, 1968, Pub.L. 90–578, § 301(b), 82 Stat. 1115; Pub.L. 100–191, § 3(a), Dec. 15, 1987, 101 Stat. 1306; Pub.L. 101–194, Title IV, § 401, Nov. 30, 1989, 103 Stat. 1747; Pub.L. 101–280, § 5(a), May 4, 1990, 104 Stat. 158; Pub.L. 102–572, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub.L. 103–337, § 924(d)(1), Oct. 5, 1994, 108 Stat. 2832; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

§ 203. Compensation to Members of Congress, officers, and others in matters affecting the Government. 1072

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any representational services, as agent or attorney or otherwise, services rendered or to be rendered either personally or by another—

(A) at a time when such person is a Member of Congress, Member of Congress Elect, Delegate, Delegate Elect, Resident Commissioner, or Resident Commissioner Elect; or

(B) at a time when such person is an officer or employee or Federal judge of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States,

in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any depart-

ment, agency, court, court-martial, officer, or any civil, military, or naval commission; or

(2) knowingly gives, promises, or offers any compensation for any such representational services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Member Elect, Delegate, Delegate Elect, Commissioner, Commissioner Elect, Federal judge, officer, or employee;

shall be subject to the penalties set forth in section 216 of this title.

(b) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any representational services, as agent or attorney or otherwise, rendered or to be rendered either personally or by another, at a time when such person is an officer or employee of the District of Columbia, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the District of Columbia is a party or has a direct and substantial interest, before any department, agency, court, officer, or commission; or

(2) knowingly gives, promises, or offers any compensation for any such representational services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was an officer or employee of the District of Columbia;

shall be subject to the penalties set forth in section 216 of this title.

(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties—

(1) in which such employee has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise; or

(2) which is pending in the department or agency of the Government in which such employee is serving except that paragraph (2) of this subsection shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(d) Nothing in this section prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for or otherwise representing his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

(1) in those matters in which he has participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

(2) in those matters that are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

(e) Nothing in this section prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register.

(f) Nothing in this section prevents an individual from giving testimony under oath or from making statements required to be made under penalty of perjury. (Oct. 23, 1962, Pub.L. 87–849, § 1(a), 76 Stat. 1121, and amended Pub.L. 91–405, Title II, § 204(d)(2), (3), Sept. 22, 1970, 84 Stat. 853; Pub.L. 99–646, § 47(a), Nov. 10, 1986, 100 Stat. 3604, 3605; Pub.L. 101–194, Title IV, § 402, Nov. 30, 1989, 103 Stat. 1748; Pub.L. 101–280, § 5(b), May 4, 1990, 104 Stat. 159.)

§ 204. Practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress. 1073

Whoever, being a Member of Congress or Member of Congress Elect, practices in the United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit shall be subject to the penalties set forth in section 216 of this title. (June 25, 1948, ch. 645, 62 Stat. 697; Oct. 23, 1962; Pub.L. 87–849, 76 Stat. 1122; Sept. 22, 1970; Pub.L. 91–405, § 204(d), 84 Stat. 853; Pub.L. 97–164, § 147, Apr. 2, 1982, 96 Stat. 45; Pub.L. 101–194, Title IV, § 403, Nov. 30, 1989, 103 Stat. 1749; Pub.L. 102–572, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

§ 205. Activities of officers and employees in claims against and other matters affecting the Government. 1074

(a) Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties—

(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or

(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

(b) Whoever, being an officer or employee of the District of Columbia or an officer or employee of the Office of the United States Attorney for the District of Columbia, otherwise than in the proper discharge of official duties—

(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; or

(2) acts as agent or attorney for anyone before any department, agency, court, officer, or commission in connection with any covered

matter in which the District of Columbia is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—

(1) in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

(2) which is pending in the department or agency of the Government in which he is serving.

Paragraph (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing—

(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

(A) is a claim under subsection (a)(1) or (b)(1);

(B) is a judicial or administrative proceeding where the organization or group is a party; or

(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group.

(e) Nothing in subsection (a) or (b) prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

(1) in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or

(2) in those matters which are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the

performance of work under a grant by, or a contract with or for the benefit of, the United States if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register.

(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(h) For the purpose of this section, the term "covered matter" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.

(i) Nothing in this section prevents an employee from acting pursuant to—

(1) chapter 71 of title 5;

(2) section 1004 or chapter 12 of title 39;

(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b);

(4) chapter 10 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees.

(Added Pub.L. 87–849, § 1(a), October 23, 1962, 76 Stat. 1122, and amended Pub.L. 101–194, Title IV, § 404, Nov. 30, 1989, 103 Stat. 1750; Pub.L. 101–280, § 5(c), May 4, 1990, 104 Stat. 159; Pub.L. 104–177, § 2, Aug. 6, 1996, 110 Stat. 1563; Pub.L. 107–273, Div. B, Title IV, Sec. 4002(a)(9), Nov. 2, 2002, 116 Stat. 1807.)

§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches. 1075

(a) Restrictions on all officers and employees of the executive branch and certain other agencies—

(1) Permanent restrictions on representation on particular matters.—Any person who is an officer or employee (including any special Government employee) of the executive branch of the United States (including any independent agency of the United States), or of the District of Columbia, and who, after the termination of his or her service or employment with the United States or the District of Columbia, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States or the District of Columbia) in connection with a particular matter—

(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest,

(B) in which the person participated personally and substantially as such officer or employee, and

(C) which involved a specific party or specific parties at the time of such participation,

shall be punished as provided in section 216 of this title.

(2) Two-year restrictions concerning particular matters under official responsibility.—Any person subject to the restrictions contained in paragraph (1) who, within 2 years after the termination of his or her service or employment with the United States or the District of Columbia, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States or the District of Columbia), in connection with a particular matter—

(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest,

(B) which such person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States or the District of Columbia, and

(C) which involved a specific party or specific parties at the time it was so pending,

shall be punished as provided in section 216 of this title.

(3) Clarification of restrictions.—The restrictions contained in paragraphs (1) and (2) shall apply—

(A) in the case of an officer or employee of the executive branch of the United States (including any independent agency), only with respect to communications to or appearances before any officer or employee of any department, agency, court, or court-martial of the United States on behalf of any other person (except the United States), and only with respect to a matter in which the United States is a party or has a direct and substantial interest; and

(B) in the case of an officer or employee of the District of Columbia, only with respect to communications to or appearances before any officer or employee of any department, agency or court of the District of Columbia on behalf of any other person (except the District of Columbia), and only with respect to a matter in which the District of Columbia is a party or has a direct and substantial interest.

(b) One-year restrictions on aiding or advising—

(1) In general.—Any person who is a former officer or employee of the executive branch of the United States (including any independent agency) and is subject to the restrictions contained in subsection (a)(1), or any person who is a former officer or employee of the legislative branch or a former Member of Congress, who personally and substantially participated in any ongoing trade or treaty negotiation on behalf of the United States within the 1-year period preceding the date on which his or her service or employment with the United States terminated, and who had access to information concerning such trade or treaty negotiation which is exempt from disclosure under section 552 of title 5, which is so designated by the appropriate department or agency, and which the person knew or should have known was so designated, shall not, on the basis of that information, knowingly represent, aid, or advise any other person (except the United States) concerning such ongoing

trade or treaty negotiation for a period of 1 year after his or her service or employment with the United States terminates. Any person who violates this subsection shall be punished as provided in section 216 of this title.

(2) Definition.—For purposes of this paragraph—

(A) the term "trade negotiation" means negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made; and

(B) the term "treaty" means an international agreement made by the President that requires the advice and consent of the Senate.

(c) One-year restrictions on certain senior personnel of the executive branch and independent agencies—

(1) Restrictions.—In addition to the restrictions set forth in subsections (a) and (b), any person who is an officer or employee (including any special Government employee) of the executive branch of the United States (including an independent agency), who is referred to in paragraph (2), and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.

(2) Persons to whom restrictions apply—

(A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (d))—

(i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5,

"(ii) employed in a position which is not referred to in clause (i) and for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act,".

(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3 or by the Vice President to a position under section 106(a)(1)(B) of title 3, or

(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as

specified in section 201 of title 37) is pay grade O–7 or above; or

(v) assigned from a private sector organization to an agency under chapter 37 of title 5.

(B) Paragraph (1) shall not apply to a special Government employee who serves less than 60 days in the 1-year period before his or her service or employment as such employee terminates.

(C) At the request of a department or agency, the Director of the Office of Government Ethics may waive the restrictions contained in paragraph (1) with respect to any position, or category of positions, referred to in clause (ii) or (iv) of subparagraph (A), in such department or agency if the Director determines that—

(i) the imposition of the restrictions with respect to such position or positions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions, and

(ii) granting the waiver would not create the potential for use of undue influence or unfair advantage.

(d) Restrictions on very senior personnel of the executive branch and independent agencies—

(1) Restrictions.—In addition to the restrictions set forth in subsections (a) and (b), any person who—

(A) serves in the position of Vice President of the United States,

(B) is employed in a position in the executive branch of the United States (including any independent agency) at a rate of pay payable for level I of the Executive Schedule or employed in a position in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule, or

(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3,

and who, within 2 years after the termination of that person's service in that position, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2), on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of the executive branch of the United States, shall be punished as provided in section 216 of this title.

(2) Persons who may not be contacted.—The persons referred to in paragraph (1) with respect to appearances or communications by a person in a position described in subparagraph (A), (B), or (C) of paragraph (1) are—

(A) Any officer or employee of any department or agency in which such person served in such position within a period of 1 year before such person's service or employment with the United States Government terminated, and

(B) any person appointment to a position in the executive branch which is listed in section 5312, 5313, 5314, 5315, or 5316 of title 5.

(e) Restrictions on Members of Congress and officers and employees of the legislative branch—

(1) Members of Congress and elected officers of the house—

(A) Senators.—Any person who is a Senator and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Senator seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

(B) Members and officers of the House of Representatives.—(i) Any person who is a Member of the House of Representatives or an elected officer of the House of Representatives and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in clause (ii) or (iii), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

(ii) The persons referred to in clause (i) with respect to appearances or communications by a former Member of the House of Representatives are any Member, officer, or employee of either House of Congress and any employee of any other legislative office of the Congress.

(iii) The persons referred to in clause (i) with respect to appearances or communications by a former elected officer are any Member, officer, or employee of the House of Representatives.

(2) Officers and staff of the Senate.—Any person who is an elected officer of the Senate, or an employee of the Senate to whom paragraph (7)(A) applies, and who, within 1 year after that person leaves office or employment, knowingly makes, with the intent to influence, any communication to or appearance before any Senator or any officer or employee of the Senate, on behalf of any other person (except the United States) in connection with any matter on which such former elected officer or former employee seeks action by a Senator or an officer or employee of the Senate, in his or her official capacity, shall be punished as provided in section 216 of this title.

(3) Personal staff—

(A) Any person who is an employee of a Member of the House of Representatives to whom paragraph (7)(A) applies and who, within 1 year after the termination of that employment, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of

either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a person who is a former employee are the following:

(i) the Member of the House of Representatives for whom that person was an employee; and

(ii) any employee of that Member of the House of Representatives.

(4) Committee staff.—Any person who is an employee of a committee of the House of Representatives, or an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, to whom paragraph (7)(A) applies and who, within 1 year after the termination of that person's employment on such committee or joint committee (as the case may be), knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or joint committee (as the case may be) or who was a Member of the committee or joint committee (as the case may be) in the year immediately prior to the termination of such person's employment by the committee or joint committee (as the case may be), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

(5) Leadership staff.—(A) Any person who is an employee on the leadership staff of the House of Representatives to whom paragraph (7)(A) applies and who, within 1 year after the termination of that person's employment on such staff, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are any Member of the leadership of the House of Representatives and any employee on the leadership staff of the House of Representatives.

(6) Other legislative offices.—(A) Any person who is an employee of any other legislative office of the Congress to whom paragraph (7)(B) applies and who, within 1 year after the termination of that person's employment in such office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by any officer or employee of such office, in his or her official capacity, shall be punished as provided in section 216 of this title.

(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the em-

ployees and officers of the former legislative office of the Congress of the former employee.

(7) Limitation on restrictions.—(A) The restrictions contained in paragraphs (2), (3), (4), and (5) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was paid a rate of basic pay equal to or greater than an amount which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed.

(B) The restrictions contained in paragraph (6) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5302 of title 5, is equal to or greater than the basic rate of pay payable for level IV of the Executive Schedule.

(8) Exception.—This subsection shall not apply to contacts with the staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.

(9) Definitions.—As used in this subsection—

(A) the term "committee of Congress" includes standing committees, joint committees, and select committees;

(B) a person is an employee of a House of Congress if that person is an employee of the Senate or an employee of the House of Representatives;

(C) the term "employee of the House of Representatives" means an employee of a Member of the House of Representatives, an employee of a committee of the House of Representatives, an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, and an employee on the leadership staff of the House of Representatives;

(D) the term "employee of the Senate" means an employee of a Senator, an employee of a committee of the Senate, an employee of a joint committee of the Congress whose pay is disbursed by the Secretary of the Senate, and an employee on the leadership staff of the Senate;

(E) a person is an employee of a Member of the House of Representatives if that person is an employee of a Member of the House of Representatives under the clerk hire allowance;

(F) a person is an employee of a Senator if that person is an employee in a position in the office of a Senator;

(G) the term "employee of any other legislative office of the Congress" means an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the United States Capitol Police, and any other agency, entity, or office in the legislative branch not covered by paragraph (1), (2), (3), (4), or (5) of this subsection;

(H) the term "employee on the leadership staff of the House of Representatives" means an employee of the office of a Member of the leadership of the House of Representatives described in subparagraph (L), and any elected minority employee of the House of Representatives;

(I) the term "employee on the leadership staff of the Senate" means an employee of the office of a Member of the leadership of the Senate described in subparagraph (M);

(J) the term "Member of Congress" means a Senator or a Member of the House of Representatives;

(K) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(L) the term "Member of the leadership of the House of Representatives" means the Speaker, majority leader, minority leader, majority whip, minority whip, chief deputy majority whip, chief deputy minority whip, chairman of the Democratic Steering Committee, chairman and vice chairman of the Democratic Caucus, chairman, vice chairman, and secretary of the Republican Conference, chairman of the Republican Research Committee, and chairman of the Republican Policy Committee, of the House of Representatives (or any similar position created on or after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989);

(M) the term "Member of the leadership of the Senate" means the Vice President, and the President pro tempore, Deputy President pro tempore, majority leader, minority leader, majority whip, minority whip, chairman and secretary of the Conference of the Majority, chairman and secretary of the Conference of the Minority, chairman and co-chairman of the Majority Policy Committee, and chairman of the Minority Policy Committee, of the Senate (or any similar position created on or after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989).

(f) Restrictions relating to foreign entities—

(1) Restrictions.—Any person who is subject to the restrictions contained in subsection (c), (d), or (e) and who knowingly, within 1 year after leaving the position, office, or employment referred to in such subsection—

(A) represents a foreign entity before any officer or employee of any department or agency of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties, or

(B) aids or advises a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the United States, in carrying out his or her official duties,

shall be punished as provided in section 216 of this title.

(2) Special rule for Trade Representative.—With respect to a person who is the United States Trade Representative or Deputy United States Trade Representative, the restrictions described in paragraph (1) shall apply to representing, aiding, or advising foreign entities at any time after the termination of that person's service as the United States Trade Representative.

(3) Definition.—For purposes of this subsection, the term "foreign entity" means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, or a foreign political party as defined in section 1(f) of that Act.

(g) Special rules for detailees.—For purposes of this section, a person who is detailed from one department, agency, or other entity to another department, agency, or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies, or such entities.

(h) Designations of separate statutory agencies and bureaus—

(1) Designations.—For purposes of subsection (c) and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and that there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate department or agency. On an annual basis, the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his or her responsibilities under this paragraph.

(2) Inapplicability of designations.—No agency or bureau within the Executive Office of the President may be designated under paragraph (1) as a separate department or agency. No designation under paragraph (1) shall apply to persons referred to in subsection (c)(2)(A)(i) or (iii).

(i) Definitions.—For purposes of this section—

(1) the term "officer or employee", when used to describe the person to whom a communication is made or before whom an appearance is made, with the intent to influence, shall include—

(A) in subsection (a), (c), and (d), the President and the Vice President; and

(B) in subsection (f), the President, the Vice President, and Members of Congress;

(2) the term "participated" means an action taken as an officer or employee through decision, approval, disapproval recommendation, the rendering of advice, investigation, or other such action; and

(3) the term "particular matter" includes any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding.

(j) Exceptions—

(1) Official government duties—

(A) In General.—The restrictions contained in this section shall not apply to acts done in carrying out official duties on

behalf of the United States or the District of Columbia or as an elected official of a State or local government.

(B) Tribal organizations and inter-tribal consortiums.—The restrictions contained in this section shall not apply to acts authorized by section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)).

(2) State and local governments and institutions, hospitals, and organizations.—The restrictions contained in subsections (c), (d), and (e) shall not apply to acts done in carrying out official duties as an employee of—

(A) an agency or instrumentality of a State or local government if the appearance, communication, or representation is on behalf of such government, or

(B) an accredited, degree-granting institution of higher education, as defined in section 101 of the Higher Education Act of 1965 [20 U.S.C.A. § 1001], or a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C.A. § 501(c)(3)], if the appearance, communication, or representation is on behalf of such institution, hospital, or organization.

(3) International organizations.—The restrictions contained in this section shall not apply to an appearance or communication on behalf of, or advice or aid to, an international organization in which the United States participates, if the Secretary of State certifies in advance that such activity is in the interests of the United States.

(4) Special knowledge.—The restrictions contained in subsections (c), (d), and (e) shall not prevent an individual from making or providing a statement, which is based on the individual's own special knowledge in the particular area that is the subject of the statement, if no compensation is thereby received.

(5) Exception for scientific or technological information.—The restrictions contained in subsections (a), (c), and (d) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information, if such communications are made under procedures acceptable to the department or agency concerned or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee. For purposes of this paragraph, the term "officer or employee" includes the Vice President.

(6) Exception for testimony.—Nothing in this section shall prevent an individual from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence—

(A) a former officer or employee of the executive branch of the United States (including any independent agency) who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court

order, serve as an expert witness or any other person (except the United States) in that matter; and

(B) a former officer or employee of the District of Columbia who is subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the District of Columbia) in that matter.

(7) Political parties and campaign committees—

(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate in his or her capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

(B) Subparagraph (A) shall not apply to—

(i) any communication to, or appearance before, the Federal Election Commission by a former officer or employee of the Federal Election Commission; or

(ii) a communication or appearance made by a person who is subject to the restrictions contained in subsections[1] (c), (d), or (e) if, at the time of the communication or appearance, the person is employed by a person or entity other than—

(I) a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party; or

(II) a person or entity who represents, aids, or advises only persons or entities described in subclause (I).

(C) For purposes of this paragraph—

(i) the term "candidate" means any person who seeks nomination for election, or election, to Federal or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Federal or State office;

(ii) the term "authorized committee" means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election of such, candidate except that a political committee that receives contributions or makes expenditures to promote more than 1 candidate may not be designated as an authorized committee for purposes of subparagraph (A);

(iii) 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;

(iv) the term "national Federal campaign committee" means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates

[1] So in original. Probably should be "subsection".

nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(v) 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;

(vi) the term "political party" means an association, committee, or organization that nominates a candidate for election to any Federal or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

(vii) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(k)(1)(A) The President may grant a waiver of a restriction imposed by this section to any officer or employee described in paragraph (2) if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the officer or employee are critically needed for the benefit of the Federal Government. Not more than 25 officers and employees currently employed by the Federal Government at any one time may have been granted waivers under this paragraph.

(B)(i) A waiver granted under this paragraph to any person shall apply only with respect to activities engaged in by that person after that person's Federal Government employment is terminated and only to that person's employment at a Government-owned, contractor operated entity with which the person served as an officer or employee immediately before the person's Federal Government employment began.

(ii) Notwithstanding clause (i), a waiver granted under this paragraph to any person who was an officer or employee of Lawrence Livermore National Laboratory, Los Alamos National Laboratory, or Sandia National Laboratory immediately before the person's Federal Government employment began shall apply to that person's employment by any such national laboratory after the person's employment by the Federal Government is terminated.

(2) Waivers under paragraph (1) may be granted only to civilian officers and employees of the executive branch, other than officers and employees in the Executive Office of the President.

(3) A certification under paragraph (1) shall take effect upon its publication in the Federal Register and shall identify—

(A) the officer or employee covered by the waiver by name and by position, and

(B) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.

(4) The President may not delegate the authority provided by this subsection.

(5)(A) Each person granted a waiver under this subsection shall prepare reports, in accordance with subparagraph (B), stating whether the person has engaged in activities otherwise prohibited by this section for each six-month period described in subparagraph (B), and if so, what those activities were.

(B) A report under subparagraph (A) shall cover each six-month period beginning on the date of the termination of the person's Federal Government employment (with respect to which the waiver under this subsection was granted) and ending two years after that date. Such report shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the end of the six-month period covered by the report. All reports filed with the Director under this paragraph shall be made available for public inspection and copying.

(C) If a person fails to file any report in accordance with subparagraphs (A) and (B), the President shall revoke the waiver and shall notify the person of the revocation. The revocation shall take effect upon the person's receipt of the notification and shall remain in effect until the report is filed.

(D) Any person who is granted a waiver under this subsection shall be ineligible for appointment in the civil service unless all reports required of such person by subparagraphs (A) and (B) have been filed.

(E) As used in this subsection, the term "civil service" has the meaning given that term in section 2101 of title 5.

(l) Contract Advice by Former Details.—Whoever, being an employee of a private sector organization assigned to an agency under chapter 37 of title 5, within one year after the end of that assignment, knowingly represents or aids, counsels, or assists in representing any other person (except the United States) in connection with any contract with that agency shall be punished as provided in section 216 of this title. (Added Pub.L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1123, and amended Pub.L. 95–521, Title V, § 501(a), Oct. 26, 1978, 92 Stat. 1864; Pub.L. 96–28, §§ 1, 2, June 22, 1979, 93 Stat. 76; Pub.L. 101–189, Div. A, Title VIII, § 814(d)(2), Nov. 29, 1989, 103 Stat. 1499; Pub.L. 101–194, Title I, § 101(a), Nov. 30, 1989, 103 Stat. 1716; Pub.L. 101–280, §§ 2(a), 5(d), May 4, 1990, 104 Stat. 149, 159; Pub.L. 101–509, Title V, § 529 [Title I, § 101(b)(8)(A)], Nov. 5, 1990, 104 Stat. 440; Pub.L. 102–25, Title VII, § 705(a), Apr. 6, 1991, 105 Stat. 120; Pub.L. 102–190, Div. B, Title XXXI, § 3138(a), Dec. 5, 1991, 105 Stat. 1579; Pub.L. 102–395, Title VI, § 609(a), Oct. 6, 1992, 106 Stat. 1873; Pub.L. 103–322, Title XXXIII, §§ 330002(i), 330010(15), Sept. 13, 1994, 108 Stat. 2140, 2144; Pub.L. 104–65, § 21(a), Dec. 19, 1995, 109 Stat. 704; Pub.L. 104–179, §§ 5, 6, Aug. 6, 1996, 110 Stat. 1567, 1568; Pub.L. 104–208, Div. A, Title I, § 101(f) [Title VI, § 635], Sept. 30, 1996, 110 Stat. 3009–363; Pub.L. 105–244, Title I, § 102(a)(5), Oct. 7, 1998, 112 Stat. 1618; Pub.L. 107–347, Title II, Sec. 209(d)(1), (3), Dec. 17, 2002, 116 Stat. 2930; Pub.L. 108–136, § 1125(b)(1), Nov. 24, 2003, 117 Stat. 1639; Pub.L. 108–271 § 8(b), July 7, 2004, 118 Stat. 814; Pub.L. 110–81, Title I, §§ 101, 104(a), Sept. 14, 2007, 121 Stat. 736, 740.)

§ 210. Offer to procure appointive public office. **1076**

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 694; Oct. 23, 1962, Pub.L. 87–849, § 1(b), 76 Stat. 1125; Sept. 13, 1994, Pub.L. 103–322, § 330016 (1)(H), 108 Stat. 2147.)

1077 § 211. Acceptance or solicitation to obtain appointive public office.

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined under this title or imprisoned not more than one year, or both.

Whoever solicits or receives any thing of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined under this title, or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States. (June 25, 1948, ch. 645, § 1, 62 Stat. 694; Sept. 13, 1951, ch. 380, 65 Stat. 320; Oct. 23, 1962, Pub.L. 87–849, § 1(b), 76 Stat. 1125; Sept. 13, 1994, Pub.L. 103–322, § 330016(1)(H), 108 Stat. 2147.)

1078 § 219. Officers and employees acting as agents of foreign principals.

(a) Whoever, being a public official, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938 or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 3(6) of that Act shall be fined under this title or imprisoned for not more than two years, or both.

(b) Nothing in this section shall apply to the employment of any agent of a foreign principal as a special Government employee in any case in which the head of the employing agency certifies that such employment is required in the national interest. A copy of any certification under this paragraph shall be forwarded by the head of such agency to the Attorney General who shall cause the same to be filed with the registration statement and other documents filed by such agent, and made available for public inspection in accordance with section 6 of the Foreign Agents Registration Act of 1938, as amended.

(c) For the purpose of this section "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government.

(Added Pub.L. 89–486, § 8(b), July 4, 1966, 80 Stat. 249, and amended Pub.L. 98–473, Title II, § 1116, Oct. 12, 1984, 98 Stat. 2149; Pub.L. 99–646, § 30, Nov. 10, 1986, 100 Stat. 3598; Pub.L. 101–647, Title XXXV, § 3511, Nov. 29, 1990, 104 Stat. 4922; Pub.L. 104–65, § 12(b), Dec. 19, 1995, 109 Stat. 701.)

Chapter 18.—CONGRESSIONAL, CABINET, AND SUPREME COURT ASSASSINATION, KIDNAPPING, AND ASSAULT

§ 351. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties. 1079

(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect, a member of the executive branch of the Government who is the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title), or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination, shall be punished as provided by sections 1111 and 1112 of this title.

(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(e) Whoever assaults any person designated in subsection (a) of this section shall be fined under this title, or imprisoned not more than one year, or both; and if the assault involved the use of a dangerous weapon, or personal injury results, shall be fined under this title, or imprisoned not more than ten years, or both.

(f) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

(g) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(h) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an individual protected by this section.

(i) There is extraterritorial jurisdiction over the conduct prohibited by this section. (Added Pub.L. 91–644, Title IV, § 15, Jan. 2, 1971, 84 Stat. 1891, and amended Pub.L. 97–285, §§ 1, 2(a), Oct. 6, 1982, 96 Stat. 1219; Pub.L. 99–646, § 62, Nov. 10, 1986, 100 Stat. 3614; Pub.L. 100–690, Title VII, § 7074, Nov. 18, 1988, 102 Stat. 4405; Pub.L. 103–322, Title XXXII, § 320101(d), Title XXXIII, §§ 330016(1)(K), (L),

330021(1), Sept. 13, 1994, 108 Stat. 2108, 2147, 2150; Pub.L. 104–294, Title VI, § 604(b)(12)(C), (c)(2), Oct. 11, 1996, 110 Stat. 3507, 3509.)

Chapter 23.—CONTRACTS

1080 § 431. Contracts by Member of Congress.

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertakes, executes, holds, or enjoys, in whole or in part, any contract or agreement, made or entered into in behalf of the United States or any agency thereof, by any officer or person authorized to make contracts on its behalf, shall be fined under this title.

All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States or any agency thereof, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department or agency under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties for the recovery of the money so advanced. (June 25, 1948, ch. 645, § 1, 62 Stat. 702; Oct. 31, 1951, ch. 655, § 19, 65 Stat. 717; Sept. 13, 1994, Pub.L. 103–322, § 330016(1)(J), 108 Stat. 2147.)

1081 § 432. Officer or employee contracting with Member of Congress.

Whoever, being an officer or employee of the United States, on behalf of the United States or any agency thereof, directly or indirectly makes or enters into any contract, bargain, or agreement, with any Member of or Delegate to Congress, or any Resident Commissioner, either before or after he has qualified, shall be fined under this title. (June 25, 1948, ch. 645, § 1, 62 Stat. 702; Sept. 13, 1994, Pub.L. 103–322, § 330016(1)(J), 108 Stat. 2147.)

1082 § 433. Exemptions with respect to certain contracts.

Sections 431 and 432 of this title shall not extend to any contract or agreement made or entered into, or accepted by any incorporated company for the general benefit of such corporation; nor to the purchase or sale of bills of exchange or other property where the same are ready for delivery and payment therefor is made at the time of making or entering into the contract or agreement. Nor shall the provisions of such section apply to advances, loans, discounts, purchase or repurchase agreements extensions, or renewals thereof, or acceptances, releases or substitutions of security therefor or other contracts or agreements made or entered into under the Reconstruction Finance Corporation Act, the Agricultural Adjustment Act, the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Farm Credit Act of 1933, or the Home Owners Loan Act of 1933, the Farmers' Home Administration Act of 1946, the Bankhead-Jones Farm Tenant Act, or to crop insurance agreements or contracts or agreements of a kind which the Secretary of Agriculture may enter into with farmers.

Any exemption permitted by this section shall be made a matter of public record. (June 25, 1948, ch. 645, § 1, 62 Stat. 703; Oct. 4, 1961, Pub.L. 87–353, § 3(o), 75 Stat. 774.)

Chapter 29.—ELECTIONS AND POLITICAL ACTIVITIES

§ 591. Repealed (Pub.L. 96–187, title II, § 201(a)(1), Jan. 8, 1980, 93 Stat. 1367). **1083**

§ 594. Intimidation of voters. **1084**

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 720; Sept. 22, 1970, Pub.L. 91–405, Title II, § 204(d)(5), 84 Stat. 853; Sept. 13, 1994, Pub.L. 103–322, § 330016(1)(H), 108 Stat. 2147.)

§ 595. Interference by administrative employees of Federal, State, or Territorial Governments. **1085**

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia, or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined under this title or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization. (June 25, 1948, ch. 645, 62 Stat. 720; Sept. 22, 1970, Pub.L. 91–405, Title II, § 204(d)(6), 84 Stat. 853; Sept. 13, 1994, Pub.L. 103–322, § 330016(1)(H), 108 Stat. 2147.)

§ 597. Expenditures to influence voting. **1086**

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Shall be fined under this title or imprisoned not more than one year, or both; and if the violation was willful, shall be fined under this title or imprisoned not more than two years, or both. (June 25, 1948, ch. 645, 62 Stat. 721; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(H), 108 Stat. 2147; Oct. 11, 1996, Pub.L. 104–294, Title VI, § 601(a)(12), 110 Stat. 3498.)

1087 § 598. Coercion by means of relief appropriations.

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(H), 108 Stat. 2147.)

1088 § 599. Promise of appointment by candidate.

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined under this title or imprisoned not more than one year, or both; and if the violation was willful, shall be fined under this title or imprisoned not more than two years, or both. (June 25, 1948, ch. 645, 62 Stat. 721; Sept. 13, 1994, Pub.L. 103–322, § 330016(1)(H), (L), 108 Stat. 2147.)

1089 § 600. Promise of employment or other benefit for political activity.

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special 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, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 721; Feb. 7, 1972, Pub.L. 92–225, § 202, 86 Stat 9; Oct. 2, 1976, Pub.L. 94–453, § 3, 90 Stat. 1517; Sept. 13, 1994, Pub.L. 103–322, § 330016(1)(L), 108 Stat. 2147.)

1090 § 601. Deprivation of employment or other benefit for political contribution.

(a) Whoever, directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or

a political subdivision of a State, or any compensation or benefit of such employment, position, or work; or

(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State;

if such employment, position, work, compensation, payment, or benefit is provided for or made possible in whole or in part by an Act of Congress, shall be fined under this title or imprisoned not more than one year, or both.

(b) As used in this section—

(1) the term "candidate" means an individual who seeks nomination for election, or election, to Federal, State, or local office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal, State, or local office, if he has (A) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(2) the term "election" means (A) a general, special primary, or runoff election, (B) a convention or caucus of political party held to nominate a candidate, (C) a primary election held for the selection of delegates to a nominating convention of a political party, (D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (E) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or of any State; and

(3) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States. (June 25, 1948, ch. 645, 62 Stat. 721; Oct. 2, 1976, Pub.L. 94–453, § 1, 90 Stat. 1516; Sept. 13, 1994, Pub.L. 103–322, § 330016(1)(L), 108 Stat. 2147.)

§ 602. Solicitation of political contributions. **1091**

(a) It shall be unlawful for—

(1) a candidate for the Congress;

(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States; to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both.

(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Regulatory Commission, unless that activity is prohibited by section 7323 or 7324 of such title. (June 25, 1948, ch. 645, 62 Stat. 722; Jan.

8, 1980, Pub.L. 96–187, Title II, § 201(a)(3), 93 Stat. 1367; Oct. 6, 1993, Pub.L. 103–94, § 4(a), 107 Stat. 1004; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(K), 108 Stat. 2147; Pub.L. 109–435, Title VI, § 604(f), Dec. 20, 2006, 120 Stat. 3242.)

1092 § 603. Making political contributions.

(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.

(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Regulatory Commission, unless that activity is prohibited by section 7323 or 7324 of such title. (June 25, 1948, ch. 645, 62 Stat. 722; Oct. 31, 1951, ch. 655, § 20(b), 65 Stat. 718; Jan. 8, 1980, Pub.L. 96–187, Title II, § 201(a)(4), 93 Stat. 1367; Oct. 6, 1993, Pub.L. 103–94, § 7, 107 Stat. 1005; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(K), 108 Stat. 2147; Pub.L. 109–435, Title VI, § 604(f), Dec. 20, 2006, 120 Stat. 3242.)

1093 § 604. Solicitation from persons on relief.

Whoever solicits or receives or is in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 722, Pub.L. 103–322, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

1094 § 605. Disclosure of names of persons on relief.

Whoever, for political purposes, furnishes or discloses any list of names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and

Whoever receives any such list or names for political purposes—

Shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 722, Pub.L. 103–322, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

§ 606. Intimidation to secure political contributions. 1095

Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined under this title or imprisoned not more than 3 years, or both. (June 25, 1948, ch. 645, 62 Stat. 722; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(K), 108 Stat. 2147.)

§ 607. Place of solicitation. 1096

(a) Prohibition—

(1) In general.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. It shall be unlawful for an individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

(2) Penalty.—A person who violates this section shall be fined not more than $5,000, imprisoned not more than 3 years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress or Executive Office of the President, provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971. (June 25, 1948, ch. 645, 62 Stat. 722; Jan. 8, 1980, Pub.L. 96–187, Title II, § 201(a)(5), 93 Stat. 1367; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(K), 108 Stat. 2147; March 27, 2002, Pub.L. 107–155, Title III, § 302(1), 116 Stat. 96.)

Chapter 35.—EMBLEMS, INSIGNIA AND NAMES

§ 713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress. 1097

(a) Whoever knowingly displays any printed or other likeness of the great seal of the United States, or of the seals of the President or the Vice President of the United States, or the seal of the United States Senate, or the seal of the United States House of Representatives, or the seal of the United States Congress, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast,

or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined under this title or imprisoned not more than six months, or both.

(b) Whoever, except as authorized under regulations promulgated by the President and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seals of the President or Vice President, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(c) Whoever, except as directed by the United States Senate, or the Secretary of the Senate on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Senate, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(d) Whoever, except as directed by the United States House of Representatives, or the Clerk of the House of Representatives on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States House of Representatives, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(e) Whoever, except as directed by the United States Congress, or the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Congress, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(f) A violation of the provisions of this section may be enjoined at the suit of the Attorney General,

(1) in the case of the great seal of the United States and the seals of the President and Vice President, upon complaint by any authorized representative of any department or agency of the United States;

(2) in the case of the seal of the United States Senate, upon complaint by the Secretary of the Senate;

(3) in the case of the seal of the United States House of Representatives, upon complaint by the Clerk of the House of Representatives; and

(4) in the case of the seal of the United States Congress, upon complaint by the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly. (Added Pub.L. 89–807,

§ 1(a), Nov. 11, 1966, 80 Stat. 1525, and amended Pub.L. 91–651, § 1, Jan. 5, 1971, 84 Stat. 1940; Pub.L. 102–229, Title II, § 210(a)–(d), Dec. 12, 1991, 105 Stat. 1717; Pub.L. 103–322, Title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146; Pub.L. 105–55, Title III, § 308(a)–(d), Oct. 7, 1997, 111 Stat. 1198.)

Chapter 37.—ESPIONAGE AND CENSORSHIP

§ 798. Disclosure of classified information. 1098

(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

(1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or

(2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or

(3) concerning the communication intelligence activities of the United States or any foreign government; or

(4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes—

Shall be fined under this title or imprisoned not more than ten years, or both.

(b) As used in subsection (a) of this section—

The term "classified information" means information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution;

The terms "code," "cipher," and "cryptographic system" include in their meanings, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents, significance, or meanings of communications;

The term "foreign government" includes in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States;

The term "communication intelligence" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

The term "unauthorized person" means any person who, or agency which, is not authorized to receive information of the categories set forth in subsection (a) of this section, by the President, or by the head of a department of agency of the United States Government

which is expressly designated by the President to engage in communication intelligence activities for the United States.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.

(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)), shall apply to—

(A) property subject to forfeiture under this subsection;

(B) any seizure or disposition of such property; and

(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

(5) As used in this subsection, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States. (Added Oct. 31, 1951, ch. 655, § 24(a), 65 Stat. 719, and amended Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(L), 108 Stat. 2147; Oct. 14, 1994, Pub.L. 103–359, Title VIII, § 804(a), 108 Stat. 3439; Oct. 11, 1996, Pub.L. 104–294, Title VI, § 602(c), 110 Stat. 3503.)

Chapter 73.—OBSTRUCTION OF JUSTICE

1099 § 1505. Obstruction of proceedings before departments, agencies, and committees.

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the

law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined under this title or imprisoned not more than five years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. (June 25, 1948, ch. 645, 62 Stat. 770; Sept. 19, 1962, Pub.L. 87–664, § 6(a), 76 Stat. 551; Oct. 15, 1970, Pub.L. 91–452, Title IX, § 903, 84 Stat. 947; Sept. 30, 1976, Pub.L. 94–435, Title I, § 105, 90 Stat. 1389; Oct. 12, 1982, Pub.L. 97–291, § 4(d), 96 Stat. 1253; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(K), 108 Stat. 2147; Pub.L. 108–458, Title VI, § 6703(a), Dec. 17, 2004, 118 Stat. 3766.)

Chapter 83.—POSTAL SERVICE

§ 1719. Franking privilege. 1100

Whoever makes use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined under this title. (June 25, 1948, ch. 645, 62 Stat. 783; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(F), 108 Stat. 2147.)

Chapter 93.—PUBLIC OFFICERS AND EMPLOYEES

§ 1906. Disclosure of information from a bank examination report. 1101

Whoever, being an examiner, public or private, or a Government Accountability Office employee with access to bank examination report information under section 714 of title 31, discloses the names of borrowers or the collateral for loans of any member bank of the Federal Reserve System, any bank insured by the Federal Deposit Insurance Corporation, any branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or any organization operating under section 25 or section 25(a) of the Federal Reserve Act, examined by him or subject to Government Accountability Office audit under section 714 of title 31 to other than the proper officers of such bank, branch, agency, or organization, without first having obtained the express permission in writing from the Comptroller of the Currency as to a national bank or a Federal branch or Federal agency (as such terms are defined in paragraphs (5) and (6) of section 1(b) of the International Banking Act of 1978), the Board of Governors of the Federal Reserve System as to a State member bank, an uninsured State branch or State agency (as such terms are defined in paragraphs (11) and (12) of section 1(b) of the International Banking Act of 1978), or an organization operating under section 25 or section 25(a) of the Federal Reserve Act, or the Federal Deposit Insurance Corporation as to any other insured bank, including any insured branch (as defined in section 3(s) of the Federal Deposit Insurance Act), or from the board of directors of such bank or organization, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or either House thereof, or any committee of Congress or either House

duly authorized or as authorized by section 714 of title 31 shall be fined under this title or imprisoned not more than one year or both. (June 25, 1948, ch. 645, 62 Stat. 791; July 21, 1978, Pub.L. 95–320, § 3, 92 Stat. 393; Sept. 13, 1982, Pub.L. 97–258, § 3(e)(1), 96 Stat. 1064; Nov. 29, 1990, Pub.L. 101–647, Title XXV, § 2597(k), 104 Stat. 4911; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(K), 108 Stat. 2147; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

1102 § 1913. Lobbying with appropriated moneys.

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, adopt or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request or to Congress, or such official through the proper official channels, requests for any legislation law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of Title 31. (June 25, 1948, ch. 645, 62 Stat. 792; Sept. 13, 1994, Pub.L. 103–322, Title XXXIII, § 330016(1)(G), 108 Stat. 2147; Pub.L. 107–273, Div. A, Title II, Sec. 205 (b), Nov. 2, 2002, 116 Stat. 1778.)

1103 § 1918. Disloyalty and asserting the right to strike against the Government.

Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;

shall be fined under this title or imprisoned not more than one year and a day, or both. (Added Pub.L. 89–554, § 3(d), Sept. 6, 1966, 80 Stat. 609, and amended Pub.L. 104–294, Title VI, § 601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

Part V.—IMMUNITY OF WITNESSES

§ 6001. Definitions. **1104**

As used in this chapter—

(1) "agency of the United States" means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, the Nuclear Regulatory Commission, the Board of Governors of the Federal Reserve System, the China Trade Act registrar appointed under 53 Stat. 1432 (15 U.S.C. sec. 143), the Commodity Futures Trading Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Surface Transportation Board, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, or a board established under 49 Stat. 31 (15 U.S.C. sec. 715d);

(2) "other information" includes any book, paper, document, record, recording, or other material;

(3) "proceeding before an agency of the United States" means any proceeding before such an agency with respect to which it is authorized to issue subpoenas and to take testimony or receive other information from witnesses under oath; and

(4) "court of the United States" means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, United States Code, a United States bankruptcy court established under chapter 6, title 28, United States Code, the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Federal Claims, the Tax Court of the United States, the Court of International Trade, and the Court of Appeals for the Armed Forces. (Added Pub.L. 91–452, Title II, § 201(a), Oct. 15, 1970, 84 Stat. 926, and amended Pub.L. 95–405, § 25, Sept. 30, 1978, 92 Stat. 877; Pub.L. 95–598, Title III, § 314(*l*), Nov. 6, 1978, 92 Stat. 2678; Pub.L. 96–417, Title VI, § 601(l), Oct. 10, 1980, 94 Stat. 1744; Pub.L. 97–164, Title I, § 164(l), Apr. 2, 1982, 96 Stat. 50; Pub.L. 102–550, Title XV, § 1543, Oct. 28, 1992, 106 Stat. 4069; Pub.L. 103–272, § 4(d), July 5, 1994, 108 Stat. 1361; Pub.L. 103–322, Title XXXIII, § 330013(2), (3), Sept. 13, 1994, 108 Stat. 2146; Pub.L. 103–337, Div. A, Title IX, § 924(d)(1)(B), Oct. 5, 1994, 108 Stat. 2832; Pub.L. 104–88, Title III, § 303(2), Dec. 29, 1995, 109 Stat. 943.)

§ 6002. Immunity generally. **1105**

Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before or ancillary to—

(1) a court or grand jury of the United States,

(2) an agency of the United States, or

(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House,

and the person presiding over the proceeding communicates to the witness an order issued under this title, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. (Added Pub.L. 91–452, Title II, § 201(a), Oct. 15, 1970, 84 Stat. 927, and amended Pub.L. 103–322, Title XXXIII, § 330013(4), Sept. 13, 1994, 108 Stat. 2146.)

1106 § 6005. Congressional proceedings.

(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before or ancillary to either House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this title.

(b) Before issuing an order under subsection (a) of this section, a United States district court shall find that—

(1) in the case of a proceeding before or ancillary to either Houses of Congress, the request for such an order has been approved by an affirmative vote of a majority of the Members present of that House;

(2) in the case of a proceeding before or ancillary to a committee or a subcommittee of either House of Congress or a joint committee of both Houses, the request for such an order has been approved by an affirmative vote of two-thirds of the members of the full committee; and

(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order.

(c) Upon application of the Attorney General, the United States district court shall defer the issuance of any order under subsection (a) of this section for such period, not longer than twenty days from the date of the request for such order, as the Attorney General may specify. (Added Pub.L. 91–452, Title II, § 201(a), Oct. 15, 1970, 84 Stat. 928, and amended Pub.L. 103–322, Title XXXIII, § 330013(4), Sept. 13, 1994, 108 Stat. 2146; Pub.L. 104–292, § 5, Oct. 11, 1996, 110 Stat. 3460; Pub.L. 104–294, Title VI, § 605(o), Oct. 11, 1996, 110 Stat. 3510.)

TITLE 19.—CUSTOMS DUTIES

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Chapter 12.—TRADE ACT OF 1974

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Subchapter I.—Negotiating and Other Authority

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Part 5.—CONGRESSIONAL PROCEDURES WITH RESPECT TO PRESIDENTIAL ACTIONS

§ 2191. Bills implementing trade agreements on nontariff barriers and resolutions approving commercial agreements with Communist countries. 1110

(a) Rules of House of Representatives and Senate

This section and sections 2192 and 2193 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 are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of implementing bills described in subsection (b)(1) of this section, implementing revenue bills described in subsection (b)(2) of this section, approval resolutions described in subsection (b)(3) of this section, and resolutions described in sections 2192(a) and 2193(a) of this title; and they 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 the rules (so far as relating to the procedure 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.

(b) Definitions

For purposes of this section—

(1) The term "implementing bill" means only a bill of either House of Congress which is introduced as provided in subsection (c) of this section with respect to one or more trade agreements, or with respect to an extension described in section 3572(c)(3) of this title, submitted to the House of Representatives and the Senate under section 2112, section 3572 of this title, or section 3805 (a)(1) of this title, and which contains—

(A) a provision approving such trade agreement or agreements or such extension,

(B) a provision approving the statement of administrative action (if any) proposed to implement such trade agreement or agreements, and

(C) if changes in existing laws or new statutory authority is required to implement such trade agreement or agreements or such extension, provisions, necessary or appropriate to implement such trade agreement or agreements or such extension, either repealing or amending existing laws or providing new statutory authority.

(2) The term "implementing revenue bill or resolution" means an implementing bill, or approval resolution, which contains one or more revenue measures by reason of which it must originate in the House of Representatives.

(3) The term "approval resolution" means only a joint resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of ——— transmitted by the President to the Congress on ———.", the first blank space being filled with the name of the country involved and the second blank space being filled with the appropriate date.

(c) Introduction and referral

(1) On the day on which a trade agreement is submitted to the House of Representatives and the Senate under section 2112, section 3572 of this title, or section 3805 (a)(1) of this title, the implementing bill submitted by the President with respect to such trade agreement or extension shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a trade agreement or extension is submitted, the implementing bill shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. Such bills shall be referred by the Presiding Officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of two or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(2) On the day on which a bilateral commercial agreement, entered into under subchapter IV of this chapter after January 3, 1975, is transmitted to the House of Representatives and the Senate, an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The approval resolution introduced in

the House shall be referred to the Committee on Ways and Means and the approval resolution introduced in the Senate shall be referred to the Committee on Finance.

(d) Amendments prohibited

No amendment to an implementing bill or approval resolution shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) Period for committee and floor consideration

(1) Except as provided in paragraph (2), if the committee or committees of either House to which an implementing bill or approval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the bill or resolution and it shall be placed on the appropriate calendar. A vote on final passage of the bill or resolution shall be taken in each House on or before the close of the 15th day after the bill or resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the bill or resolution. If prior to the passage by one House of an implementing bill or approval resolution of that House, that House receives the same implementing bill or approval resolution from the other House, then—

(A) the procedure in that House shall be the same as if no implementing bill or approval resolution had been received from the other House; but

(B) the vote on final passage shall be on the implementing bill or approval resolution of the other House.

(2) The provisions of paragraph (1) shall not apply in the Senate to an implementing revenue bill or resolution. An implementing revenue bill or resolution received from the House shall be referred to the appropriate committee or committees of the Senate. If such committee or committees have not reported such bill at the close of the 15th day after its receipt by the Senate (or, if later, before the close of the 45th day after the corresponding implementing revenue bill or resolution was introduced in the Senate), such committee or committees shall be automatically discharged from further consideration of such bill or resolution and it shall be placed on the calendar. A vote on final passage of such bill or resolution shall be taken in the Senate on or before the close of the 15th day after such bill or resolution is reported by the committee or committees of the Senate to which it was referred, or after such committee or committees have been discharged from further consideration of such bill or resolution.

(3) For purposes of paragraphs (1) and (2), in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(f) Floor consideration in the House

(1) A motion in the House of Representatives to proceed to the consideration of an implementing bill or approval resolution 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 in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 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. It shall not be in order to move to recommit an implementing bill or approval resolution or to move to reconsider the vote by which an implementing bill or approval resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill or approval 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 an implementing bill or approval resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of an implementing bill or approval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) Floor consideration in the Senate

(1) A motion in the Senate to proceed to the consideration of an implementing bill or approval resolution shall be 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 in the Senate on an implementing bill or approval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with an implementing bill or approval resolution shall be limited to not more than 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 motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of an implementing bill or approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate is not debatable. A motion to recommit an implementing bill or approval resolution is not in order. (Jan. 3, 1975, Pub.L. 93–618, § 151, 88 Stat. 2001; Aug. 23, 1988, Pub.L. 100–418, § 1007(b)(1), 102 Stat. 1135; Aug. 20, 1990, Pub.L. 101–382, § 132(b)(2), 104 Stat. 645; Dec. 8, 1994, Pub.L. 103–465, Title II, § 282(c)(4), 108 Stat. 4929; Pub.L. 107–210, Div. B, Title XXI, § 2110(a)(1), Aug. 6, 2002, 116 Stat. 1019.)

§ 2192. Resolutions disapproving certain actions. 1111

(a) Contents of resolutions

(1) For purposes of this section, the term "resolution" means only—

(A) a joint resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the action taken by, or the determination of, the President under section 203 of the Trade Act of 1974 [19 U.S.C. 2253] transmitted to the Congress on ————", the blank space being filled with the appropriate date; and

(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve ———— transmitted to the Congress on ————", with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.

(2) The first blank space referred to in paragraph (1)(B) shall be filled, in the case of a resolution referred to in section 2437(c)(2) of this title, with the phrase "the report of the President submitted under section ——— of the Trade Act of 1974 with respect to ————" (with the first blank space being filled with "402(b)" or "409(b)" [19 U.S.C. 2432(b) or 2439(b)] as appropriate, and the second blank space being filled with the name of the country involved).

(b) Reference to committees

All resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all resolutions introduced in the Senate shall be referred to the Committee on Finance.

(c) Discharge of committees

(1) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction, not counting any day which is excluded under section 2194(b) of this title, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except that a motion to discharge—

(A) may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his intention to do so; and

(B) is not in order after the Committee has reported a resolution with respect to the same matter.

(2) A motion to discharge under paragraph (1) may be made only by an individual favoring the resolution, and is highly privileged in the House and privileged in the Senate; 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 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.

(d) Floor consideration in the House

(1) A motion in the House of Representatives to proceed to the consideration of a resolution 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 in the House of Representatives on a resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. 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 resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of a 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 a resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a resolution in the House of Representatives shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

(e) Floor consideration in the Senate

(1) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. 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 in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided, between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the 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. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

(f) Procedures in the Senate

(1) Except as otherwise provided in the section, the following procedures shall apply in the Senate to a resolution to which this section applies:

(A)(i) Except as provided in clause (ii), a resolution that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with this section.

(ii) If a resolution to which this section applies was introduced in the Senate before receipt of a resolution that has passed the House of Representatives, the resolution from the House of Representatives shall, when received in the Senate be placed on the calendar. If this clause applies, the procedures in the Senate with respect to a resolution introduced in the Senate that contains the identical matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the resolution that passed the House of Representatives.

(B) If the Senate passes a resolution before receiving from the House of Representatives a joint resolution that contains the identical matter, the joint resolution shall be held at the desk pending receipt of the joint resolution from the House of Representatives. Upon receipt of the joint resolution from the House of Representatives, such joint resolution shall be deemed to be read twice, considered, read the third time, and passed.

(2) If the texts of joint resolutions described in section 2192 or 2193(a) of this title, whichever is applicable, concerning any matter are not identical—

(A) the Senate shall vote passage on the resolution introduced in the Senate, and

(B) the text of the joint resolution passed by the Senate shall, immediately upon its passage (or, if later, upon receipt of the joint resolution passed by the House), be substituted for the text of the joint resolution passed by the House of Representatives, and such resolution, as amended, shall be returned with a request for a conference between the two Houses.

(3) Consideration in the Senate of any veto message with respect to a joint resolution described in subsection (a)(2)(B) of this section or section 2193(a) of this title, including consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. (Jan. 3, 1975, Pub.L. 93–618, § 152, 88 Stat. 2004; July 26, 1979, Pub.L. 96–39, § 902(a)(1), 1106(c)(5), 93 Stat. 299, 312; Oct. 30, 1984, Pub.L. 98–573, § 248(b), 98 Stat. 2998; Aug. 20, 1990, Pub.L. 101–382, § 132(c)(2)–(5), 104 Stat. 646, 647; Dec. 8, 1994, Pub.L. 103–465, § 261(d)(1)(A)(ii), 108 Stat. 4909; Pub.L. 104–295, § 20(b)(10), Oct. 11, 1996, 110 Stat. 3527.)

§ 2193. Resolutions relating to extension of waiver authority under section 402 of the Trade Act of 1974. 1112

(a) Contents of resolutions

For purposes of this section the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 [19 U.S.C. 2432(c)] recommended by the President to the Congress on ———— with respect to ————," with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved and with the

clause beginning with "with respect to" being omitted if the extension of the authority is not approved with respect to any country.

(b) Application of rules of section 2192 of this title; exceptions

(1) Except as provided in this section, the provisions of section 2192 of this title shall apply to resolutions described in subsection (a) of this section.

(2) In applying section 2192(c)(1) of this title, all calendar days shall be counted.

(3) That part of section 2192(d)(2) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting a with-respect-to clause. Debate in the House of Representatives on any amendment to a resolution shall be limited to not more than 1 hour which shall be equally divided between those favoring and those opposing the amendment. A motion in the House to further limit debate on an amendment to a resolution is not debatable.

(4) That part of section 2192(e)(4) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting a with-respect-to clause. The time limit on a debate on a resolution in the Senate under section 2192(e)(2) of this title shall include all amendments to a resolution. Debate in the Senate on any amendment to a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or his designee. The majority leader and minority leader may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any amendment. A motion in the Senate to further limit debate on an amendment to a resolution is not debatable.

(c) Consideration of second resolution not in order

It shall not be in order in either the House of Representatives or the Senate to consider a resolution with respect to a recommendation of the President under section 2432(d) of this title (other than a resolution described in subsection (a) of this section received from the other House), if that House has adopted a resolution with respect to the same recommendation.

(d) Procedures relating to conference reports in the Senate

(1) Consideration in the Senate of the conference report on any joint resolution described in subsection (a) of this section, including consideration of all amendments in disagreement (and all amendments thereto), and consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(2) 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 to any amendment in disagreement shall be received unless it is a germane amendment. (Pub.L. 93–618, Title I, § 153, Jan. 3, 1975, 88 Stat. 2006; Aug. 20, 1990, Pub.L. 101–382, § 132(a)(3)–(6), 104 Stat. 644, 645.)

§ 2194. Special rules relating to Congressional procedures. **1113**

(a) Whenever, pursuant to section 2112(c), 2253(b), 2432(d), or 2437 (a) or (b), a document is required to be transmitted to the Congress, copies of such document shall be delivered to both Houses of Congress 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.

(b) For purposes of sections 2253(c) and 2437(c)(2) of this title, the 90-day period referred to in such sections shall be computed by excluding—

(1) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session. (Jan. 3, 1975, Pub.L. 93–618, § 154, 88 Stat. 2008; July 26, 1979, Pub.L. 96–39, § 902(a)(2), 93 Stat. 300; Aug. 20, 1990, Pub.L. 101–382, § 132(c)(6), 104 Stat. 647; Pub.L. 103–465, Title II, § 261(d)(1)(A)(iii), Dec. 8, 1994, 108 Stat. 4909; June 25, 1999, Pub.L. 106–36, § 1001(a)(5), 113 Stat. 130.)

Part 6.—CONGRESSIONAL LIAISON AND REPORTS

§ 2211. Congressional advisers for trade policy and negotiations. **1114**

(a) Selection

(1) At the beginning of each regular session of Congress, the Speaker of the House of Representatives, upon the recommendation of the chairman of the Committee on Ways and Means, shall select 5 members (not more than 3 of whom are members of the same political party) of such committee, and the President pro tempore of the Senate, upon the recommendation of the chairman of the Committee on Finance, shall select 5 members (not more than 3 of whom are members of the same political party) of such committee, who shall be designated congressional advisers on trade policy and negotiations. They shall provide advice on the development of trade policy and priorities for the implementation thereof. They shall also be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

(2)(A) In addition to the advisers designated under paragraph (1) from the Committee on Ways and Means and the Committee on Finance—

(i) the Speaker of the House may select additional members of the House, for designation as congressional advisers regarding specific trade policy matters or negotiations, from any other committee of the House or joint committee of Congress that has jurisdiction

over legislation likely to be affected by such matters or negotiations; and

(ii) the President pro tempore of the Senate may select additional members of the Senate, for designation as congressional advisers regarding specific trade policy matters or negotiations, from any other committee of the Senate or joint committee of Congress that has jurisdiction over legislation likely to be affected by such matters or negotiations.

Members of the House and Senate selected as congressional advisers under this subparagraph shall be accredited by the United States Trade Representative.

(B) Before designating any member under subparagraph (A), the Speaker or the President pro tempore shall consult with—

(i) the chairman and ranking member of the Committee on Ways and Means or the Committee on Finance, as appropriate; and

(ii) the chairman and ranking minority member of the committee from which the member will be selected.

(C) Not more than 3 members (not more than 2 of whom are members of the same political party) may be selected under this paragraph as advisers from any committee of Congress.

(b) Briefing

(1) The United States Trade Representative shall keep each official adviser designated under subsection (a)(1) currently informed on matters affecting the trade policy of the United States and, with respect to possible agreements, negotiating objectives, the status of negotiations in progress, and the nature of any changes in domestic law or the administration thereof which may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, such agreement.

(2) The United States Trade Representative shall keep each official adviser designated under subsection (a)(2) of this section currently informed regarding the trade policy matters and negotiations with respect to which the adviser is designated.

(3)(A) The chairmen of the Committee on Ways and Means and the Committee on Finance may designate members (in addition to the official advisers under subsection (a)(1) of this section) and staff members of their respective committees who shall have access to the information provided to official advisers under paragraph (1).

(B) The chairman of any committee of the House or Senate or any joint committee of Congress from which official advisers are selected under subsection (a)(2) may designate other members of such committee, and staff members of such committee, who shall have access to the information provided to official advisers under paragraph (2).

(c) Committee consultation

The United States Trade Representative shall consult on a continuing basis with the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the other appropriate committees of the House and Senate on the development, implementation, and administration of overall trade policy of the United States. Such consultations shall include, but are not limited to, the following elements of such policy:

(1) The principal multilateral and bilateral negotiating objectives and the progress being made toward their achievement.

(2) The implementation, administration, and effectiveness of recently concluded multilateral and bilateral trade agreements and resolution of trade disputes.

(3) The actions taken, and proposed to be taken, under the trade laws of the United States and the effectiveness, or anticipated effectiveness, of such actions in achieving trade policy objectives.

(4) The important developments and issues in other areas of trade for which there must be developed proper policy response.

When necessary, meetings shall be held with each Committee in executive session to review matters under negotiation. (Jan. 3, 1975, Pub.L. 93–618, § 161, 88 Stat. 2008; July 26, 1979, Pub.L. 96–39, § 3(e), 93 Stat. 150; Jan. 2, 1980, 1979 Reorg. Plan No. 3, § (b)(1), 93 Stat. 1381; Aug. 23, 1988, Pub.L. 100–418, § 1632, 102 Stat. 1269.)

§ 2212. Transmission of agreements to Congress. **1115**

(a) As soon as practicable after a trade agreement entered into under section 2133 or 2134 of this title or under section 3803 of this title has entered into force with respect to the United States, the President shall, if he has not previously done so, transmit a copy of such trade agreement to each House of the Congress together with a statement, in the light of the advice of the International Trade Commission under section 2151(b) of this title, if any, and of other relevant considerations, of his reasons for entering into the agreement.

(b) The President shall transmit to each Member of the Congress a summary of the information required to be transmitted to each House under subsection (a) of this section. For purposes of this subsection, the term "Member" includes any Delegate or Resident Commissioner. (Jan. 3, 1975, Pub.L. 93–618, § 162, 88 Stat. 2008; Nov. 10, 1988, Pub.L. 100–647, §9001(a)(10), 102 Stat. 3807; Pub.L. 107–210, Div. B, Title XXI, § 2110(a)(6), Aug. 6, 2002, 116 Stat. 1020.)

§ 2213. Reports. **1116**

(a) Annual report on trade agreements program and national trade policy agenda

(1) The President shall submit to the Congress during each calendar year (but not later than March 1 of that year) a report on—

(A) the operation of the trade agreements program, and the provision of import relief and adjustment assistance to workers and firms, under this Act during the preceding calendar year; and

(B) the national trade policy agenda for the year in which the report is submitted.

(2) The report shall include, with respect to the matters referred to in paragraph (1)(A), information regarding—

(A) new trade negotiations;

(B) changes made in duties and nontariff barriers and other distortions of trade of the United States;

(C) reciprocal concessions obtained;

(D) changes in trade agreements (including the incorporation therein of actions taken for import relief and compensation provided therefor);

(E) the extension or withdrawal of nondiscriminatory treatment by the United States with respect to the products of foreign countries;

(F) the extension, modification, withdrawal, suspension, or limitation of preferential treatment to exports of developing countries;

(G) the results of actions to obtain the removal of foreign trade restrictions (including discriminatory restrictions) against United States exports and the removal of foreign practices which discriminate against United States service industries (including transportation and tourism) and investment;

(H) the measures being taken to seek the removal of other significant foreign import restrictions;

(I) each of the referrals made under section 2171(d)(1)(B) of this title and any action taken with respect to such referral;

(J) other information relating to the trade agreements program and to the agreements entered into thereunder; and

(K) the number of applications filed for adjustment assistance for workers and firms, the number of such applications which were approved, and the extent to which adjustment assistance has been provided under such approved applications.

(3)(A) The national trade policy agenda required under paragraph (1)(B) for the year in which a report is submitted shall be in the form of a statement of—

(i) the trade policy objectives and priorities of the United States for the year, and the reasons therefor;

(ii) the actions proposed, or anticipated, to be undertaken during the year to achieve such objectives and priorities, including, but not limited to, actions authorized under the trade laws and negotiations with foreign countries;

(iii) any proposed legislation necessary or appropriate to achieve any of such objectives or priorities; and

(iv) the progress that was made during the preceding year in achieving the trade policy objectives and priorities included in the statement provided for that year under this paragraph.

(B) The President may separately submit any information referred to in subparagraph (A) to the Congress in confidence if the President considers confidentiality appropriate.

(C) Before submitting the national trade policy agenda for any year, the President shall seek advice from the appropriate advisory committees established under section 2155 of this title and shall consult with the appropriate committees of the Congress.

(D) The United States Trade Representative (hereafter referred to in this section as the "Trade Representative") and other appropriate officials of the United States Government shall consult periodically with the appropriate committees of the Congress regarding the annual objectives and priorities set forth in each national trade policy agenda with respect to—

(i) the status and results of the actions that have been undertaken to achieve the objectives and priorities; and

(ii) any development which may require, or result in, changes to any of such objectives or priorities.

(b) Annual trade projection report

(1) In order for the Congress to be informed of the impact of foreign trade barriers and macroeconomic factors on the balance of trade of the United States, the Trade Representative and the Secretary of the Treasury shall jointly prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (hereafter referred to in this subsection as the "Committees") on or before March 1 of each year a report which consists of—

(A) a review and analysis of—

(i) the merchandise balance of trade,

(ii) the goods and services balance of trade,

(iii) the balance on the current account,

(iv) the external debt position,

(v) the exchange rates,

(vi) the economic growth rates,

(vii) the deficit or surplus in the fiscal budget, and

(viii) the impact on United States trade of market barriers and other unfair practices,

of countries that are major trading partners of the United States, including, as appropriate, groupings of such countries;

(B) projections for each of the economic factors described in subparagraph (A) (except those described in clauses (v) and (viii)) for each of the countries and groups of countries referred to in subparagraph (A) for the year in which the report is submitted and for the succeeding year; and

(C) conclusions and recommendations, based upon the projections referred to in subparagraph (B), for policy changes, including trade policy, exchange rate policy, fiscal policy, and other policies that should be implemented to improve the outlook.

(2) To the extent that subjects referred to in paragraph (1) (A), (B), or (C) are covered in the national trade policy agenda required under subsection (a)(1)(B) or in other reports required by this Act or other law, the Trade Representative and the Secretary of the Treasury may, as appropriate, draw on the information, analysis, and conclusions, if any, in those reports for the purposes of preparing the report required by this subsection.

(3) The Trade Representative and the Secretary of the Treasury shall consult with the Chairman of the Board of Governors of the Federal Reserve System in the preparation of each report required under this subsection.

(4) The Trade Representative and the Secretary of the Treasury may separately submit any information, analysis, or conclusion referred to in paragraph (1) to the Committees in confidence if the Trade Representative and the Secretary consider confidentiality appropriate.

(5) After submission of each report required under paragraph (1), the Trade Representative and the Secretary of the Treasury shall consult with each of the Committees with respect to the report.

(c) ITC reports

The United States International Trade Commission shall submit to the Congress, at least once a year, a factual report on the operation

of the trade agreements program. (Jan. 3, 1975, Pub.L. 93–618, § 163, 88 Stat. 2009; Aug. 23, 1988, Pub.L. 100–418, § 1641, 102 Stat. 1271.)

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Part 8.—IDENTIFICATION OF MARKET BARRIERS AND CERTAIN UNFAIR TRADE ACTIONS

1117 § 2241. Estimates of barriers to market access.

(a) National trade estimates

(1) In general

For calendar year 1988, and for each succeeding calendar year, the United States Trade Representative, through the interagency trade organization established pursuant to section 1872(a) of this title and with the assistance of the interagency advisory committee established under section 2171(d)(2) of this title, shall—

(A) identify and analyze acts, policies, or practices of each foreign country which constitute significant barriers to, or distortions of—

(i) United States exports of goods or services (including agricultural commodities; and property protected by trademarks, patents, and copyrights exported or licensed by United States persons),

(ii) foreign direct investment by United States persons, especially if such investment has implications for trade in goods or services; and

(iii) United States electronic commerce,

(B) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under subparagraph (A); and

(C) make an estimate, if feasible, of—

(i) the value of additional goods and services of the United States,

(ii) the value of additional foreign direct investment by United States persons, and

(iii) the value of additional United States electronic commerce,

that would have been exported to, or invested in, or transacted with, each foreign country during such calendar year if each of such acts, policies, and practices of such country did not exist.

(2) Certain factors taken into account in making analysis and estimate

In making any analysis or estimate under paragraph (1), the Trade Representative shall take into account—

(A) the relative impact of the act, policy, or practice on United States commerce;

(B) the availability of information to document prices, market shares, and other matters necessary to demonstrate the effects of the act, policy, or practice;

(C) the extent to which such act, policy, or practice is subject to international agreements to which the United States is a party;

(D) any advice given through appropriate committees established pursuant to section 2155 of this title; and

(E) the actual increase in—

(i) the value of goods and services of the United States exported to,

(ii) the value of foreign direct investment made in, and

(iii) the value of electronic commerce transacted with,

the foreign country during the calendar year for which the estimate under paragraph (1)(C) is made.

(3) Annual revisions and updates

The Trade Representative shall annually revise and update the analysis and estimate under paragraph (1).

(b) Reports

(1) In general

On or before April 30, 1989, and on or before March 31 of each succeeding calendar year, the Trade Representative shall submit a report on the analysis and estimates made under subsection (a) of this section for the calendar year preceding such calendar year (which shall be known as the "National Trade Estimate") to the President, the Committee on Finance of the Senate, and appropriate committees of the House of Representatives.

(2) Reports to include information with respect to action being taken

The Trade Representative shall include in each report submitted under paragraph (1) information with respect to any action taken (or the reasons for no action taken) to eliminate any act, policy, or practice identified under subsection (a), including, but not limited to—

(A) any action under section 2411 of this title,

(B) negotiations or consultations with foreign governments, or

(C) a section on foreign anticompetitive practices, the toleration of which by foreign governments is adversely affecting exports of United States goods or services.

(3) Consultation with Congress on trade policy priorities

The Trade Representative shall keep the committees described in paragraph (1) currently informed with respect to trade policy priorities for the purposes of expanding market opportunities. After the submission of the report required by paragraph (1), the Trade Representative shall also consult periodically with, and take into account the views of, the committees described in that paragraph regarding means to address the foreign trade barriers identified in the report, including the possible initiation of investigations under section 2412 of this title or other trade actions.

(c) Assistance of other agencies

(1) Furnishing of information

The head of each department or agency of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Trade Representative or to the appropriate agency, upon request, such data, reports, and other information as is necessary for the Trade Representative to carry out his functions under this section. In preparing the section of the report required by subsection (b)(2)(C) of this section, the Trade Representative shall consult in particular with the Attorney General.

(2) Restrictions on release or use of information

Nothing in this subsection shall authorize the release of information to, or the use of information by, the Trade Representative in a manner inconsistent with law or any procedure established pursuant thereto.

(3) Personnel and services

The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Trade Representative may request to assist in carrying out his functions.

(d) Electronic commerce

For purposes of this section, the term "electronic commerce" has the meaning given that term in section 1104(3) of the Internet Tax Freedom Act. (Pub.L. 93–618, Title I, § 181, as added Pub.L. 98–573, Title III, § 303(a), Oct. 30, 1984, 98 Stat. 3001, and amended Pub.L. 100–418, Title I, § 1304, Aug. 23, 1988, 102 Stat. 1181; Pub.L. 103–465, Title III, §§ 311(a), 312, Dec. 8, 1994, 108 Stat. 4938; Pub.L. 105–277, Div. C, Title XII, § 1202, Oct. 21, 1998, 112 Stat. 2681–726.)

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Chapter 22.—URUGUAY ROUND TRADE AGREEMENTS

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1118 § 3534. Annual report on WTO.

Not later than March 1 of each year beginning in 1996, the Trade Representative shall submit to the Congress a report describing, for the preceding fiscal year of the WTO—

(1) the major activities and work programs of the WTO, including the functions and activities of the committees established under article IV of the WTO Agreement, and the expenditures made by the WTO in connection with those activities and programs;

(2) the percentage of budgetary assessments by the WTO that were accounted for by each WTO member country, including the United States;

(3) the total number of personnel employed or retained by the Secretariat of the WTO, and the number of professional, administrative, and support staff of the WTO;

(4) for each personnel category described in paragraph (3), the number of citizens of each country, and the average salary of the personnel, in that category;

(5) each report issued by a panel or the Appellate Body in a dispute settlement proceeding regarding Federal or State law, and any efforts by the Trade Representative to provide for implementation of the recommendations contained in a report that is adverse to the United States;

(6) each proceeding before a panel or the Appellate Body that was initiated during that fiscal year regarding Federal or State law, the status of the proceeding, and the matter at issue;

(7) the status of consultations with any State whose law was the subject of a report adverse to the United States that was issued by a panel or the Appellate Body; and

(8) any progress achieved in increasing the transparency of proceedings of the Ministerial Conference and the General Council,

and of dispute settlement proceedings conducted pursuant to the Dispute Settlement Understanding. (Dec. 8, 1994, Pub.L. 103–465, Title I, § 124, 108 Stat. 4832.)

§ 3535. Review of participation in WTO. **1119**

(a) Report on the operation of WTO

The first annual report submitted to the Congress under section 3534 of this title—

(1) after the end of the 5-year period beginning on the date on which the WTO Agreement enters into force with respect to the United States, and

(2) after the end of every 5-year period thereafter,

shall include an analysis of the effects of the WTO Agreement on the interests of the United States, the costs and benefits to the United States of its participation in the WTO, and the value of the continued participation of the United States in the WTO.

(b) Congressional disapproval of U.S. participation in WTO

(1) General rule

The approval of the Congress, provided under section 3511(a) of this title, of the WTO Agreement shall cease to be effective if, and only if, a joint resolution described in subsection (c) of this section is enacted into law pursuant to the provisions of paragraph (2).

(2) Procedural provisions

(A) The requirements of this paragraph are met if the joint resolution is enacted under subsection (c) of this section, and—

(i) the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 2194(b) of this title), beginning on the date on which the Congress receives a report referred to in subsection (a) of this section, and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 2194(b) of this title) beginning on the date on which the Congress receives the veto message from the President.

(B) A joint resolution to which this section applies may be introduced at any time on or after the date on which the President transmits to the Congress a report described in subsection (a) of this section, and before the end of the 90-day period referred to in subparagraph (A).

(c) Joint resolutions

(1) Joint resolutions

For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.".

(2) Procedures

(A) Joint resolutions may be introduced in either House of the Congress by any member of such House.

(B) Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 2192 of this title apply to joint resolutions to the same extent as such provisions apply to resolutions under such section.

(C) If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 2194(b) of this title), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (C).

(E) A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) Consideration of second resolution not in order

It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

(d) Rules of House of Representatives and Senate

This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rules of that House. (Pub.L. 103–465, Dec. 8, 1994, Title I, § 125, 108 Stat. 4833.)

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Chapter 24.—BIPARTISAN TRADE PROMOTION AUTHORITY

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1120 § 3803. Trade agreements authority.

(a) Agreements regarding tariff barriers

(1) In general

Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade

of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) July 1, 2005; or

(ii) July 1, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) Limitations

No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) Aggregate reduction; exemption from staging

(A) Aggregate reduction.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) Exemption from staging.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) Rounding

If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) Other limitations

A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 3805 and that bill is enacted into law.

(6) Other tariff modifications

Notwithstanding paragraphs (1)(B), (2)(A), (2)(C), and (3) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(7) Authority under Uruguay Round Agreements Act not affected

Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) Agreements regarding tariff and nontariff barriers

(1) In general

(A) Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect, and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A); or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) July 1, 2005; or

(ii) July 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) Conditions

A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 3802(a) and (b) and the President satisfies the conditions set forth in section 3804.

(3) Bills qualifying for trade authorities procedures

(A) The provisions of section 151 of the Trade Act of 1974 (in this title referred to as "trade authorities procedures") apply to a

bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an "implementing bill".

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) Extension disapproval process for Congressional trade authorities procedures

(1) In general

Except as provided in section 3805(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2005; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before July 1, 2005.

(2) Report to Congress by the President

If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than April 1, 2005, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) Other reports to Congress

(A) Report by the advisory committee.

The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as

soon as practicable, but not later than June 1, 2005, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) Report by ITC

The President shall promptly inform the International Trade Commission of the President's decision to submit a report to the Congress under paragraph (2). The International Trade Commission shall submit to the Congress as soon as practicable, but not later than June 1, 2005, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(4) Status of reports

The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) Extension disapproval resolutions

(A) For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the ____ disapproves the request of the President for the extension, under section 3803(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 3803(b) of that Act after June 30, 2005.", with the blank space being filled with the name of the resolving House of the Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

(d) Commencement of negotiations

In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 3802(b). (Pub.L. 107–210, Div. B, Title XXI, § 2103, Aug. 6, 2002, 116 Stat. 1004; Pub.L. 108–429, § 2004(a)(17), 118 Stat. 2591.)

§ 3804. Consultations and Assessment. **1121**

(a) Notice and consultation before negotiation

The President, with respect to any agreement that is subject to the provisions of section 3803(b), shall—

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement;

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, such other committees of the House and Senate as the President deems appropriate, and the Congressional Oversight group convened under section 3807; and

(3) upon the request of a majority of the members of the Congressional Oversight Group under section 3807(c), meet with the Congressional Oversight Group before initiating the negotiations or at any other time concerning the negotiations.

(b) Negotiations regarding agriculture

(1) In general

Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 3802(b)(10)(A)(i) with any country, the President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether

it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(2) Special consultations on import sensitive products

(A) Before initiating negotiations with regard to agriculture, and, with respect to the Free Trade Area for the Americas and negotiations with regard to agriculture under the auspices of the World Trade Organization, as soon as practicable after the enactment of this Act, the United States Trade Representative shall—

(i) identify those agricultural products subject to tariff-rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(ii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(I) whether any further tariff reductions on the products identified under clause (i) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(II) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(III) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

(iii) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(iv) upon complying with clauses (i), (ii), and (iii), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under clause (i) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(B) If, after negotiations described in subparagraph (A) are commenced—

(i) the United States Trade Representative identifies any additional agricultural product described in subparagraph (A)(i) for tariff reductions which were not the subject of a notification under subparagraph (A)(iv), or

(ii) any additional agricultural product described in subparagraph (A)(i) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in subparagraph (A)(iv) of those products and the reasons for seeking such tariff reductions.

(3) Negotiations regarding the fishing industry

Before initiating, or continuing, negotiations which directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on Ways and Means and the Committee on Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of negotiations on an ongoing and timely basis.

(c) Negotiations regarding textiles

Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(d) Consultation with Congress before agreements entered into

(1) Consultation

Before entering into any trade agreement under section 3803(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the Congressional Oversight Group convened under section 3807.

(2) Scope

The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 3805, including the general effect of the agreement on existing laws.

(3) Report regarding United States trade remedy laws

(A) Changes in certain trade laws.—The President, at least 180 calendar days before the day on which the President enters into a trade agreement under section 3803(b), shall report to the Com-

mittee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(i) the range of proposals advanced in the negotiations with respect to that agreement, that may be in the final agreement, and that could require amendments to title VII of the Tariff Act of 1930 or to chapter 1 of title II of the Trade Act of 1974; and

(ii) how these proposals relate to the objectives described in section 3802(b)(14).

(B) Certain agreements.—With respect to a trade agreement entered into with Chile or Singapore, the report referred to in subparagraph (A) shall be submitted by the President at least 90 calendar days before the day on which the President enters into that agreement.

(C) Resolutions.—(i) At any time after the transmission of the report under subparagraph (A), if a resolution is introduced with respect to that report in either House of Congress, the procedures set forth in clauses (iii) through (vi) shall apply to that resolution if—

(I) no other resolution with respect to that report has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to those procedures; and

(II) no procedural disapproval resolution under section 3805(b) introduced with respect to a trade agreement entered into pursuant to the negotiations to which the report under subparagraph (A) relates has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be.

(ii) For purposes of this subparagraph, the term "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the ____ finds that the proposed changes to United States trade remedy laws contained in the report of the President transmitted to the Congress on ____ under section 3804(d)(3) of the Bipartisan Trade Promotion Authority Act of 2002 with respect to ____, are inconsistent with the negotiating objectives described in section 3802(b)(14) of that Act.", with the first blank space being filled with the name of the resolving House of Congress, the second blank space being filled with the appropriate date of the report, and the third blank space being filled with the name of the country or countries involved.

(iii) Resolutions in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee.

(iv)[1] Resolutions in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

[1] So in original. Two clauses designated (iv) were enacted.

(iv)[1] It is not in order for the House of Representatives to consider any resolution that is not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(v) It is not in order for the Senate to consider any resolution that is not reported by the Committee on Finance.

(vi) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to floor consideration of certain resolutions in the House and Senate) shall apply to resolutions.

(e) Advisory Committee reports

The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 3803(a) or (b) of this Act shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 3803(a)(1) or 3805(a)(1)(A) of the President's intention to enter into the agreement.

(f) ITC assessment

(1) In general

The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 3803(b), shall provide the International Trade Commission (referred to in this subsection as "the Commission") with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC assessment

Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) Review of empirical literature

In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement. (Pub.L. 107–210, Div. B, Title XXI, § 2104, Aug. 6, 2002, 116 Stat. 1008.)

[1] So in original. Two clauses designated (iv) were enacted.

1122 § 3805. Implementation of trade agreements.

(a) In general

(1) Notification and submission

Any agreement entered into under section 3803(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 3803(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) Supporting information

The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 3803(b)(3); and

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in section 3802(c) regarding the promotion of certain priorities.

(3) Reciprocal benefits

In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 3803(b) does not

receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) Disclosure of commitments

Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that—

(A) relates to a trade agreement with respect to which the Congress enacts an implementing bill under trade authorities procedures, and

(B) is not disclosed to the Congress before an implementing bill with respect to that agreement is introduced in either House of Congress,

shall not be considered to be part of the agreement approved by the Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) Limitations on Trade Authorities Procedures

(1) For lack of notice or consultations

(A) In general.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 3803(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) Procedural disapproval resolution.—(i) For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.", with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has "failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2002" on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with section 3804 or 3805 with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 3807(b) have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the Congressional Oversight Group pursuant to a request made under section 3807(c) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this title.

(2) Procedures for considering resolutions

(A) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, and if no resolution described in section 3804(d)(3)(C)(ii) with respect to that trade agreement has been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to the procedures set forth in clauses (iii) through (vi) of such section 3804(d)(3)(C).

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(D) It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(3) For failure to meet other requirements

Not later than December 31, 2002, the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the United States Trade Representative, shall transmit to the Congress a report setting forth the strategy of the executive branch to address concerns of the Congress regarding whether dispute settlement panels and the Appellate Body of the WTO have added to obligations, or diminished rights, of the United States, as described in section 3801(b)(3). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the WTO unless the Secretary of Commerce has issued such report in a timely manner.

(c) Rules of House of Representatives and Senate

Subsection (b) of this section, section 3803(c), and section 3804(d)(3)(C) 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 are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House. (Pub.L. 107–210, Div. B, Title XXI, § 2105, Aug. 6, 2002, 116 Stat. 1013; Pub.L. 108–429, § 2004(a)(18), Dec. 3, 2004, 118 Stat. 2591.)

§ 3806. Treatment of certain trade agreements for which negotiations have already begun. **1123**

(a) Certain agreements

Notwithstanding the prenegotiation notification and consultation requirement described in section 3804(a), if an agreement to which section 3803(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with Chile,

(3) is entered into with Singapore, or

(4) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) Treatment of agreements

In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 3804(a) (relating only to 90 days notice prior to initiating negotiations), and any procedural disapproval resolution under section 3805(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 3804(a); and

(2) the President shall, as soon as feasible after the enactment of this Act—

(A) notify the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the committees referred to in section 3804(a)(2) and the Congressional Oversight Group convened under section 3807. (Pub.L. 107–210, Div. B, Title XXI, § 2106, Aug. 6, 2002, 116 Stat. 1016.)

§ 3807. Congressional Oversight Group. **1124**

(a) Members and functions

(1) In general

By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate shall convene the Congressional Oversight Group.

(2) Membership from the House

In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the House of Representatives which would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(3) Membership from the Senate

In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The chairman and ranking member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the Senate which would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this title would apply.

(4) Accreditation

Each member of the Congressional Oversight Group described in paragraphs (2)(A) and (3)(A) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the Congressional Oversight Group described in paragraphs (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(5) Chair

The Congressional Oversight Group shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate.

(b) Guidelines

(1) Purpose and revision

The United States Trade Representative, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group convened under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) Content

The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of the Congressional Oversight Group regarding negotiating objectives, including the promotion of certain priorities referred to in section 3802(c), and positions and the status of the applicable negotiations, beginning as soon as practicable after the Congressional Oversight Group is convened, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of the Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(C) the closest practicable coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites;

(D) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(E) the time frame for submitting the report required under section 3802(c)(8).

(c) Request for meeting

Upon the request of a majority of the Congressional Oversight Group, the President shall meet with the Congressional Oversight Group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations. (Pub.L. 107–210, Div. B, Title XXI, Sec. 2107, Aug. 6, 2002, 116 Stat. 1017; Pub.L. 109–280, Title XIV, § 1635(f)(6), Aug. 17, 2006, 120 Stat. 1171.)

§ 3808. Additional implementation and enforcement requirements. 1125

(a) In general

At the time the President submits to the Congress the final text of an agreement pursuant to section 3805(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) Border personnel requirements

A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) Agency staffing requirements

A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) Customs infrastructure requirements

A description of the additional equipment and facilities needed by the United States Customs Service.

(4) Impact on State and local governments

A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) Cost analysis

An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) Budget Submission

The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

* * * * * * *

(Pub.L. 107–210, Div. B, Title XXI, § 2108, Aug. 6, 2002, 116 Stat. 1018.)

1126 § 3811. Report on impact of trade promotion authority.

(a) In general

Not later than 1 year after the date of enactment of this Act, the International Trade Commission shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the economic impact on the United States of the trade agreements described in subsection (b).

(b) Agreements

The trade agreements described in this subsection are the following:

(1) The United States-Israel Free Trade Agreement.
(2) The United States-Canada Free Trade Agreement.
(3) The North American Free Trade Agreement.
(4) The Uruguay Round Agreements.
(5) The Tokyo Round of Multilateral Trade Negotiations.

(Pub.L. 107–210, Div. B, Title XXI, § 2111, Aug. 6, 2002, 116 Stat. 1021.)

* * * * * * *

TITLE 20.—EDUCATION

Chapter 3.—SMITHSONIAN INSTITUTION, NATIONAL MUSEUMS AND ART GALLERIES

§ 42. Board of Regents; members. 1130

(a) Composition

The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington, and seven of whom shall be inhabitants of some State, but no two of them of the same State.

(b) Modification of number, appointment or tenure of members; exceptions

Notwithstanding any other provision of law, the Board of Regents of the Smithsonian Institution may modify the number of members, manner of appointment of members, or tenure of members, of the boards or commissions under the jurisdiction of the Smithsonian Institution, other than—

(1) the Board of Regents of the Smithsonian Institution; and

(2) the boards or commissions of the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the Woodrow Wilson International Center for Scholars.

(As amended Oct. 21, 1998, Pub.L. 105–277, Div. A, § 101(e) [Title III, § 355], 112 Stat. 2681–231, 2681–303.)

§ 43. Appointment of regents; terms of office; vacancies. 1131

The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Congress. The Members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without reelection, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress. (R.S. § 5581; Dec. 15, 1970, Pub.L. 91–551, 84 Stat. 1440.)

TITLE 22.—FOREIGN RELATIONS AND INTERCOURSE

Chapter 7.—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

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1135 § 276c–1. Reports of expenditures by members of American groups or delegations and employees; consolidated reports by Congressional committees; public inspection.

Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the NATO Parliamentary Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on Foreign Affairs of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on Foreign Affairs shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on Foreign Affairs of the House shall be filed with the Clerk of the House and shall be open to public inspection. (As amended Pub.L. 103–437, § 9(a)(2), Nov. 2, 1994, 108 Stat. 4588; Pub.L. 104–186, Title II, § 218(1), Aug. 20, 1996, 110 Stat. 1747; Pub.L. 106–113, Div. B, § 1000(a)(7). [Div. A, Title VII, § 701(b)(2)], Nov. 29, 1999, 113 Stat. 1536, 1501A–459).

Subchapter I.—Canada-United States Interparliamentary Group

1136 § 276d. United States group; appointment; term; meetings.

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually and when Congress is not in

session (except that this restriction shall not apply during the first session of the Eighty-sixth Congress or to meetings held in the United States) with representatives of the House of Commons and Senate of the Canadian Parliament for discussion of common problems in the interests of relations between the United States and Canada. Of the Members of the Congress to be appointed for the purposes of this section (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Foreign Affairs Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee).

Such appointments shall be for the period of each meeting of the Canada-United States Interparliamentary group except for the four members of the Foreign Affairs Committee and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress.

The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. (Pub.L. 86–42, § 1, June 11, 1959, 73 Stat. 72; Pub.L. 95–45, § 4(a), June 15, 1977, 91 Stat. 222; Pub.L. 103–437, § 9(a)(3), Nov. 2, 1994, 108 Stat. 4588.)

§ 276e. Authorization of appropriations; disbursements. **1137**

An appropriation of $150,000 annually is authorized, $75,000 of which shall be for the House delegation and $75,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States group of the Canada-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively. (Pub.L. 86–42, § 2, June 11, 1959, 73 Stat. 72; Pub.L. 94–350, Title I, § 118(a), July 12, 1976, 90 Stat. 827; Pub.L. 103–236, Title V, § 502(a)(2), Apr. 30, 1994, 108 Stat. 462; Pub.L. 107–77, Title IV, § 408(b)(3), Nov. 28, 2001, 115 Stat. 791).

Subchapter II.—Mexico-United States Interparliamentary Group

§ 276h. United States group; appointment; term; meetings. **1138**

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the Chamber of Deputies and Chamber of Senators of the Mexican Congress for discussion of common problems in the interests of relations between the United States and Mexico. Of the Members of the Congress to be appointed for the purposes of this section (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Foreign Affairs Committee), and half shall be ap-

pointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee). Such appointments shall be for the period of each meeting of the Mexico-United States Interparliamentary group except for the four members of the Foreign Affairs Committee, and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress. The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. (Pub.L. 86–420, § 1, Apr. 9, 1960, 74 Stat. 40; Pub.L. 95–45, § 4(b), June 15, 1977, 91 Stat. 222; Pub.L. 103–437, § 9(a)(4), Nov. 2, 1994, 108 Stat. 4588.)

1139 § 276i. Authorization of appropriations; disbursements.

An appropriation of $120,000 annually is authorized, $60,000 of which shall be for the House delegation and $60,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States group of the Mexico-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively. (As amended Pub.L. 101–515, Title III, § 304(c), Nov. 5, 1990, 104 Stat. 2129; Pub.L. 103–236, Title V, § 502(a)(1), Apr. 30, 1994, 108 Stat. 461; Pub.L. 107–77, Title IV, § 408(b)(2), Nov. 28, 2001, 115 Stat. 790).

1140 § 276*l*. British-American Interparliamentary Group.

(a) Establishment and meetings

Not to exceed 24 Members of Congress shall be appointed to meet annually and when the Congress is not in session (except that this restriction shall not apply to meetings held in the United States), with representatives of the House of Commons and the House of Lords of the Parliament of Great Britain for discussion of common problems in the interest of relations between the United States and Great Britain. The Members of Congress so appointed shall be referred to as the "United States group" of the United States Interparliamentary Group.

(b) Appointment of members

Of the Members of Congress appointed for purposes of this section—

(1) half shall be appointed by the Speaker of the House of Representatives from among Members of the House (not less than 4 of whom shall be members of the Committee on Foreign Affairs), and

(2) half shall be appointed by the President pro tempore of the Senate, upon recommendations of the majority and minority leaders of the Senate, from among Members of the Senate (not less than 4 of whom shall be members of the Committee on Foreign Relations) unless the majority and minority leaders of the Senate determine otherwise.

(c) Chair and Vice Chair

(1) The Chair or Vice Chair of the House delegation of the United States group shall be a member from the Committee on Foreign Affairs.

(2) The President pro tempore of the Senate shall designate the Chair or Vice Chair of the Senate delegation.

(d) Funding

There is authorized to be appropriated $50,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is made, half of which shall be for the House delegation and half of which shall be for the Senate delegation. The House and Senate portions of such appropriations shall be disbursed on vouchers to be approved by the Chair of the House delegation and the Chair of the Senate delegation, respectively.

(e) Certification of expenditures

The certificate of the Chair of the House delegation or the Senate delegation of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(f) Annual report

The United States group shall submit to the Congress a report for each fiscal year for which an appropriation is made for the United States group, which shall include its expenditures under such appropriation.

(g) [Omitted.] (Pub.L. 102–138, Title I, § 168, Oct. 28, 1991, 105 Stat. 676.)

§ 276m. United States Delegation to Parliamentary Assembly of Conference on Security and Cooperation in Europe (CSCE). 1141

(a) Establishment

In accordance with the allocation of seats to the United States in the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "CSCE Assembly") not to exceed 17 Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other Conference on Security and Cooperation in Europe (CSCE) member-nations for the purposes of—

(1) assessing the implementation of the objectives of the CSCE;

(2) discussing subjects addressed during the meetings of the Council of Ministers for Foreign Affairs and the biennial Summit of Heads of State or Government;

(3) initiating and promoting such national and multilateral measures as may further cooperation and security in Europe.

(b) Appointment of Delegation

For each meeting of the CSCE Assembly, there shall be appointed a United States Delegation, as follows:

(1) In 1992 and every even-numbered year thereafter, 9 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Affairs); and 8 Members shall, upon recommendations of

the Majority and Minority leaders of the Senate, be appointed by the President pro tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Vice Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President pro tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise).

(2) In every odd-numbered year beginning in 1993, 9 Members shall, upon recommendation of the Majority and Minority Leaders of the Senate, be appointed by the President pro tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President pro tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise); and 8 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Vice Chairman, shall be from the Committee on Foreign Affairs).

(c) Administrative support

For the purpose of providing general staff support and continuity between successive delegations, each United States Delegation shall have 2 secretaries (one of whom shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives and one of whom shall be appointed by the Chairman of the Delegation of the Senate).

(d) Funding

(1) United States participation

There is authorized to be appropriated for each fiscal year $80,000 to assist in meeting the expenses of the United States delegation. For each fiscal year for which an appropriation is made under this subsection, half of such appropriation may be disbursed on voucher to be approved by the Chairman and half of such appropriation may be disbursed on voucher to be approved by the Vice Chairman.

(2) Availability of appropriations

Amounts appropriated pursuant to this subsection are authorized to be available until expended.

(e) Annual report

The United States Delegation shall, for each fiscal year for which an appropriation is made, submit to the Congress a report including its expenditures under such appropriation. The certificate of the Chairman and Vice Chairman of the United States Delegation shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Delegation. (Pub.L. 102–138, Title I, § 169, Oct. 28, 1991, 105 Stat. 677.)

NOTE

There are authorized to be appropriated for each fiscal year $50,000 for expenses of United States participation in the United States-European Community Interparliamentary Group. (November 22, 1983, Public Law 98–164, § 109(c), as amended September 19, 1986, Public Law 99–415, § 7(b), and October 1, 1988, Public Law 100–459, § 303(c).)

Chapter 24.—MUTUAL SECURITY PROGRAM

§ 1754. Foreign currencies. **1142**

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(b) Availability to Members and employees of Congress; authorization requirements; reports

(1)(A) Notwithstanding section 1306 of title 31, or any other provision of law—

(i) local currencies owned by the United States, which are in excess of the amounts reserved under section 2362(a) of this title, and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President; and

(ii) any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person or the maximum per diem allowance established under the authority of subchapter I of chapter 57 of Title 5 for employees of the United States Government while traveling in a foreign country, whichever is greater, exclusive of the actual cost of transportation;

shall be made available to Members and employees of the Congress for their local currency expenses when authorized as provided in subparagraph (B).

(B) The authorization required for purposes of subparagraph (A) may be provided—

(i) by the Speaker of the House of Representatives in the case of a Member or employee of the House;

(ii) by the chairman of a standing or select committee of the House of Representatives in the case of a member or employee of that committee;

(iii) by the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, in the case of a Member or employee of the Senate;

(iv) by the chairman of a standing, select, or special committee of the Senate in the case of a member or employee of that committee or of an employee of a member of that committee; and

(v) by the chairman of a joint committee of the Congress in the case of a member or employee of that committee.

(C) Whenever local currencies owned by the United States are not otherwise available for purposes of this subsection, the Secretary of the Treasury shall purchase such local currencies as may be necessary for such purposes, using any funds in the Treasury not otherwise appropriated.

(2) On a quarterly basis, the chairman of each committee of the House of Representatives or the Senate and of each joint committee of the Congress (A) shall prepare a consolidated report (i) which itemizes the amounts and dollar equivalent values of each foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, stating the purposes of the expenditures including per diem (lodging and meals), transportation, and other purposes, and (ii) which shows the total itemized expenditures, by such committee and by each member or employee of such committee (including in the case of a committee of the Senate, each employee

of a member of the committee who received an authorization under paragraph (1) from the chairman of the committee); and (B) shall forward such consolidated report to the Clerk of the House of Representatives (if the committee is a committee of the House of Representatives or a joint committee whose funds are disbursed by the Chief Administrative Officer of the House) or to the Secretary of the Senate (if the committee is a committee of the Senate or a joint committee whose funds are disbursed by the Secretary of the Senate). Each such consolidated report shall be open to public inspection and shall be published in the Congressional Record within ten legislative days after the report is forwarded pursuant to this paragraph. In the case of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, such consolidated report may, in the discretion of the chairman of the committee, omit such information as would identify the foreign countries in which members and employees of that committee traveled.

(3)(A) Each Member or employee who receives an authorization under paragraph (1) from the Speaker of the House of Representatives, the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, shall within thirty days after the completion of the travel involved, submit a report setting forth the information specified in paragraph (2), to the extent applicable, to the Clerk of the House of Representatives (in the case of a Member of the House or an employee whose salary is disbursed by the Chief Administrative Officer of the House) or the Secretary of the Senate (in the case of a Member of the Senate or an employee whose salary is disbursed by the Secretary of the Senate). In the case of an authorization for a group of Members or employees, such reports shall be submitted for all Members of the group by its chairman, or if there is no designated chairman, by the ranking Member or if the group does not include a Member, by the senior employee in the group. Each report submitted pursuant to this subparagraph shall be open to public inspection.

(B) On a quarterly basis, the Clerk of the House of Representatives and the Secretary of the Senate shall each prepare a consolidation of the reports received by them under this paragraph with respect to expenditures during the preceding quarter by each Member and employee or by each group in the case of expenditures made on behalf of a group which are not allocable to individual members of the group. Each such consolidation shall be open to public inspection and shall be published in the Congressional Record within ten legislative days after its completion. (Aug. 26, 1954, ch. 937, Title V, § 502, 68 Stat. 849, amended Sept. 3, 1954, ch. 1262, § 104, 68 Stat. 1223; July 8, 1955, ch. 301, § 9(a), 69 Stat. 288; July 18, 1956, ch. 627, § 9(b), 70 Stat. 560; June 30, 1958, § 401(a), 72 Stat. 268; August 27, 1958, Pub.L. 85–766, ch. X, § 1001, 72 Stat. 880; May 14, 1960, Pub.L. 86–472, § 401(a), 74 Stat. 138; July 12, 1960, Pub.L. 86–628, § 105(a), 74 Stat. 460; Sept. 4, 1961, Pub.L. 87–195, Pt. III, § 642(a)(2), 75 Stat. 460; Oct. 7, 1964, Pub.L. 88–633, 78 Stat. 1015; Oct. 18, 1973, Pub.L. 93–126, § 5, 87 Stat. 452; Aug. 13, 1974, Pub.L. 93–371, § 107, 88 Stat. 444; July 25, 1975, Pub.L. 94–59, Title XI, § 1105, 89 Stat. 299; Dec. 18, 1975, Pub.L. 94–157, Title I, ch. IV, 89 Stat. 837; July 12, 1976, Pub.L. 94–350, Title IV, § 402, 90 Stat. 833; Oct. 1, 1976, Pub.L. 94–440, Title I, § 109, 90 Stat.

1445; Sept. 26, 1978, Pub.L. 95–384, § 22(a), 92 Stat. 742; Aug. 20, 1996, Pub.L. 104–186, Title II, § 218(2), 110 Stat. 1747.)

§ 1928a. North Atlantic Treaty Parliamentary Conference; participation; appointment of United States Group. **1143**

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other NATO (North Atlantic Treaty Organization) members, for discussion of common problems in the interests of the maintenance of peace and security in the North Atlantic area. Of the Members of the Congress to be appointed for the purposes of this resolution (hereinafter designated as the "United States Group"), half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Committee on Foreign Affairs), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate. Not more than seven of the appointees from the Senate shall be of the same political party. The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. Each delegation shall have a secretary. The secretaries of the Senate and House delegations shall be appointed, respectively, by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives. (July 11, 1956, ch. 562, § 1, 70 Stat. 523; Dec. 16, 1963, Pub.L. 88–205, Pt. IV, § 406, 77 Stat. 392; Pub.L. 95–45 § 4(c), June 15, 1977, 91 Stat. 222; H. Res. 89, February 5, 1979; December 22, 1987, Pub.L. 100–204, Title VII, § 744(a), 101 Stat. 1396; Pub.L. 103–437, § 9(a)(5), Nov. 2, 1994, 108 Stat. 4588.)

§ 1928b. Authorization of appropriations. **1144**

There is authorized to be appropriated annually (1) for the annual contribution of the United States toward the maintenance of the NATO Parliamentary Assembly, such sum as may be agreed upon by the United States Group and approved by such Assembly, but in no event to exceed for any year an amount equal to 25 per centum of the total annual contributions made for that year by all members of the North Atlantic Treaty Organization toward the maintenance of such Assembly, and (2) $200,000, $100,000 for the House delegation and $100,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States Group of the NATO Parliamentary Assembly for each fiscal year for which an appropriation is made, such appropriation to be dispersed on voucher to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation. (July 11, 1956, ch. 562, § 2, 70 Stat. 523; June 30, 1958, Pub.L. 85–477, ch. V, § 502(d), 72 Stat. 273; Nov. 14, 1967, Pub.L. 90–137, Pt. IV, § 401(a), 81 Stat. 463; Feb. 7, 1972, Pub.L. 92–226, Pt. IV, § 405, 86 Stat. 34; Dec. 22, 1987, Pub.L. 100–202, § 101(a) [Title III, § 303], 101 Stat. 1329, 1329–23; Dec. 22, 1987, Pub.L. 100–204, Title VII, § 744(b), 101 Stat. 1396; Nov. 29, 1999, Pub.L. 106–113, § 1000(a)(7), 113 Stat. 1501A–459; Nov. 28, 2001, Pub.L. 107–77, Title IV, § 408(b)(1), 115 Stat. 790.)

TITLE 26.—INTERNAL REVENUE CODE

Subtitle A.—INCOME TAXES

Chapter 1.—NORMAL TAXES AND SURTAXES

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Subchapter B.—Computation of Taxable Income

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Part II.—ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME

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1145 **§ 84. Transfer of appreciated property to political organization.**

(a) General rule

If—

(1) any person transfers property to a political organization, and

(2) the fair market value of such property exceeds its adjusted basis,

then for purposes of this chapter the transferor shall be treated as having sold such property to the political organization on the date of the transfer, and the transferor shall be treated as having realized an amount equal to the fair market value of such property on such date.

(b) Basis of property

In the case of a transfer of property to a political organization to which subsection (a) applies, the basis of such property in the hands of the political organization shall be the same as it would be in the hands of the transferor, increased by the amount of gain recognized to the transferor by reason of such transfer.

(c) Political organization defined

For purposes of this section, the term "political organization" has the meaning given to such term by section 527(e)(1). (Jan. 3, 1975, Pub.L. 93–625, § 13(a), 88 Stat. 2120.)

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Part VI.—ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

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1146 **§ 162. Trade or business expenses.**

(a) In general

There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including—

(1) a reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business; and

(3) rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

For purposes of the preceding sentence, the place of residence of a Member of Congress (including any Delegate and Resident Commissioner) within the State, congressional district, or possession which he represents in Congress shall be considered his home, but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000. For purposes of paragraph (2), the taxpayer shall not be treated as being temporarily away from home during any period of employment if such period exceeds 1 year. The preceding sentence shall not apply to any Federal employee during any period for which such employee is certified by the Attorney General (or the designee thereof) as traveling on behalf of the United States in temporary duty status to investigate or prosecute, or provide support services for the investigation or prosecution of, a Federal crime. (Aug. 16, 1954, ch. 736, 68A Stat. 45; Oct. 16, 1962, Pub.L. 87–834, § 4(b), 76 Stat. 960, 976; Oct. 4, 1976, Pub.L. 94–455, § 1901(c) (4), 90 Stat. 1803; Oct. 1, 1981, Pub.L. 97–51, § 139(b)(1), 95 Stat. 967; July 18, 1982, Pub.L. 97–216, § 215(a), 96 Stat. 194; Oct. 24, 1992, Pub.L. 102–486, § 1938(a), 106 Stat. 3033; Aug. 5, 1997, Pub.L. 105–34, § 1204(a), 111 Stat. 995; July 22, 1998, Pub.L. 105–206, § 6012(a), 112 Stat. 818.)

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Subchapter F.—Exempt Organizations

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Part VI.—POLITICAL ORGANIZATIONS

§ 527. Political organizations. **1147**

(a) General rule

A political organization shall be subject to taxation under this subtitle only to the extent provided in this section. A political organization shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

(b) Tax imposed

(1) In general.—A tax is hereby imposed for each taxable year on the political organization taxable income of every political organization. Such tax shall be computed by multiplying the political organization taxable income by the highest rate of tax specified in section 11(b).

(2) Alternative tax in case of capital gains.—If for any taxable year any political organization has a net capital gain, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such a tax is less than the tax imposed by paragraph (1)) which shall consist of the sum of—

(A) a partial tax, computed as provided by paragraph (1), on the political organization taxable income determined by reducing such income by the amount of such gain, and

(B) an amount determined as provided in section 1201(a) on such gain.

(c) Political organization taxable income defined

(1) Taxable income defined.—For purposes of this section, the political organization taxable income of any organization for any taxable year is an amount equal to the excess (if any) of—

(A) the gross income for the taxable year (excluding any exempt function income), over

(B) the deductions allowed by this chapter which are directly connected with the production of the gross income (excluding exempt function income), computed with the modifications provided in paragraph (2).

(2) Modifications.—For purposes of this subsection—

(A) there shall be allowed a specific deduction of $100,

(B) no net operating loss deduction shall be allowed under section 172, and

(C) no deduction shall be allowed under part VIII of subchapter B (relating to special deductions for corporations).

(3) Exempt function income.—For purposes of this subsection, the term "exempt function income" means any amount received as—

(A) a contribution of money or other property,

(B) membership dues, a membership fee or assessment from a member of the political organization,

(C) proceeds from a political fundraising or entertainment event, or proceeds from the sale of political campaign materials, which are not received in the ordinary course of any trade or business, or

(D) proceeds from the conducting of any bingo game (as defined in section 513(f)(2)),

to the extent such amount is segregated for use only for the exempt function of the political organization.

(d) Certain uses not treated as income to candidate

For purposes of this title, if any political organization—

(1) contributes any amount to or for the use of any political organization which is treated as exempt from tax under subsection (a) of this section,

(2) contributes any amount to or for the use of any organization described in paragraph (1) or (2) of section 509(a) which is exempt from tax under section 501(a), or

(3) deposits any amount in the general fund of the Treasury or in the general funds of any State or local government,

such amount shall be treated as an amount not diverted for the personal use of the candidate or any other person. No deduction shall be allowed under this title for the contribution or deposit of any amount described in the preceding sentence.

(e) Other definitions

For purposes of this section—

(1) Political organization.—The term "political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

(2) Exempt function.—The term "exempt function" means the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed. Such term includes the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a).

(3) Contributions.—The term "contributions" has the meaning given to such term by section 271(b)(2).

(4) Expenditures.—The term "expenditures" has the meaning given to such term by section 271(b)(3).

(5) Qualified State or Local Political Organization—

(A) In general.—The term "qualified State or local political organization" means a political organization—

(i) all the exempt functions of which are solely for the purposes of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization,

(ii) which is subject to State law that requires the organization to report (and it so reports)—

(I) information regarding each separate expenditure from and contribution to such organization, and

(II) information regarding the person who makes such contribution or receives such expenditure,

which would otherwise be required to be reported under this section, and

(iii) with respect to which the reports referred to in clause (ii) are (I) made public by the agency with which such reports are filed, and (II) made publicly available for inspection by the organization in the manner described in section 6104(d).

(B) Certain State law differences disregarded.—An organization shall not be treated as failing to meet the requirements of subparagraph (A)(ii) solely by reason of 1 or more of the following:

(i) The minimum amount of any expenditure or contribution required to be reported under State law is not more than $300 greater than the minimum amount required to be reported under subsection (j).

(ii) The State law does not require the organization to identify 1 or more of the following:

(I) The employer of any person who makes contributions to the organization.

(II) The occupation of any person who makes contributions to the organization.

(III) The employer of any person who receives expenditures from the organization.

(IV) The occupation of any person who receives expenditures from the organization.

(V) The purpose of any expenditure of the organization.

(VI) The date any contribution was made to the organization.

(VII) The date of any expenditure of the organization.

(C) De Minimis Errors.—An organization shall not fail to be treated as a qualified State or local political organization solely because such organization makes de minimis errors in complying with the State reporting requirements and the public inspection requirements described in subparagraph (A) as long as the organization corrects such errors within a reasonable period after the organization becomes aware of such errors.

(D) Participation of Federal candidate or office holder.—The term "qualified State or local political organization" shall not include any organization otherwise described in subparagraph (A) if a candidate for nomination or election to Federal elective public office or an individual who holds such office—

(i) controls or materially participates in the direction of the organization.

(ii) solicits contributions to the organization (unless the Secretary determines that such solicitations resulted in de minimis contributions and were made without the prior knowledge and consent, whether explicit or implicit, of the organization or its officers, directors, agents, or employees, or

(iii) directs, in whole or in part, disbursements by the organization.

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(g) Treatment of newsletter funds

(1) In general.—For purposes of this section, a fund established and maintained by an individual who holds, has been elected to, or is a candidate (within the meaning of paragraph (3)) for nomination or election to, any Federal, State, or local elective public office for use by such individual exclusively for the preparation and circulation of such individual's newsletter shall, except as provided in paragraph (2), be treated as if such fund constituted a political organization.

(2) Additional modifications.—In the case of any fund described in paragraph (1)—

(A) the exempt function shall be only the preparation and circulation of the newsletter, and

(B) the specific deduction provided by subsection (c)(2)(A) shall not be allowed.

(3) Candidate.—For purposes of paragraph (1), the term "candidate" means, with respect to any Federal, State, or local elective public office, an individual who—

(A) publicly announces that he is a candidate for nomination or election to such office, and

(B) meets the qualifications prescribed by law to hold such office.

(h) Special rule for principal campaign committees

(1) In general.—In the case of a political organization which is a principal campaign committee, paragraph (1) of subsection (b) shall be applied by substituting "the appropriate rates" for "the highest rate".

(2) Principal campaign committee defined—

(A) In general.—For purposes of this subsection, the term "principal campaign committee" means the political committee designated by a candidate for Congress as his principal campaign committee for purposes of—

(i) section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)), and

(ii) this subsection.

(B) Designation.—A candidate may have only 1 designation in effect under subparagraph (A)(ii) at any time and such designation—

(i) shall be made at such time and in such manner as the Secretary may prescribe by regulations, and

(ii) once made, may be revoked only with the consent of the Secretary.

Nothing in this subsection shall be construed to require any designation where there is only one political committee with respect to a candidate.

(i) Organizations must notify Secretary that they are section 527 organizations

(1) In general.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

(A) unless it has given notice to the Secretary electronically that it is to be so treated, or

(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given or, in the case of any material change in the information required under paragraph (3), for the period beginning on the date on which the material change occurs and ending on the date on which such notice is given,

(2) Time to give notice.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established or, in the case of any material change in the information required under paragraph (3), not later than 30 days after such material change.

(3) Contents of notice.—The notice required under paragraph (1) shall include information regarding—

(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

(B) the purpose of the organization,

(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4)),

(E) whether the organization intends to claim an exemption from the requirements of subsection (j) or section 6033, and

(F) such other information as the Secretary may require to carry out the Internal Revenue laws.

(4) Effect of failure.—In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income) or in the case of a failure relating to a material change, by taking into account such income and deductions only during the period beginning on the date on which the material change occurs and ending on the date on which notice is given under this subsection. For purposes of the preceding sentence, the term "exempt function income" means any amount described in a subparagraph of subsection (c)(3), whether or not segregated for use for any exempt function.

(5) Exceptions.—This subsection shall not apply to any organization—

(A) to which this section applies solely be reason of subsection (f)(1),

(B) which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year, or,

(C) which is a political committee of a State or local candidate or which is a State or local committee of a political party.

(6) Coordination with other requirements.—This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.

(j) Required disclosure of expenditures and contributions

(1) Penalty for failure.—In the case of—

(A) a failure to make the required disclosures under paragraph (2) at the time and in the manner prescribed therefor, or

(B) a failure to include any of the information required to be shown by such disclosures or to show the correct information,

there shall be paid by the organization an amount equal to the rate of tax specified in subsection (b)(1) multiplied by the amount to which the failure relates. For purpose of subtitle F, the amount imposed by this paragraph shall be assessed and collected in the same manner as penalties imposed by section 6652(c).

(2) Required disclosure.—A political organization which accepts a contribution, or makes an expenditure, for an exempt function during any calendar year shall file with the Secretary either—

(A)(i) in the case of a calendar year in which a regularly scheduled election is held—

(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the fifteenth 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 not later than January 31 of the following calendar year,

(II) a pre-election report, which shall be filed not later than the twelfth day before (or posted by registered or certified mail not later than the fifteenth day before) any election with respect to which the organization makes a contribution or expenditure,

and which shall be complete as of the twentieth day before the election, and

(III) a post-general election report, which shall be filed not later than the thirtieth day after the general election and which shall be complete as of the twentieth day after such general election, and

(ii) in the case of 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 for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the twentieth 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 subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.

(3) Contents of report.—A report required under paragraph (2) shall contain the following information:

(A) The amount, date, and purpose of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds $500 and the name and address of the person (in the case of an individual, including the occupation and name of employer of such individual).

(B) The name and address (in the case of an individual, including the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of $200 or more to the organization during the calendar year and the amount and date of the contribution.

Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.

(4) Contracts to spend or contribute.—For purposes of this subsection, a person shall be treated as having made an expenditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.

(5) Coordination with other requirements.—This subsection shall not apply.—

(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,

(B) to any State or local committee of a political party or political committee of a State or local candidate,

(C) to any organization which is a qualified State or local political organization,

(D) to any organization which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year,

(E) to any organization to which this section applies solely by reason of subsection (f)(1), or

(F) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).

(6) Election.—For purposes of this subsection, the term "election" means—

(A) a general, special, primary, or runoff election for a Federal office,

(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,

(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(7) Electronic filing.—Any report required under paragraph (2) with respect to any calendar year shall be filed in electronic form if the organization has, or has reason to expect to have, contributions exceeding $50,000 or expenditures exceeding $50,000 in such calendar year.

(k) Public availability of notices and reports

(1) In general.—The Secretary shall make any notice described in subsection (i)(1) or report described in subsection (j)(7) available for public inspection on the Internet not later than 48 hours after such notice or report has been filed (in addition to such public availability as may be made under section 6104(d)(7)).

(2) Access.—The Secretary shall make the entire database of notices and reports which are made available to the public under paragraph (1) searchable by the following items (to the extent the items are required to be included in the notices and reports):

(A) Names, States, zip codes, custodians of records, directors, and general purposes of the organizations.

(B) Entities related to the organizations.

(C) Contributors to the organizations.

(D) Employers of such contributors.

(E) Recipients of expenditures by the organizations.

(F) Ranges of contributions and expenditures.

(G) Time periods of the notices and reports.

Such database shall be downloadable.

(l) Authority to waive

The Secretary may waive all or any portion of the—

(1) tax assessed on an organization by reason of the failure of the organization to comply with the requirements of subsection (i), or

(2) amount imposed under subsection (j) for a failure to comply with the requirements thereof,

on a showing that such failure was due to reasonable cause and not due to willful neglect. (Jan. 3, 1975, Pub.L. 93–625, § 10(a), 88 Stat. 2116; Oct. 4, 1976, Pub.L. 94–455, § 1901(b)(33)(c), 90 Stat. 1801; Oct. 21, 1978, Pub.L. 95–502, § 302(a), 92 Stat. 1702; Nov. 6, 1978, Pub.L. 95–600, § 301(b)(6), 92 Stat. 2821; Aug. 13, 1981, Pub.L. 97–34, § 128, 95 Stat. 203; July 18, 1984, Pub.L. 98–369, §§ 474(r)(16), 722(c), 98 Stat. 843, 973; Oct. 22, 1986, Pub.L. 99–514, § 112(b)(1), 100 Stat. 2085; Nov. 10, 1988, Pub.L. 100–647, § 1001(b)(3)(B), 102 Stat. 3349; July

1, 2000, Pub.L. 106–230, §§ 1(a), 2(a), 114 Stat. 477, 479; Nov. 2, 2002, Pub.L. 107–276, §§ 1(a), 2, 5(a), 6, 116 Stat. 1929, 1932–1934.)

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Subchapter N.—Tax Based on Income From Sources Within or Without the United States

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Part II.—NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

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Subpart D.—Miscellaneous Provisions

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§ 896. Adjustment of tax on nationals, residents, and corporations of certain foreign countries. 1148

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(d) Notification of Congress required

No proclamation shall be issued by the President pursuant to this section unless, at lest 30 days prior to such proclamation, he has notified the Senate and the House of Representatives of his intention to issue such proclamation. (Nov. 13, 1966, Pub.L. 89–809, § 105(b), 80 Stat. 1563.)

Subchapter P.—Capital Gains and Losses

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Part III.—GENERAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

§ 1221. Capital asset defined. 1149

(a) In general.—For purposes of this subtitle, the term "capital asset" means property held by the taxpayer (whether or not connected with his trade or business), but does not include—

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(5) a publication of the United States Government (including the Congressional Record) which is received from the United States Government or any agency thereof, other than by purchase at the price at which it is offered for sale to the public, and which is held by—

(A) a taxpayer who so received such publication, or

(B) a taxpayer in whose hands the basis of such publication is determined, for purposes of determining gain from a sale or exchange, in whole or in part by reference to the basis of such publication in the hands of a taxpayer described in subparagraph (A). (Aug. 16, 1954, ch. 736. 68A Stat. 321; Oct. 4, 1976, Pub.L. 94–455, § 2132 (a), 90 Stat. 1925; Aug. 13, 1981, Pub.L. 97–34, § 505

(a), 95 Stat. 331; Dec. 17, 1999, Pub.L. 106–170, § 532(a), 113 Stat. 1928.

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SUBTITLE F.—PROCEDURE AND ADMINISTRATION

Chapter 61.—INFORMATION AND RETURNS

Subchapter A.—Returns and Records

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Part III.—INFORMATION RETURNS

Subpart A.—Information Concerning Persons Subject to Special Provisions

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1150 § 6033. Returns by exempt organizations.

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(g) Returns required by political organizations

(1) In general.—This section shall apply to a political organization (as defined by section 527(e)(1)) which has gross receipts of $25,000 or more for the taxable year. In the case of a political organization which is a qualified State or local political organization (as defined in section 527(e)(5)), the preceding sentence shall be applied by substituting "$100,000" for "$25,000".

(2) Annual returns.—Political organizations described in paragraph (1) shall file an annual return—

(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), with such modifications as the Secretary considers appropriate to require only information which is necessary for the purposes of carrying out section 527, and

(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection.

(3) Mandatory exceptions from filing.—Paragraph (2) shall not apply to an organization—

(A) which is a State or local committee of a political party, or political committee of a State or local candidate,

(B) which is a caucus or association of State or local officials,

(C) which is an authorized committee (as defined in section 301(6) of the Federal Election Campaign Act of 1971) of a candidate for Federal office,

(D) which is a national committee (as defined in section 301(14) of the Federal Election Campaign Act of 1971) of a political party,

(E) which is a United States House of Representatives or United States Senate campaign committee of a political party committee,

(F) which is required to report under the Federal Election campaign Act of 1971 as a political committee (as defined in section 301(4) of such Act), or

(G) to which section 527 applies for the taxable year solely by reason of subsection (f)(1) of such section.

(4) Discretionary exception.—The Secretary may relieve any organization required under paragraph (2) to file an information return from

filing such a return if the Secretary determines that such filing is not necessary to the efficient administration of the Internal Revenue laws. (Nov. 2, 2002, Pub.L. 107–276, § 3(c), 116 Stat. 1931.)

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Subchapter B.—Miscellaneous Provisions

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§ 6103. Confidentiality and disclosure of returns and return information. 1151

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(f) Disclosure to committees of Congress

(1) Committee on Ways and Means, Committee on Finance, and Joint Committee on Taxation.—Upon written request from the chairman of the Committee on Ways and Means of the House of Representatives, the chairman of the Committee on Finance of the Senate, or the chairman of the Joint Committee on Taxation, the Secretary shall furnish such committee with any return or return information specified in such request, except that any return or return information which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer shall be furnished to such committee only when sitting in closed executive session unless such taxpayer otherwise consents in writing to such disclosure.

(2) Chief of Staff of Joint Committee on Taxation.—Upon written request by the Chief of Staff of the Joint Committee on Taxation, the Secretary shall furnish him with any return or return information specified in such request. Such Chief of Staff may submit such return or return information to any committee described in paragraph (1), except that any return or return information which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer shall be furnished to such committee only when sitting in closed executive session unless such taxpayer otherwise consents in writing to such disclosure.

(3) Other committees.—Pursuant to an action by, and upon written request by the chairman of, a committee of the Senate or the House of Representatives (other than a committee specified in paragraph (1)) specially authorized to inspect any return or return information by a resolution of the Senate or the House of Representatives or, in the case of a joint committee (other than the joint committee specified in paragraph (1)) by concurrent resolution, the Secretary shall furnish such committee, or a duly authorized and designated subcommittee thereof, sitting in closed executive session, with any return or return information which such resolution authorizes the committee or subcommittee to inspect. Any resolution described in this paragraph shall specify the purpose for which the return or return information is to be furnished and that such information cannot reasonably be obtained from any other source.

(4) Agents of committees and submission of information to Senate or House of Representatives—

(A) Committees described in paragraph (1).—Any committee described in paragraph (1) or the Chief of Staff of the Joint Committee on Taxation shall have the authority, acting directly, or by or through such examiners or agents as the chairman of such com-

mittee or such chief of staff may designate or appoint, to inspect returns and return information at such time and in such manner as may be determined by such chairman or chief of staff. Any return or return information obtained by or on behalf of such committee pursuant to the provisions of this subsection may be submitted by the committee to the Senate or the House of Representatives, or to both. The Joint Committee on Taxation may also submit such return or return information to any other committee described in paragraph (1), except that any return or return information which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer shall be furnished to such committee only when sitting in closed executive session unless such taxpayer otherwise consents in writing to such disclosure.

(B) Other committees.—Any committee or subcommittee described in paragraph (3) shall have the right, acting directly, or by or through no more than four examiners or agents, designated or appointed in writing in equal numbers by the chairman and ranking minority member of such committee or subcommittee, to inspect returns and return information at such time and in such manner as may be determined by such chairman and ranking minority member. Any return or return information obtained by or on behalf of such committee or subcommittee pursuant to the provisions of this subsection may be submitted by the committee to the Senate or the House of Representatives, or to both, except that any return or return information which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer, shall be furnished to the Senate or the House of Representatives only when sitting in closed executive session unless such taxpayer otherwise consents in writing to such disclosure.

(5) Disclosure by whistleblower.—Any person who otherwise has or had access to any return or return information under this section may disclose such return or return information to a committee referred to in paragraph (1) or any individual authorized to receive or inspect information under paragraph (4)(A) if such person believes such return or return information may relate to possible misconduct, maladministration, or taxpayer abuse.

(g) Disclosure to President and certain other persons

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(5) Reporting requirements

Within 30 days after the close of each calendar quarter, the President and the head of any agency requesting returns and return information under this subsection shall each file a report with the Joint Committee on Taxation setting forth the taxpayers with respect to whom such requests were made during such quarter under this subsection, the returns or return information involved, and the reasons for such requests. The President shall not be required to report on any request for returns and return information pertaining to an individual who was an officer or employee of the executive branch of the Federal Government at the time such request was made. Reports filed pursuant to this paragraph shall not be disclosed unless the Joint Committee on Taxation determines that disclosure thereof (including identifying details) would be in the national interest. Such reports shall be maintained by the Joint

Committee on Taxation for a period not exceeding 2 years unless, within such period, the Joint Committee on Taxation determines that a disclosure to the Congress is necessary. (Pub.L. 105–65, Title V, (§ 542(b), 111 Stat. 1412; July 22, 1998, Pub.L. 105–206, Title I, § 1101(b), Title III, §§ 3702(a), (b), 3708(a), 3711(b), Title VI, §§ 6007(f)(4), 6009(d), 6012(b)(2), (4), 6019(c), 6023(22), 112 Stat. 696, 776, 777, 778, 781, 810, 812, 819, 823, 826; Oct. 21, 1998, Pub.L. 105–277, Div. J, Title I, § 1006, Title IV, §§ 4002(a), (h), 4006(a), 112 Stat. 2681–900, 2681–906, 2681–907, 2681–912; Dec. 17, 1999, Pub.L. 106–170, Title V, § 521(a)(1), 113 Stat. 1925.)

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§ 6104. Publicity of information required from certain exempt organizations and certain trusts. 1152

(a) Inspection of applications for tax exemption or notice of status

(1) Public inspection—

(A) Organizations described in section 501 or 527.—If an organization described in section 501(c) or (d) is exempt from taxation under section 501(a) for any taxable year or a political organization is exempt from taxation under section 527 for any taxable year, the application filed by the organization with respect to which the Secretary made his determination that such organization was entitled to exemption under section 501(a) or notice of status filed by the organization under section 527(i), together with any papers submitted in support of such application or notice, and any letter or other document issued by the Internal Revenue Service with respect to such application or notice shall be open to public inspection at the national office of the Internal Revenue Service. In the case of any application or notice filed after the date of the enactment of this subparagraph, a copy of such application or notice and such letter or document shall be open to public inspection at the appropriate field office of the Internal Revenue Service (determined under regulations prescribed by the Secretary). Any inspection under this subparagraph may be made at such times, and in such manner, as the Secretary shall by regulations prescribe. After the application of any organization for exemption from taxation under section 501(a) has been opened to public inspection under this subparagraph, the Secretary shall, on the request of any person with respect to such organization, furnish a statement indicating the subsection and paragraph of section 501 which it has been determined describes such organization.

(B) Pension, etc., plans.—The following shall be open to public inspection at such times and in such places as the Secretary may prescribe:

(i) any application filed with respect to the qualification of a pension, profit-sharing, or stock bonus plan under section 401(a) or 403(a), an individual retirement account described in section 408(a), or an individual retirement annuity described in section 408(b),

(ii) any application filed with respect to the exemption from tax under section 501(a) of an organization forming part of a plan or account referred to in clause (i),

(iii) any papers submitted in support of an application referred to in clause (i) or (ii), and

(iv) any letter or other document issued by the Internal Revenue Service and dealing with the qualification referred to in clause (i) or the exemption from tax referred to in clause (ii).

Except in the case of a plan participant, this subparagraph shall not apply to any plan referred to in clause (i) having not more than 25 participants.

(C) Certain names and compensation not to be open to public inspection.—In the case of any application, document, or other papers, referred to in subparagraph (B), information from which the compensation (including deferred compensation) of any individual may be ascertained shall not be opened to public inspection under subparagraph (B).

(D) Withholding of certain other information.—Upon request of the organization submitting any supporting papers described in subparagraph (A) or (B), the Secretary shall withhold from public inspection any information contained therein which he determines relates to any trade secret, patent, process, style of work, or apparatus, of the organization, if he determines that public disclosure of such information would adversely affect the organization. The Secretary shall withhold from public inspection any information contained in supporting papers described in subparagraph (A) or (B) the public disclosure of which he determines would adversely affect the national defense.

(2) Inspection by committee of Congress.—Section 6103(f) shall apply with respect to—

(A) the application for exemption of any organization described in section 501(c) or (d) which is exempt from taxation under section 501(a) for any taxable year or notice of status of any political organization which is exempt from taxation under section 527 for any taxable year, and any application referred to in subparagraph (B) of subsection (a)(1) of this section, and

(B) any other papers which are in the possession of the Secretary and which relate to such application,

as if such papers constituted returns.

(3) Information available on internet and in person—

(A) In general.—The Secretary shall make publicly available, on the Internet and at the offices of the Internal Revenue Service—

(i) a list of all political organizations which file a notice with the Secretary under section 527(i), and

(ii) the name, address, electronic mailing address, custodian of records, and contact person for such organization.

(B) Time to make information available.—The Secretary shall make available the information required under subparagraph (A) not later than 5 business days after the Secretary receives a notice from a political organization under section 527(i).

(Sept. 2, 1958, Pub.L. 85–866, § 75(a) 72 Stat. 1660; Sept. 2, 1974, Pub.L. 93–406, § 1022(g)(1), (2), 88 Stat. 940; Oct. 4, 1976, Pub.L. 94–455, §§ 1201(d), 1906(b)(13)(A), 90 Stat. 1667, 1834; Nov. 6, 1978, Pub.L. 95–600, § 703(m), 92 Stat. 2943; July 18, 1984, Pub.L. 98–369

§ 491(d)(49), 98 Stat. 852; July 1, 2000, Pub.L. 106–230, § 1(b), 114 Stat. 478.)

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Chapter 78.—DISCOVERY OF LIABILITY AND ENFORCEMENT OF TITLE

Subchapter A.—Examination and Inspection

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§ 7608. Authority of internal revenue enforcement officers. **1153**

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(c) Rules relating to undercover operations

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(4) Audits—

(A) The Service shall conduct a detailed financial audit of each undercover investigative operation which is closed in each fiscal year; and

(i) submit the results of the audit in writing to the Secretary; and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Service shall also submit a report annually to the Congress specifying as to its undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the 1-year period for which such report is submitted;

(ii) the number, by programs, of undercover investigative operations commenced in the 1-year period for which such report is submitted;

(iii) the number, by programs, of undercover investigative operations closed in the 1-year period for which such report is submitted; and

(iv) the following information with respect to each undercover investigative operation pending as of the end of the 1-year period for which such report is submitted or closed during such 1-year period—

(I) the date the operation began and the date of the certification referred to in the last sentence of paragraph (1),

(II) the total expenditures under the operation and the amount and use of the proceeds from the operation,

(III) a detailed description of the operation including the potential violation being investigated and whether the operation is being conducted under grand jury auspices, and

(IV) the results of the operation including the results of criminal proceedings.

(Nov. 18, 1988, Pub.L. 100–690, § 7601(c)(2), 102 Stat. 4504; July 30, 1996, Pub.L. 104–168, § 1205(c)(1), 110 Stat. 1471.)

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Chapter 79.—DEFINITIONS

1154 § 7701. Definitions.

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(j) Tax treatment of Federal Thrift Savings Fund

(1) In general.—For purposes of this title—

(A) the Thrift Savings Fund shall be treated as a trust described in section 401(a) which is exempt from taxation under section 501(a);

(B) any contribution to, or distribution from, the Thrift Savings Fund shall be treated in the same manner as contributions to or distributions from such a trust; and

(C) subject to section 401(k)(4)(B) and any dollar limitation on the application of section 402(e)(3), contributions to the Thrift Savings Fund shall not be treated as distributed or made available to an employee or Member nor as a contribution made to the Fund by an employee or Member merely because the employee or Member has, under the provisions of subchapter III of chapter 84 of title 5, United States Code, and section 8351 of such title 5, an election whether the contribution will be made to the Thrift Savings Fund or received by the employee or Member in cash.

(2) Nondiscrimination requirements.—Notwithstanding any other provision of the law, the Thrift Savings Fund is not subject to the nondiscrimination requirements applicable to arrangements described in section 401(k) or to matching contributions (as described in section 401(m)), so long as it meets the requirements of this section.

(3) Coordination with Social Security Act.—Paragraph (1) shall not be construed to provide that any amount of the employee's or Member's basic pay which is contributed to the Thrift Savings Fund shall not be included in the term "wages" for the purposes of section 209 of the Social Security Act or section 3121(a) of this title.

(4) Definitions.—For purposes of this subsection, the terms "Member", "employee", and "Thrift Savings Fund" shall have the same respective meanings as when used in subchapter III of chapter 84 of title 5, United States Code.

(5) Coordination with other provisions of law.—No provision of law not contained in this title shall apply for purposes of determining the treatment under this title of the Thrift Savings Fund or any contribution to, or distribution from, such Fund. (Oct. 22, 1986, Pub.L. 99–514, § 1147(a), 100 Stat. 2493; Dec. 22, 1987, Pub.L. 100–202, § 624(a), 101 Stat. 1329–429; Nov. 10, 1988, Pub.L. 100–647, § 1011A(m)(1), 102 Stat. 3483; Nov. 5, 1990, Pub.L. 101–508, § 11704(a)(34), 104 Stat. 1388–519; July 3, 1992, Pub.L. 102–318, § 521(b)(43), 106 Stat. 313.)

(k) Treatment of certain amounts paid to charity

In the case of any payment which, except for section 501(b) of the Ethics in Government Act of 1978, might be made to any officer or employee of the Federal Government but which is made instead on behalf of such officer or employee to an organization described in section 170(c)—

(1) such payment shall not be treated as received by such officer or employee for all purposes of this title and for all purposes of any tax law of a State or political subdivision thereof, and

(2) no deduction shall be allowed under any provision of this title (or of any law of a State or political subdivision thereof) to such officer or employee by reason of having such payment made to such organization.

For purposes of this subsection, a Senator, a Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government. (Nov. 30, 1989, Pub.L. 101–194, § 602, 103 Stat. 1762; Aug. 14, 1991, Pub.L. 102–90, § 314(e), 103 Stat. 469–470.)

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Chapter 80.—GENERAL RULES

Subchapter A.—Application of Internal Revenue Laws

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§ 7802. Internal Revenue Service Oversight Board. **1155**

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(d) Specific responsibilities

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(4) Budget.—To—

(A) review and approve the budget request of the Internal Revenue Service prepared by the Commissioner;

(B) submit such budget request to the Secretary of the Treasury; and

(C) ensure that the budget request supports the annual and long-range strategic plans.

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The Secretary shall submit the budget request referred to in paragraph (4)(B) for any fiscal year to the President who shall submit such request, without revision, to Congress together with the President's annual budget request for the Internal Revenue Service for such fiscal year.

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(f) Administrative matters

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(3) Reports—

(A) Annual.—The Oversight Board shall each year report with respect to the conduct of its responsibilities under this title to the President, the Committees on Ways and Means, Government Reform and Oversight, and Appropriations of the House of Representatives and the Committees on Finance, Governmental Affairs, and Appropriations of the Senate.

(B) Additional report.—Upon a determination by the Oversight Board under subsection (c)(1)(B) that the organization and operation of the Internal Revenue Service are not allowing it to carry out its mission, the Oversight Board shall report such determination to the Committee on Ways and Means of the House of Representa-

tives and the Committee on Finance of the Senate. (July 22, 1998, Pub.L. 105–206, § 1101(a), 112 Stat. 691.)

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1156 § 7803. Commissioner of Internal Revenue; other officials.

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(c) Office of the Taxpayer Advocate

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(2) Functions of office.

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(B) Annual reports—

(i) Objectives.—Not later than June 30 of each calendar year, the National Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the objectives of the Office of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

(ii) Activities.—Not later than December 31 of each calendar year, the National Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the activities of the Office of the Taxpayer Advocate during the fiscal year ending during such calendar year. (July 22, 1998, Pub.L. 105–206, § 1102(a), 112 Stat. 697.)

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1157 § 7805. Rules and regulations.

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(b) Retroactivity of regulations

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(6) Congressional authorization.—The limitation of paragraph (1) may be superseded by a legislative grant from Congress authorizing the Secretary to prescribe the effective date with respect to any regulation. (July 30, 1996, Pub.L. 104–168, § 1101(a), 110 Stat. 1468.)

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SUBTITLE G.—THE JOINT COMMITTEE ON TAXATION

Chapter 91.—ORGANIZATION AND MEMBERSHIP OF THE JOINT COMMITTEE

1158 § 8001. Authorization.

There shall be a joint congressional committee known as the Joint Committee on Taxation (hereinafter in this subtitle referred to as the "Joint Committee"). (Aug. 16, 1954, ch. 736, 68A Stat. 925; Oct. 4, 1976, Pub.L. 94–455, § 1907(a)(1), 90 Stat. 1835.)

1159 § 8002. Membership.

(a) Number and selection

The Joint Committee shall be composed of 10 members as follows:

(1) From Committee on Finance.—Five members who are members of the Committee on Finance of the Senate, three from the majority and two from the minority party, to be chosen by such Committee; and

(2) From Committee on Ways and Means.—Five members who are members of the Committee on Ways and Means of the House of Representatives, three from the majority and two from the minority party, to be chosen by such Committee.

(b) Tenure of office

(1) General limitation.—No person shall continue to serve as a member of the Joint Committee after he has ceased to be a member of the committee by which he was chosen, except that—

(2) Exception.—The members chosen by the Committee on Ways and Means who have been reelected to the House of Representatives may continue to serve as members of the Joint Committee notwithstanding the expiration of the Congress.

(c) Vacancies

A vacancy in the Joint Committee—

(1) Effect.—Shall not affect the power of the remaining members to execute the functions of the Joint Committee; and

(2) Manner of filling.—Shall be filled in the same manner as the original selection, except that—

(A) Adjournment or recess of Congress.—In case of a vacancy during an adjournment or recess of Congress for a period of more than 2 weeks, the members of the Joint Committee who are members of the Committee entitled to fill such vacancy may designate a member of such Committee to serve until his successor is chosen by such Committee; and

(B) Expiration of Congress.—In the case of a vacancy after the expiration of a Congress which would be filled by the Committee on Ways and Means, the members of such Committee who are continuing to serve as members of the Joint Committee may designate a person who, immediately prior to such expiration, was a member of such Committee and who is reelected to the House of Representatives, to serve until his successor is chosen by such Committee.

(d) Allowances

The members shall serve without compensation in addition to that received for their services as members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Joint Committee, other than expenses in connection with meetings of the Joint Committee held in the District of Columbia during such times as the Congress is in session. (Aug. 16, 1954, ch. 736, 68A Stat. 925.)

§ 8003. Election of chairman and vice chairman. **1160**

The Joint Committee shall elect a chairman and vice chairman from among its members. (Aug. 16, 1954, ch. 736, 68A Stat. 926.)

§ 8004. Appointment and compensation of staff. **1161**

Except as otherwise provided by law, the Joint Committee shall have power to appoint and fix the compensation of the Chief of Staff of

the Joint Committee and such experts and clerical, stenographic, and other assistants as it deems advisable. (Aug. 16, 1954, ch. 736, 68A Stat. 926; Oct. 4, 1976, Pub.L. 94–455, § 1907(a)(2), 90 Stat. 1835.)

1162 § 8005. Payment of expenses.

The expenses of the Joint Committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman or the vice chairman. (Aug. 16, 1954, ch. 736, 68A Stat. 926.)

Chapter 92.—POWERS AND DUTIES OF THE JOINT COMMITTEE

1163 § 8021. Powers.

(a) To obtain data and inspect income returns

For powers of the Joint Committee to obtain and inspect income returns, see section 6103(f).

(b) Relating to hearings and sessions

The Joint Committee, or any subcommittee thereof, is authorized—

(1) To hold.—To hold hearings and to sit and act at such places and times;

(2) To require attendance of witnesses and production of books.—To require by subpoena (to be issued under the signature of the chairman or vice chairman) or otherwise the attendance of such witnesses and the production of such books, papers, and documents;

(3) To administer oaths.—To administer such oaths; and

(4) To take testimony.—To take such testimony;

as it deems advisable.

(c) To procure printing and binding

The Joint Committee, or any subcommittee thereof, is authorized to have such printing and binding done as it deems advisable.

(d) To make expenditures

The Joint Committee, or any subcommittee thereof, is authorized to make such expenditures as it deems advisable.

(e) Investigations

The Joint Committee shall review all requests (other than requests by the chairman or ranking member of a committee or subcommittee) for investigations of the Internal Revenue Service by the Government Accountability Office, and approve such requests when appropriate, with a view towards eliminating overlapping investigations, ensuring that the Government Accountability Office has the capacity to handle the investigation, and ensuring that investigations focus on areas of primary importance to tax administration.

(f) Relating to joint reviews

(1) In general.—The Chief of Staff, and the staff of the Joint Committee, shall provide such assistance as is required for joint reviews described in paragraph (2).

(2) Joint reviews.—Before June 1 of each calendar year after 1998 and before 2005, there shall be a joint review of the strategic plans

and budget for the Internal Revenue Service and such other matters as the Chairman of the Joint Committee deems appropriate. Such joint review shall be held at the call of the Chairman of the Joint Committee and shall include two members of the majority and one member of the minority from each of the Committees on Finance, Appropriations, and Governmental Affairs of the Senate, and the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives. (Aug. 16, 1954, ch. 736, 68A Stat. 927; Oct. 4, 1976, Pub.L. 94–455, § 1907(a)(3), 90 Stat. 1835; Nov. 10, 1988, Pub.L. 100–647, § 1018(s)(1), 102 Stat. 3586; July 22, 1998, Pub.L. 105–206, § 4001(a), 112 Stat. 783; Oct. 4, 2004, Pub.L. 108–311, Title III, § 321(a), 118 Stat. 1182; Dec. 21, 2005, Pub.L. 109–135, Title IV, § 412(rr)(5), 119 Stat. 2640.)

§ 8022. Duties. **1164**

It shall be the duty of the Joint Committee—

(1) Investigation—

(A) Operation and effects of law.—To investigate the operation and effects of the Federal system of internal revenue taxes;

(B) Administration.—To investigate the administration of such taxes by the Internal Revenue Service or any executive department, establishment, or agency charged with their administration; and

(C) Other investigations.—To make such other investigations in respect of such system of taxes as the Joint Committee may deem necessary.

(2) Simplification of law—

(A) Investigation of methods.—To investigate measures and methods for the simplification of such taxes, particularly the income tax; and

(B) Publication of proposals.—To publish, from time to time, for public examination and analysis, proposed measures and methods for the simplification of such taxes.

(3) Reports—

(A) To report, from time to time, to the Committee on Finance and the Committee on Ways and Means, and, in its discretion, to the Senate or House of Representatives, or both, the results of its investigations, together with such recommendations as it may deem advisable.

(B) Subject to amounts specifically appropriated to carry out this subparagraph, to report, at least once each Congress, to the Committee on Finance and the Committee on Ways and Means on the overall state of the Federal tax system, together with recommendations with respect to possible simplification proposals and other matters relating to the administration of the Federal tax system as it may deem advisable.

(C) To report, for each calendar year after 1998 and before 2005, to the Committees on Finance, Appropriations, and Governmental Affairs of the Senate, and to the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, with respect to the matter addressed in the joint review referred to in section 8021(f)(2).

(4) Cross reference—

For duties of the Joint Committee relating to refunds of income and estate taxes, see section 6405. (Aug. 16, 1954, ch. 736, 68A Stat. 927; July 22, 1998, Pub.L. 105–206, § 4002(a), 112 Stat. 784; Oct. 4, 2004, Pub.L. 108–311, Title III, § 321(b), 118 Stat. 1182.)

1165 § 8023. Additional powers to obtain data.

(a) Securing of data

The Joint Committee or the Chief of Staff of the Joint Committee, upon approval of the Chairman or Vice Chairman, is authorized to secure directly from the Internal Revenue Service or the office of the Chief Counsel for the Internal Revenue Service, or directly from any executive department, board, bureau, agency, independent establishment, or instrumentality of the Government, information, suggestions, rulings, data, estimates, and statistics, for the purpose of making investigations, reports, and studies relating to internal revenue taxation. In the investigation by the Joint Committee on Taxation of the administration of the internal revenue taxes by the Internal Revenue Service, the Chief of Staff of the Joint Committee on Taxation is authorized to secure directly from the Internal Revenue Service such tax returns, or copies of tax returns, and other relevant information, as the Chief of Staff deems necessary for such investigation, and the Internal Revenue Service is authorized and directed to furnish such tax returns and information to the Chief of Staff together with a brief report, with respect to each return, as to any action taken or proposed to be taken by the Service as a result of any audit of the return.

(b) Furnishing of data

The Internal Revenue Service, the office of the Chief Counsel for the Internal Revenue Service, executive departments, boards, bureaus, agencies, independent establishments, and instrumentalities are authorized and directed to furnish such information, suggestions, rulings, data, estimates, and statistics directly to the Joint Committee or to the Chief of Staff of the Joint Committee, upon request made pursuant to this section.

(c) Application of subsections (a) and (b)

Subsections (a) and (b) shall be applied in accordance with their provisions without regard to any reorganization plan becoming effective on, before, or after the date of the enactment of this subsection. (Aug. 16, 1954, ch. 736, 68A Stat. 928; Sept. 22, 1959, Pub.L. 86–368, § 2(b), 73 Stat. 648; Oct. 4, 1976, Pub.L. 94–455, §§ 1210(c), 1907(a)(4), 90 Stat. 1711, 1835.)

SUBTITLE H.—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

Chapter 95.—PRESIDENTIAL ELECTION CAMPAIGN FUND

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§ 9009. Reports to Congress; regulations. 1166

(a) Reports

The Commission shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—

(1) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees;

(2) the amounts certified by it under section 9005 for payment to the eligible candidates for each political party;

(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required;

(4) the expenses incurred by the national committee of a major party or minor party with respect to a presidential nominating convention;

(5) the amounts certified by it under section 9008(g) for payment to each such committee; and

(6) the amount of payments, if any, required from such committees under section 9008(h), and the reasons for each such payment.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) Regulations, etc.

The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this chapter.

(c) Review of regulations

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relating to any such 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 it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either such House under this paragraph.

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

(4) For purposes of this subsection, the term "rule or regulation" means a provision or series of interrelated provisions stating a single separable rule of law. (Dec. 10, 1971, Pub.L. 92–178, § 801, 85 Stat. 569; Oct. 15, 1974, Pub.L. 93–443, §§ 404(c)(12), (13), 406(b), 88 Stat. 1292, 1296; May 11, 1976, Pub.L. 94–283, § 304(a), 90 Stat. 498.)

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Chapter 96.—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT

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1167 § 9039. Reports to Congress; regulations.

(a) Reports

The Commission shall, as soon as practicable after each matching payment period, submit a full report to the Senate and House of Representatives setting forth—

(1) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees,

(2) the amounts certified by it under section 9036 for payment to each eligible candidate, and

(3) the amount of payments, if any, required from candidates under section 9038, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) Regulations, etc.

The Commission is authorized to prescribe rules and regulations in accordance with the provisions of subsection (c), to conduct examinations and audits (in addition to the examinations and audits required by section 9038(a)), to conduct investigations, and to require the keeping and submission of any books, records, and information, which it determines to be necessary to carry out its responsibilities under this chapter.

(c) Review of regulations

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relat-

ing to any such 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 it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either such House under this paragraph.

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

(4) For purposes of this subsection, the term "rule or regulation" means a provision or series of interrelated provisions stating a single separable rule of law. (Oct. 15, 1974, Pub.L. 93–443, § 408(c), 88 Stat. 1301; May 11, 1976, Pub.L. 94–283, § 304(b), 90 Stat. 499.)

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SUBTITLE I.—TRUST FUND CODE

Chapter 98.—TRUST FUND CODE

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Subchapter B.—General Provisions

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§ 9602. Management of Trust Funds. **1168**

(a) Report

It shall be the duty of the Secretary of the Treasury to hold each Trust Fund established by subchapter A, and (after consultation with any other trustees of the Trust Fund) to report to the Congress each year on the financial condition and the results of the operations of each such Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made. (Dec. 29, 1981, Pub.L. 97–119, § 103(a), 95 Stat. 1638.)

TITLE 28.—JUDICIARY AND JUDICIAL PROCEDURE

Chapter 85.—DISTRICT COURTS; JURISDICTION

1170 § 1365. Senate actions.

(a) The United States District Court for the District of Columbia shall have original jurisdiction, without regard to the amount in controversy, over any civil action brought by the Senate or any authorized committee or subcommittee of the Senate to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened refusal or failure to comply with, any subpena or order issued by the Senate or committee or subcommittee of the Senate to any entity acting or purporting to act under color or authority of State law or to any natural person to secure the production of documents or other materials of any kind or the answering of any deposition or interrogatory or to secure testimony or any combination thereof. This section shall not apply to an action to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened refusal to comply with, any subpena or order issued to an officer or employee of the executive branch of the Federal Government acting within his or her official capacity, except that this section shall apply if the refusal to comply is based on the assertion of a personal privilege or objection and is not based on a governmental privilege or objection the assertion of which has been authorized by the executive branch of the Federal Government.

(b) Upon application by the Senate or any authorized committee or subcommittee of the Senate, the district court shall issue an order to an entity or person refusing, or failing to comply with, or threatening to refuse or not to comply with, a subpena or order of the Senate or committee or subcommittee of the Senate requiring such entity or person to comply forthwith. Any refusal or failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a contempt thereof. A contempt proceeding shall be commenced by an order to show cause before the court why the entity or person refusing or failing to obey the court order should not be held in contempt of court. Such contempt proceeding shall be tried by the court and shall be summary in manner. The purpose of sanctions imposed as a result of such contempt proceeding shall be to compel obedience to the order of the court. Process in any such action or contempt proceeding may be served in any judicial district wherein the entity or party refusing, or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpenas for witnesses who are required to attend such proceeding may run into any other district. Nothing in this section shall confer upon such court jurisdiction to affect by injunction or otherwise the issuance or effect of any subpena or order of the Senate or any committee or subcommittee of the Senate or to review, modify, suspend, terminate, or set aside any such subpena or order. An action, contempt proceeding, or sanction brought or imposed pursuant to this section shall not abate

upon adjournment sine die by the Senate at the end of a Congress if the Senate or the committee or subcommittee of the Senate which issued the subpena or order certifies to the court that it maintains its interest in securing the documents, answers, or testimony during such adjournment.

(c) Repealed (Pub.L. 98–620, Title IV, § 402(29)(D), Nov. 8, 1984, 98 Stat. 3359).

(d) The Senate or any committee or subcommittee of the Senate commencing and prosecuting a civil action or contempt proceeding under this section may be represented in such action by such attorneys as the Senate may designate.

(e) A civil action commenced or prosecuted under this section, may not be authorized pursuant to the Standing Order of the Senate "authorizing suits by Senate Committees" (S. Jour. 572, May 28, 1928).

(f) For the purposes of this section the term "committee" includes standing, select, or special committees of the Senate established by law or resolution. (Added Pub.L. 95–521, Title VII, § 705(f)(1), Oct. 26, 1978, 92 Stat. 1879, § 1364, and amended Pub.L. 98–620, Title IV, § 402(29)(D), Nov. 8, 1984, 98 Stat. 3359; renumbered § 1365, Pub.L. 99–336, § 6(a)(1)(B), June 19, 1986, 100 Stat. 638; Pub.L. 104–292, § 4, Oct. 11, 1996, 110 Stat. 3460.)

Chapter 91.—UNITED STATES COURT OF FEDERAL CLAIMS

§ 1492. Congressional reference cases. **1171**

Any bill, except a bill for a pension, may be referred by either House of Congress to the chief judge of the United States Court of Federal Claims for a report in conformity with section 2509 of this title. (June 25, 1948, ch. 646, 62 Stat. 941; Oct. 15, 1966, Pub.L. 89–681, § 1, 80 Stat. 958. April 2, 1982, Pub.L. 97–164, Title I, 133(b), 96 Stat. 40; Oct. 29, 1992, Pub.L. 102–572, Title IX, § 902(a)(1), 106 Stat. 4516.)

Chapter 115.—EVIDENCE; DOCUMENTARY

§ 1736. Congressional Journals. **1172**

Extracts from the Journals of the Senate and the House of Representatives, and from the Executive Journal of the Senate when the injunction of secrecy is removed, certified by the Secretary of the Senate or the Clerk of the House of Representatives shall be received in evidence with the same effect as the originals would have. (June 25, 1948, ch. 646, § 1, 62 Stat. 947.)

Chapter 131.—RULES OF COURTS

§ 2076. Repealed (Pub.L. 100–702, § 401(c), 102 Stat. 4650). **1173**

Chapter 165.—UNITED STATES COURT OF FEDERAL CLAIMS PROCEDURE

§ 2509. Congressional reference cases. **1174**

(a) Whenever a bill, except a bill for a pension, is referred by either House of Congress to the chief judge of the United States Court of Federal Claims pursuant to section 1492 of this title, the chief judge shall designate a judge as hearing officer for the case and a panel of three judges of the court to serve as a reviewing body. One member of the review panel shall be designated as presiding officer of the panel.

(b) Proceedings in a congressional reference case shall be under rules and regulations prescribed for the purpose by the chief judge who is hereby authorized and directed to require the application of the pertinent rules of practice of the Court of Federal Claims insofar as feasible. Each hearing officer and each review panel shall have authority to do and perform any acts which may be necessary or proper for the efficient performance of their duties, including the power of subpena and the power to administer oaths and affirmations. None of the rules, rulings, findings, or conclusions authorized by this section shall be subject to judicial review.

(c) The hearing officer to whom a congressional reference case is assigned by the chief judge shall proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of fact conclusions sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

(d) The findings and conclusions of the hearing officer shall be submitted by him, together with the record in the case, to the review panel for review by it pursuant to such rules as may be provided for the purpose, which shall include provision for submitting the report of the hearing officer to the parties for consideration, exception, and argument before the panel. The panel, by majority vote, shall adopt or modify the findings or the conclusions of the hearing officer.

(e) The panel shall submit its report to the chief judge for transmission to the appropriate House of Congress.

(f) Any act or failure to act or other conduct by a party, a witness, or an attorney which would call for the imposition of sanctions under the rules of practice of the Court of Federal Claims shall be noted by the panel or the hearing officer at the time of occurrence thereof and upon failure of the delinquent or offending party, witness, or attorney to make prompt compliance with the order of the panel or the hearing officer a full statement of the circumstances shall be incorporated in the report of the panel.

(g) The Court of Federal Claims is hereby authorized and directed, under such regulations as it may prescribe, to provide the facilities and services of the office of the clerk of the court for the filing, processing, hearing, and dispatch of congressional reference cases and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitation to the items herein listed) the salaries and traveling expenses of the judges serving as hearing officers and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries and law clerks). (Oct. 15, 1966, Pub.L. 89–681, § 2, 80 Stat. 958; April 2, 1982, Pub.L. 97–164, Title I, § 139(h), 96 Stat. 42; Oct. 29, 1992, Pub.L. 102–572, Title IX, § 902(a), 106 Stat. 4516.)

TITLE 31.—MONEY AND FINANCE

Chapter 7.—GENERAL ACCOUNTING OFFICE

§ 701. Definitions. **1180**

In this chapter—

(1) "agency" includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) "appropriations" means appropriated amounts and includes, in appropriate context—

(A) funds;

(B) authority to make obligations by contract before appropriations; and

(C) other authority making amounts available for obligation or expenditure. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 887.)

§ 712. Investigating the use of public money. **1181**

The Comptroller General shall—

(1) investigate all matters related to the receipt, disbursement, and use of public money;

(2) estimate the cost to the United States Government of complying with each restriction on expenditures of a specific appropriation in a general appropriation law and report each estimate to Congress with recommendations the Comptroller General considers desirable;

(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures, the help and information the committee requests. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 889.)

§ 717. Evaluating programs and activities of the United States Government. **1182**

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) The Comptroller General shall evaluate the results of a program or activity the Government carries out under existing law—

(1) on the initiative of the Comptroller General;

(2) when either House of Congress orders an evaluation; or

(3) when a committee of Congress with jurisdiction over the program or activity requests the evaluation.

(c) The Comptroller General shall develop and recommend to Congress ways to evaluate a program or activity the Government carries out under existing law.

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 893.)

1183 § 718. Availability of draft reports.

(a) A draft report of an audit under section 714 of this title shall be submitted to the Financial Institutions Examination Council, the Federal Reserve Board, the Federal Deposit Insurance Corporation, or the Office of the Comptroller of the Currency for comment for 30 days.

(b)(1) The Comptroller General may submit a part of a draft report to an agency for comment for more than 30 days only if the Comptroller General decides, after a showing by the agency, that a longer period is necessary and likely to result in a more accurate report. The report may not be delayed because the agency does not comment within the comment period.

(2) When a draft report is submitted to an agency for comment, the Comptroller General shall make the draft report available on request to—

(A) either House of Congress, a committee of Congress, or a member of Congress if the report was begun because of a request of the House, committee, or member; or

(B) the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives if the report was not begun because of a request of either House of Congress, a committee of Congress, or a member of Congress.

(3) This subsection is subject to statutory and executive order guidelines for handling and storing classified information and material.

(c) A final report of the Comptroller General shall include—

(1) a statement of significant changes of a finding, conclusion, or recommendation in an earlier draft report because of comments on the draft by an agency;

(2) a statement of the reasons the changes were made; and

(3) for a draft report submitted under subsection (a) of this section, written comments of the agency submitted during the comment period. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 894.)

1184 § 719. Comptroller General reports.

(a) At the beginning of each regular session of Congress, the Comptroller General shall report to Congress (and to the President when requested by the President) on the work of the Comptroller General. A report shall include recommendations on—

(1) legislation the Comptroller General considers necessary to make easier the prompt and accurate making and settlement of accounts; and

(2) other matters related to the receipt, disbursement, and use of public money the Comptroller General considers advisable.

(b)(1) The Comptroller General shall include in the report to Congress under subsection (a) of this section—

(A) a review of activities under sections 717(b)–(d) and 731(e)(2) of this title, including recommendations under section 717(c) of this title;

(B) information on carrying out duties and powers of the Comptroller General under clauses (A) and (C) of this paragraph, subsections (g) and (h) of this section, and sections 717, 731(e)(2), 734, 1112, and 1113 of this title; and

(C) the name of each officer and employee of the Government Accountability Office assigned or detailed to a committee of Congress, the committee to which the officer or employee is assigned or detailed, the length of the period of assignment or detail, a statement on whether the assignment or detail is finished or continuing, and compensation paid out of appropriations available to the Comptroller General for the period of the assignment or detail that has been completed.

(2) In a report under subsection (a) of this section or in a special report to Congress when Congress is in session, the Comptroller General shall include recommendations on greater economy and efficiency in public expenditures.

(3) The report under subsection (a) shall also include a statement of the staff hours and estimated cost of work performed on audits, evaluations, investigations, and related work during each of the three fiscal years preceding the fiscal year in which the report is submitted, stated separately for each division of the Government Accountability Office by category as follows:

(A) A category for work requested by the chairman of a committee of Congress, the chairman of a subcommittee of such a committee, or any other Member of Congress.

(B) A category for work required by law to be performed by the Comptroller General.

(C) A category for work initiated by the Comptroller General in the performance of the Comptroller General's general responsibilities.

(c) The Comptroller General shall report to Congress—

(1) specially on expenditures and contracts an agency makes in violation of law;

(2) on the adequacy and effectiveness of—

(A) administrative audits of accounts and claims in an agency; and

(B) inspections by an agency of offices and accounts of fiscal officials; and

(3) as frequently as practicable on audits carried out under sections 713 and 714 of this title.

(d) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Oper-

ations and Appropriations of the House, and the committees with jurisdiction over legislation related to the operation of each executive agency.

(e) The Comptroller General shall give the President information on expenditures and accounting the President requests.

(f) When the Comptroller General submits a report to Congress, the Comptroller General shall deliver copies of the report to—

(1) the Committees on Governmental Affairs and Appropriations of the Senate;

(2) the Committees on Government Operations and Appropriations of the House;

(3) a committee of Congress that requested information on any part of a program or activity of a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government that is the subject of any part of a report; and

(4) any other committee of Congress requesting a copy.

(g)(1) The Comptroller General shall prepare—

(A) each month a list of reports issued during the prior month; and

(B) at least once each year a list of reports issued during the prior 12 months.

(2) A copy of each list shall be sent to each committee of Congress and each member of Congress. On request, the Comptroller General promptly shall provide a copy of a report to a committee or member.

(h) On request of a committee of Congress, the Comptroller General shall explain to and discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

(1) evaluate a program or activity of an agency within the jurisdiction of the committee; or

(2) in its consideration of proposed legislation.

[(i) Redesignated (h)]

(As amended Pub.L. 104–316, Title I, § 115(b), Oct. 19, 1996, 110 Stat. 3834; Pub.L. 105–85, Div. A, Title X, § 1044, Nov. 18, 1997, 111 Stat. 1887; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

1185 § 720. Agency reports.

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) When the Comptroller General makes a report that includes a recommendation to the head of an agency, the head of the agency shall submit a written statement on action taken on the recommendation by the head of the agency. The statement shall be submitted to—

(1) The Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives before the 61st day after the date of the report; and

(2) The Committees on Appropriations of both Houses of Congress in the first request for appropriations submitted more than 60 days after the date of the report. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 896.)

1186 § 734. Assignments and details to Congress.

The Comptroller General may assign or detail an officer or employee of the Government Accountability Office to full-time continuous duty

with a committee of Congress for not more than one year. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 899; Pub.L. 98–367, Title I, § 8, July 17, 1984, 98 Stat. 475; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

Chapter 11.—THE BUDGET AND FISCAL, BUDGET, AND PROGRAM INFORMATION

§ 1101. Definitions. **1187**

In this chapter—

(1) "agency" includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) "appropriations" means appropriated amounts and includes, in appropriate context—

(A) funds;

(B) authority to make obligations by contract before appropriations; and

(C) other authority making amounts available for obligation or expenditure. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 907.)

§ 1102. Fiscal year. **1188**

The fiscal year of the Treasury begins on October 1 of each year and ends on September 30 of the following year. Accounts of receipts and expenditures required under law to be published each year shall be published for the fiscal year. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 908.)

§ 1103. Budget ceiling. **1189**

Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 908.)

§ 1104. Budget and appropriations authority of the President. **1190**

(a) The President shall prepare budgets of the United States Government under section 1105 of this title and proposed deficiency and supplemental appropriations under section 1107 of this title. To the extent practicable, the President shall use uniform terms in stating the purposes and conditions of appropriations.

(b) Except as provided in this chapter, the President shall prescribe the contents and order of statements in the budget on expenditures and estimated expenditures and statements on proposed appropriations and information submitted with the budget and proposed appropriations. The President shall include with the budget and proposed appropriations information on personnel and other objects of expenditure in the way that information was included in the budget for fiscal year 1950. However, the requirement that information be included in the budget in that way may be waived or changed by joint action of the Committees on Appropriations of both Houses of Congress. This subsection does not limit the authority of a committee of Congress to request information in a form it prescribes.

(c) When the President makes a basic change in the form of the budget, the President shall submit with the budget information showing where items in the budget for the prior fiscal year are contained in the present budget. However, the President may change the functional

categories in the budget only in consultation with the Committees on Appropriations and on the Budget of both Houses of Congress. Committees of the House of Representatives and Senate shall receive prompt notification of all such changes.

(d) The President shall develop programs and prescribe regulations to improve the compilation, analysis, publication, and dissemination of statistical information by executive agencies. The President shall carry out this subsection through the Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(e) Under regulations prescribed by the President, each agency shall provide information required by the President in carrying out this chapter. The President has access to, and may inspect, records of an agency to obtain information. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 908; Pub.L. 99–177, Dec. 12, 1985, 99 Stat. 1060.)

1191 § 1105. Budget contents and submission to Congress.

(a) On or after the first Monday in January but not later than the first Monday in February of each year, the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

(1) information on activities and functions of the Government.

(2) when practicable, information on costs and achievements of Government programs.

(3) other desirable classifications of information.

(4) a reconciliation of the summary information on expenditures with proposed appropriations.

(5) except as provided in subsection (b) of this section, estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year.

(6) estimated receipts of the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

(A) laws in effect when the budget is submitted; and

(B) proposals in the budget to increase revenues.

(7) appropriations, expenditures, and receipts of the Government in the prior fiscal year.

(8) estimated expenditures and receipts, and appropriations and proposed appropriations, of the Government for the current fiscal year.

(9) balanced statements of the—

(A) condition of the Treasury at the end of the prior fiscal year;

(B) estimated condition of the Treasury at the end of the current fiscal year; and

(C) estimated condition of the Treasury at the end of the fiscal year for which the budget is submitted if financial proposals in the budget are adopted.

(10) essential information about the debt of the Government.

(11) other financial information the President decides is desirable to explain in practicable detail the financial condition of the Government.

(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted; and

(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect.

(13) an allowance for additional estimated expenditures and proposed appropriations for the fiscal year for which the budget is submitted.

(14) an allowance for unanticipated uncontrollable expenditures for that year.

(15) a separate statement on each of the items referred to in section 301(a)(1)–(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(1)–(5)).

(16) the level of tax expenditures under existing law in the tax expenditures budget (as defined in section 3(a)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 622(a)(3)) for the fiscal year for which the budget is submitted, considering projected economic factors and changes in the existing levels based on proposals in the budget.

(17) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for grants, contracts, and other payments under each program for which there is an authorization of appropriations for that following fiscal year when the appropriations are authorized to be included in an appropriation law for the fiscal year before the fiscal year in which the appropriation is to be available for obligation.

(18) a comparison of the total amount of budget outlays for the prior fiscal year, estimated in the budget submitted for that year, for each major program having relatively uncontrollable outlays with the total amount of outlays for that program in that year.

(19) a comparison of the total amount of receipts for the prior fiscal year, estimated in the budget submitted for that year, with receipts received in that year, and for each major source of receipts, a comparison of the amount of receipts estimated in that budget with the amount of receipts from that source in that year.

(20) an analysis and explanation of the differences between each amount compared under clauses (18) and (19) of this subsection.

(21) a horizontal budget showing—

(A) the programs for meteorology and of the National Climate Program established under section 5 of the National Climate Program Act (15 U.S.C. 2904);

(B) specific aspects of the program of, and appropriations for, each agency; and

(C) estimated goals and financial requirements.

(22) a statement of budget authority, proposed budget authority, budget outlays, and proposed budget outlays, and descriptive information in terms of—

(A) a detailed structure of national needs that refers to the missions and programs of agencies (as defined in section 101 of this title); and

(B) the missions and basic programs.

(23) separate appropriation accounts for appropriations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

(24) recommendations on the return of Government capital to the Treasury by a mixed-ownership corporation (as defined in section 9101(2) of this title) that the President decides are desirable.

(25) a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978.

(26) a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.

(27) a separate statement of the amount of appropriations requested for the Office of Federal Financial Management.

(28) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.

(29) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

(30) an analysis displaying, by agency, proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 5 of the Federal Workforce Restructuring Act of 1994.

(31) a separate statement of the amount of appropriations requested for the Chief Financial Officer in the Executive Office of the President.

(32) a statement of the levels of budget authority and outlays for each program assumed to be extended in the baseline as provided in section 257(b)(2)(A) and for excise taxes assumed to be extended under section 257(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(33) a separate appropriation account for appropriations for the Inspectors General Criminal Investigator Academy and the Inspectors General Forensic Laboratory of the Department of the Treasury.

(33)(A)(i) a detailed, separate analysis, by budget function, by agency, and by initiative area (as determined by the administration) for the prior fiscal year, the current fiscal year, the fiscal years for which the budget is submitted, and the ensuing fiscal year identifying the amounts of gross and net appropriations or obligational authority and outlays that contribute to homeland security, with separate displays for mandatory and discretionary amounts, including—

(I) summaries of the total amount of such appropriations or new obligational authority and outlays requested for homeland security;

(II) an estimate of the current service levels of homeland security spending;

(III) the most recent risk assessment and summary of homeland security needs in each initiative area (as determined by the administration); and

(IV) an estimate of user fees collected by the Federal Government on behalf of homeland security activities;

(ii) with respect to subclauses (I) through (IV) of clause (i), amounts shall be provided by account for each program, project and activity; and

(iii) an estimate of expenditures for homeland security activities by State and local governments and the private sector for the prior fiscal year and the current fiscal year.

(B) In this paragraph, consistent with the Office of Management and Budget's June 2002 "Annual Report to Congress on Combatting Terrorism", the term "homeland security" refers to those activities that detect, deter, protect against, and response to terrorist attacks occurring within the United States and its territories.

(C) In implementing this paragraph, including determining what Federal activities or accounts constitute homeland security for purposes of budgetary classification, the Office of Management and Budget is directed to consult periodically, but at least annually, with the House and Senate Budget Committees, the House and Senate Appropriations Committees, and the Congressional Budget Office.

(34) with respect to the amount of appropriations requested for use by the Export-Import Bank of the United States, a separate statement of the amount requested for its program budget, the amount requested for its administrative expenses, and of the amount requested for its administrative expenses, the amount requested for technology expenses.

(b) Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget under subsection (a)(5) of this section shall be submitted to the President before October 16 of each year and included in the budget by the President without change.

(c) The President shall recommend in the budget appropriate action to meet an estimated deficiency when the estimated receipts for the fiscal year for which the budget is submitted (under laws in effect when the budget is submitted) and the estimated amounts in the Treasury at the end of the current fiscal year available for expenditure in the fiscal year for which the budget is submitted, are less than the estimated expenditures for that year. The President shall make recommendations required by the public interest when the estimated receipts and estimated amounts in the Treasury are more than the estimated expenditures.

(d) When the President submits a budget or supporting information about a budget, the President shall include a statement on all changes about the current fiscal year that were made before the budget or information was submitted.

(e)(1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public civilian capital investment program and

for each major program that may be classified as a military capital investment program, and shall contain summaries of the total amount of such appropriations or new obligational authority and outlays for public civilian capital investment programs and summaries of the total amount of such appropriations or new obligational authority and outlays for military capital investment programs. In addition, the analysis under this paragraph shall contain—

(A) an estimate of the current service levels of public civilian capital investment and of military capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(B) the most recent assessment analysis and summary, in a standard format, of public civilian capital investment needs in each major program area over a period of ten years;

(C) an identification and analysis of the principal policy issues that affect estimated public civilian capital investment needs for each major program; and

(D) an identification and analysis of factors that affect estimated public civilian capital investment needs for each major program, including but not limited to the following factors:

(i) economic assumptions;

(ii) engineering standards;

(iii) estimates of spending for operation and maintenance;

(iv) estimates of expenditures for similar investments by State and local governments; and

(v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data are available.

(2) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a public civilian capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for a number of years and is not classified as a military capital investment under paragraph (3). Such assets shall include (but not be limited to)—

(A) roadways or bridges,

(B) airports or airway facilities,

(C) mass transportation systems,

(D) wastewater treatment or related facilities,

(E) water resources projects,

(F) hospitals,

(G) resource recovery facilities,

(H) public buildings,

(I) space or communications facilities,

(J) railroads, and

(K) federally assisted housing.

(3) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a military capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for purposes of national defense and security for a number of years. Such assets shall include military bases, posts, installations, and facilities.

(4) Criteria and guidelines for use in the identification of public civilian and military capital investments, for distinguishing between public civilian and military capital investments, and for distinguishing between major and nonmajor capital investment programs shall be issued by the Director of the Office of Management and Budget after consultation with the Comptroller General and the Congressional Budget Office. The analysis submitted under the subsection shall be accompanied by an explanation of such criteria and guidelines.

(5) For purposes of this subsection—

(A) the term "construction" includes the design, planning, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site or adjacent to an existing site, and the installation of initial and replacement equipment for such structures and facilities;

(B) the term "acquisition" includes the addition of land, sites, equipment, structures, facilities, or rolling stock by purchase, lease-purchase, trade, or donation; and

(C) the term "rehabilitation" includes the alteration of or correction of deficiencies in an existing structure or facility so as to extend the useful life or improve the effectiveness of the structure or facility, the modernization or replacement of equipment at an existing structure or facility, and the modernization of, or replacement of parts for, rolling stock.

(f)[1] The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared in a manner consistent with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 that apply to that and subsequent fiscal years.

(g)(1) The Director of the Office of Management and Budget shall establish the funding for advisory and assistance services for each department and agency as a separate object class in each budget annually submitted to the Congress under this section.

(2)(A) In paragraph (1), except as provided in subparagraph (B), the term "advisory and assistance services" means the following services when provided by nongovernmental sources:

(i) Management and professional support services.

(ii) Studies, analyses, and evaluations.

(iii) Engineering and technical services.

(B) In paragraph (1), the term "advisory and assistance services" does not include the following services:

(i) Routine automated data processing and telecommunications services unless such services are an integral part of a contract for the procurement of advisory and assistance services.

[1] Subsection (f) expired on September 30, 2002, pursuant to section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note).

(ii) Architectural and engineering services, as defined in section 1102 of Title 40.

(iii) Research on basic mathematics or medical, biological, physical, social, psychological, or other phenomena.

(h)(1) If there is a medicare funding warning under section 801(a)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made in a year, the President shall submit to Congress, within the 15-day period beginning on the date of the budget submission to Congress under subsection (a) for the succeeding year, proposed legislation to respond to such warning.

(2) Paragraph (1) does not apply if, during the year in which the warning is made, legislation is enacted which eliminates excess general revenue medicare funding (as defined in section 801(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003) for the 7-fiscal-year reporting period, as certified by the Board of Trustees of each medicare trust fund (as defined in section 801(c)(5) of such Act) not later than 30 days after the date of the enactment of such legislation.

(As amended Pub.L. 98–501, Title II, § 203, Oct. 19, 1984, 98 Stat. 2324; Pub.L. 99–177, Title II, § 241, Dec. 12, 1985, 99 Stat. 1063; Pub.L. 100–119, Title I, § 106(f), Sept. 29, 1987, 101 Stat. 781; Pub.L. 100–418, Title V, § 5301, Aug. 23, 1988, 102 Stat. 1462; Pub.L. 100–504, Title I, § 108, Oct. 18, 1988, 102 Stat. 2529; Pub.L. 100–690, Title I, §§ 1006, 1009, Nov. 18, 1988, 102 Stat. 4187, 4188; Pub.L. 101–508, Title XIII, § 13112(c), Nov. 5, 1990, 104 Stat. 1388–608; Pub.L. 101–576, Title II, § 203(b), Nov. 15, 1990, 104 Stat. 2841; Pub.L. 103–62, § 4(a), Aug. 3, 1993, 107 Stat. 286; Pub.L. 103–272, § 4(f)(1)(E), July 5, 1994, 108 Stat. 1362; Pub.L. 103–322, Title IX, § 90208(a), Title XXXI, § 310001(e), Sept. 13, 1994, 108 Stat. 1995, 2103; Pub.L. 103–355, Title II, § 2454(a), Oct. 13, 1994, 108 Stat. 3326; Pub.L. 104–287, § 4(l), Oct. 11, 1996, 110 Stat. 3388; Pub.L. 105–33, Title X, § 10209(b), Aug. 5, 1997, 111 Stat. 711; Pub.L. 105–277, Div. C, Title VII, § 713(c), Oct. 21, 1998, 112 Stat. 2681–693; Pub.L. 106–58, Title VI, § 638(f), Sept. 29, 1999, 113 Stat. 475; Pub.L. 106–422, § 2(c), Nov. 1, 2000, 114 Stat. 1874; Pub.L. 107–189, § 4(a), June 14, 2002, 116 Stat. 699; Pub.L. 107–217, § 3(h)(3), Aug. 21, 2002, 116 Stat. 1299; Pub.L. 107–296, Title VIII, Sec. 889(a), Nov. 25, 2002, 116 Stat. 2250; Pub.L. 108–173, Sec. 802(a), Dec. 8, 2003, 117 Stat. 2360; Pub.L. 108–178, Sec. 4(f)(i), Dec. 15, 2003, 117 Stat. 2641.)

1192 § 1106. Supplemental budget estimates and changes.

(a) Before July 16 of each year, the President shall submit to Congress a supplemental summary of the budget for the fiscal year for which the budget is submitted under section 1105(a) of this title. The summary shall include—

(1) for that fiscal year—

(A) substantial changes in or reappraisals of estimates of expenditures and receipts;

(B) substantial obligations imposed on the budget after its submission;

(C) current information on matters referred to in section 1105(a) (8) and (9) (B) and (C) of this title; and

(D) additional information the President decides is advisable to provide Congress with complete and current information

about the budget and current estimates of the functions, obligations, requirements, and financial condition of the United States Government.

(2) for the 4 fiscal years following the fiscal year for which the budget is submitted, information on estimated expenditures for programs authorized to continue in future years, or that are considered mandatory, under law; and

(3) for future fiscal years, information on estimated expenditures of balances carried over from the fiscal year for which the budget is submitted.

(b) Before July 16 of each year, the President shall submit to Congress a statement of changes in budget authority requested, estimated budget outlays, and estimated receipts for the fiscal year for which the budget is submitted (including prior changes proposed for the executive branch of the Government) that the President decides are necessary and appropriate based on current information. The statement shall include the effect of those changes on the information submitted under section 1105(a)(1)–(14) and (b) of this title and shall include supporting information as practicable. The statement submitted before July 16 may be included in the information submitted under subsection (a)(1) of this section.

(c) Expired. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 911; Pub.L. 99–77, Title II, § 242, Dec. 12, 1985, 99 Stat. 1063.)

§ 1107. Deficiency and supplemental appropriations. **1193**

The President may submit to Congress proposed deficiency and supplemental appropriations the President decides are necessary because of laws enacted after the submission of the budget or that are in the public interest. The President shall include the reasons for the submission of the proposed appropriations and the reasons the proposed appropriations were not included in the budget. When the total proposed appropriations would have required the President to make a recommendation under section 1105(c) of this title if they had been included in the budget, the President shall make a recommendation under that section. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 911.)

§ 1108. Preparation and submission of appropriations requests to the President. **1194**

(a) In this section (except subsections (b)(1) and (e)), "agency" means a department, agency, or instrumentality of the United States Government.

(b)(1) The head of each agency shall prepare and submit to the President each appropriation request for the agency. The request shall be prepared and submitted in the form prescribed by the President under this chapter and by the date established by the President. When the head of an agency does not submit a request by that date, the President shall prepare the request for the agency to be included in the budget or changes in the budget or as deficiency and supplemental appropriations. The President may change agency appropriation requests. Agency appropriation requests shall be developed from cost-based budgets in the way and at times prescribed by the President. The head of the agency shall use the cost-based budget to administer the agency and to divide appropriations or amounts.

(2) An officer or employee of an agency in the executive branch may submit to the President or Congress a request for legislation authorizing deficiency or supplemental appropriations for the agency only with the approval of the head of the agency.

(c) The head of an agency shall include with an appropriation request submitted to the President a report that the statement of obligations submitted with the request contains obligations consistent with section 1501 of this title. The head of the agency shall support the report with a certification of the consistency and shall support the certification with records showing that the amounts have been obligated. The head of the agency shall designate officials to make the certifications, and those officials may not delegate the duty to make the certifications. The certifications and records shall be kept in the agency—

(1) in a form that makes audits and reconciliations easy; and

(2) for a period necessary to carry out audits and reconciliations.

(d) To the extent practicable, the head of an agency shall—

(1) provide information supporting the agency's budget request for its missions by function and subfunction (including the mission of each organizational unit of the agency); and

(2) relate the agency's programs to its missions.

(e) Except as provided in subsection (f) of this section, an officer or employee of an agency (as defined in section 1101 of this title) may submit to Congress or a committee of Congress an appropriations estimate or request, a request for an increase in that estimate or request, or a recommendation on meeting the financial needs of the Government only when requested by either House of Congress.

(f) The Interstate Commerce Commission shall submit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the President or the Office of Management and Budget. An officer of an agency may not impose conditions on or impair communication by the Commission with Congress, or a committee or member of Congress, about the information.

(g) Amounts available under law are available for field examinations of appropriation estimates. The use of the amounts is subject only to regulations prescribed by the appropriate standing committees of Congress. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 912.)

1195 § 1109. Current programs and activities estimates.

(a) On or before the first Monday after January 3 of each year (on or before February 5 in 1986), the President shall submit to both Houses of Congress the estimated budget outlays and proposed budget authority that would be included in the budget for the following fiscal year if programs and activities of the United States Government were carried on during that year at the same level as the current fiscal year without a change in policy. The President shall state the estimated budget outlays and proposed budget authority by function and subfunction under the classifications in the budget summary table under the heading "Budget Authority and Outlays by Function and Agency", by major programs in each function, and by agency. The President shall also include a statement of the economic and program assumptions on which those budget outlays and budget authority are based, including inflation, real

economic growth, and unemployment rates, program caseloads, and pay increases.

(b) The Joint Economic Committee shall review the estimated budget outlays and proposed budget authority and submit an economic evaluation of the budget outlays and budget authority to the Committees on the Budget of both Houses before March 1 of each year. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 913; Pub.L. 99–177, Title II, § 222, Dec. 12, 1985, 99 Stat. 1060.)

§ 1110. Year-ahead requests for authorizing legislation. **1196**

A request to enact legislation authorizing new budget authority to continue a program or activity for a fiscal year shall be submitted to Congress before May 16 of the year before the year in which the fiscal year begins. If a new program or activity will continue for more than one year, the request must be submitted for at least the first and second fiscal years. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 913.)

§ 1111. Improving economy and efficiency. **1197**

To improve economy and efficiency in the United States Government, the President shall—

(1) make a study of each agency to decide, and may send Congress recommendations, on changes that should be made in—

(A) the organization, activities, and business methods of agencies;

(B) agency appropriations;

(C) the assignment of particular activities to particular services; and

(D) regrouping of services; and

(2) evaluate and develop improved plans for the organization, coordination, and management of the executive branch of the Government. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 913.)

§ 1112. Fiscal, budget, and program information. **1198**

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government except a mixed/ownership Government corporation.

(b) In cooperation with the Comptroller General, the Secretary of the Treasury and the Director of the Office of Management and Budget shall establish and maintain standard data processing and information systems for fiscal, budget, and program information for use by agencies to meet the needs of the Government, and to the extent practicable, of State and local governments.

(c) The Comptroller General—

(1) in cooperation with the Secretary, the Director of the Office of Management and Budget, and the Director of the Congressional Budget Office, shall establish, maintain, and publish standard terms and classifications for fiscal, budget, and program information of the Government, including information on fiscal policy, receipts, expenditures, program, projects, activities, and functions;

(2) when advisable, shall report to Congress on those terms and classifications, and recommend legislation necessary to promote the establishment, maintenance, and use of standard terms and classifications by the executive branch of the Government; and

(3) in carrying out this subsection, shall give particular consideration to the needs of the Committees on Appropriations and on the Budget of both Houses of Congress, the Committee on Ways and Means of the House, the Committee on Finance of the Senate, and the Congressional Budget Office.

(d) Agencies shall use the standard terms and classifications published under subsection (c)(1) of this section in providing fiscal, budget, and program information to Congress.

(e) In consultation with the President, the head of each executive agency shall take actions necessary to achieve to the extent possible—

(1) consistency in budget and accounting classifications;

(2) synchronization between those classifications and organizational structure; and

(3) information by organizational unit on performance and program costs to support budget justifications.

(f) In cooperation with the Director of the Congressional Budget Office, the Comptroller General, and appropriate representatives of State and local governments, the Director of the Office of Management and Budget (to the extent practicable) shall provide State and local governments with fiscal, budget, and program information necessary for accurate and timely determination by those governments of the impact on their budget of assistance of the United States Government. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 913.)

1199 § 1113. Congressional information.

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, and Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and, to the extent practicable, to members of Congress in evaluating the information obtained from the sources in the directory.

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligate and expend, apportionment and reserve actions, and obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index to the file so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal, budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)–(D) of this subsection; and

(F) progress of the executive branch in the prior year.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications. (Pub.L. 97–258, Sept. 13, 1982, 96 Stat. 914; Pub.L. 97–452, § 1(3), Jan. 12, 1983, 96 Stat. 2467.)

1200 § 1114. **Repealed** (Oct. 13, 1994, Pub.L. 103–355, § 2454(c)(2), 108 Stat. 3326).

Chapter 33.—DEPOSITING, KEEPING, AND PAYING MONEY

Subchapter II.—Payments

1201 **§ 3332. Required direct deposit.**

(a)(1) Notwithstanding any other provision of law, all Federal wage, salary, and retirement payments shall be paid to recipients of such payments by electronic funds transfer, unless another method has been determined by the Secretary of the Treasury to be appropriate.

(2) Each recipient of Federal wage, salary, or retirement payments shall designate one or more financial institutions or other authorized payment agents and provide the payment certifying or authorizing agency information necessary for the recipient to receive electronic funds transfer payments through each institution so designated.

(b)(1) The head of each agency shall waive the requirements of subsection (a) of this section for a recipient of Federal wage, salary, or retirement payments authorized or certified by the agency upon written request by such recipient.

(2) Federal wage, salary, or retirement payments shall be paid to any recipient granted a waiver under paragraph (1) of this subsection by any method determined appropriate by the Secretary of the Treasury.

(c)(1) The Secretary of the Treasury may waive the requirements of subsection (a) of this section for any group of recipients upon request by the head of an agency under standards prescribed by the Secretary of the Treasury.

(2) Federal wage, salary, or retirement payments shall be paid to any member of a group granted a waiver under paragraph (1) of this subsection by any method determined appropriate by the Secretary of the Treasury.

(d) This section shall apply only to recipients of Federal wage or salary payments who begin to receive such payments on or after January 1, 1995, and recipients of Federal retirement payments who begin to receive such payments on or after January 1, 1995.

(e)(1) Notwithstanding subsections (a) through (d) of this section, sections 5120(a) and (d) of title 38, and any other provision of law, all Federal payments to a recipient who becomes eligible for that type of payment after 90 days after the date of the enactment of the Debt Collection Improvement Act of 1996 shall be made by electronic funds transfer.

(2) The head of a Federal agency shall, with respect to Federal payments made or authorized by the agency, waive the application of paragraph (1) to a recipient of those payments upon receipt of written certification from the recipient that the recipient does not have an account with a financial institution or an authorized payment agent.

(f)(1) Notwithstanding any other provision of law (including subsections (a) through (e) of this section and sections 5120(a) and (d) of title 38), except as provided in paragraph (2) all Federal payments made after January 1, 1999, shall be made by electronic funds transfer.

(2)(A) The Secretary of the Treasury may waive application of this subsection to payments—

(i) for individuals or classes of individuals for whom compliance imposes a hardship;

(ii) for classifications or types of checks; or

(iii) in other circumstances as may be necessary.

(B) The Secretary of the Treasury shall make determinations under subparagraph (A) based on standards developed by the Secretary.

(g) Each recipient of Federal payments required to be made by electronic funds transfer shall—

(1) designate 1 or more financial institutions or other authorized agents to which such payments shall be made; and

(2) provide to the Federal agency that makes or authorizes the payments information necessary for the recipient to receive electronic funds transfer payments through each institution or agent designated under paragraph (1).

(h) The crediting of the amount of a payment to the appropriate account on the books of a financial institution or other authorized payment agent designated by a payment recipient under this section shall constitute a full acquittance to the United States for the amount of the payment.

(i)(1) The Secretary of the Treasury may prescribe regulations that the Secretary considers necessary to carry out this section.

(2) Regulations under this subsection shall ensure that individuals required under subsection (g) to have an account at a financial institution because of the application of subsection (f)(1)—

(A) will have access to such an account at a reasonable cost; and

(B) are given the same consumer protections with respect to the account as other account holders at the same financial institution.

(j) For purposes of this section—

(1) The term "electronic funds transfer" means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes Automated Clearing House transfers, Fed Wire transfers, transfers made at automatic teller machines, and point-of-sale terminals.

(2) The term "Federal agency" means—

(A) an agency (as defined in section 101 of this title); and

(B) a Government corporation (as defined in section 103 of title 5).

(3) The term "Federal payments" includes—

(A) Federal wage, salary, and retirement payments;

(B) vendor and expense reimbursement payments; and

(C) benefit payments.

Such term shall not include any payment under the Internal Revenue Code of 1986. (As amended Pub.L. 98–369, Title VIII, § 2814, July 18, 1984, 98 Stat. 1207; Pub.L. 103–356, Title IV, § 402(a), Oct. 13, 1994, 108 Stat. 3412; Pub.L. 104–134, Title III, § 31001(x)(1), Apr. 26, 1996, 110 Stat. 1321–376.)

TITLE 39.—POSTAL SERVICE

Part IV.—MAIL MATTER

Chapter 32.—PENALTY AND FRANKED MAIL[1]

1205 § 3201. Definitions.

As used in this chapter—

(1) "penalty mail" means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

(2) "penalty cover" means envelopes, wrappers, labels, or cards used to transmit penalty mail;

(3) "frank" means the autographic or facsimile signature of persons authorized by sections 3210–3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

(4) "franked mail" means mail which is transmitted in the mail under a frank;

(5) "Members of Congress" includes Senators, Representatives, Delegates, and Resident Commissioners; and

(6) "missing child" has the meaning provided by section 403(1) of the Juvenile Justice and Delinquency Prevention Act of 1974. (Aug. 12, 1970, Pub.L. 91–375, § 2, 84 Stat. 751; Aug. 9, 1985, Pub.L. 99–87, § 1(b), 99 Stat. 291.)

1206 § 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials.

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, deci-

[1] For United States Postal Service regulation on congressional franking privilege, see Senate Manual section **1215.** See also the Regulations Governing the Use of the Mailing Frank by Members and Officers of the United States Senate, issued by the Select Committee on Ethics. See also Regulations Governing Franked Mail, issued by the Senate Committee on Rules and Administration.

sions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

(F) mail matter expressing congratulations to a person who has achieved some public distinction;

(G) mail matter, including general mass mailings, which consist of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or Member-elect, unless it is a brief reference in otherwise frankable mail;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect; or

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations and shall take such other action, as the Commission or Committee considers necessary and proper for the Members and Members-elect to conform to the provisions of this clause and applicable rules and regulations. Such rules and regulations shall include, but not be limited to, provisions prescribing the time within which such mailings shall be mailed at or delivered to any postal facility to attain compliance with this clause and the time when such mailings shall be deemed to have been so mailed or delivered and such compliance attained.

(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is mailed fewer than 60 days (or, in the case of a Member of the House, fewer than 90 days) immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is postmarked fewer than 90 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which

relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is postmarked fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, State or local office in which such Member is a candidate for election.

(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

(E) As used in this section, the term "mass mailing" means, with respect to a session of Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session, except that such term does not include any mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed;

(ii) from a Member of Congress to other Members of Congress, or to Federal, State, or local government officials; or

(iii) of a news release to the communications media.

(F) For purposes of subparagraphs (A) and (C) if mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

(7) A Member of the House of Representatives may not send any mass mailing outside the congressional district from which the Member was elected.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected

officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate[1] shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a) (4) and (5) of this section.

(d)(1) A Member of Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or State from which the Member was elected.

(2) A Member-elect to the Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or the State from which he was elected.

(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(4) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

(5) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations governing any franked mail which is mailed under this subsection and shall by regulation limit the number of such mailings allowed under this subsection.

(6)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any 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 the proposed mailing is in compliance with the provisions of this subsection.

(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(7) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

(8) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent.

(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.

(g) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office. (Aug. 12, 1970, Pub.L. 91–375, § 2, 84 Stat. 754; July 9, 1971, Pub.L. 92–51, § 101, 85 Stat. 132; Dec. 18, 1973, Pub.L. 93–191, § 1(a), 87 Stat. 737; Dec. 23, 1975, Pub.L. 94–177, § 1(b), 89 Stat. 1032; Oct. 26, 1978, Pub.L. 95–521, § 714(a), 92 Stat. 1884; Oct. 26, 1981, Pub.L. 97–69, §§ 1, 2, 3, 4, 95 Stat. 1041–1043; Sept. 24, 1982, Pub.L. 97–263, § 1, 96 Stat. 1132; Pub.L. 101–163, Title III, § 318, Nov. 21, 1989, 103 Stat. 1068; Pub.L. 101–520, Title III, §§ 311(h)(1), 316, Nov. 5, 1990, 104 Stat. 2280, 2283; Pub.L. 102–392, Title III, § 309(a), Oct. 6, 1992, 106 Stat. 1722; Pub.L. 104–197, Title I, § 102(a), Sept. 16, 1996, 110 Stat. 2401; Pub.L. 109–435, Title X, § 1010(g)(4), Dec. 20, 2006, 120 Stat. 3262.)

§ 3211. Public documents. **1207**

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) during the 90-day period immediately following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress. (Aug. 12, 1970, Pub.L. 91–375, § 2, 84 Stat. 754; Dec. 18, 1973, Pub.L. 93–191, § 2, 87 Stat. 741; Oct. 26, 1981, Pub.L. 97–69, § 5(a), 95 Stat. 1043.)

§ 3212. Congressional Record under frank of Members of Congress. **1208**

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part, of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title. (Aug. 12, 1970, Pub.L. 91–375, § 2, 84 Stat. 754; Dec. 18, 1973, Pub.L. 93–191, § 3, 87 Stat. 741.)

CROSS REFERENCE

For extracts from Congressional Record furnished Members of Congress and the Resident Commissioner in envelopes ready for mailing, see section 907 of title 44, United States Code (Senate Manual section **1312**).

1209 § 3213. Seeds and reports from Department of Agriculture.

Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

(1) as penalty mail by the Secretary of Agriculture; and

(2) during the 90-day period immediately following the expiration of their terms of office, as franked mail by Members of Congress. (Aug. 12, 1970, Pub.L. 91–375, § 2, 84 Stat. 754; Oct. 26, 1981, Pub.L. 97–69, § 5(b), 95 Stat. 1043.)

1210 § 3215. Lending or permitting use of frank unlawful.

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate. (Aug. 12, 1970, Pub.L. 91–375, § 2, 84 Stat. 754; Dec. 18, 1973, Pub.L. 93–191, § 10, 87 Stat. 746.)

1211 § 3216. Reimbursement for franked mailings.

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel; and

(B) by the survivors of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by appropriation for the official mail costs of the Senate and the House of Representatives for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the

postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.

(e)(1) Not later than two weeks after the last day of each quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House of Representatives, the House Commission on Congressional Mailing Standards, the Secretary of the Senate, and the Senate Committee on Rules and Administration a report which shall contain a tabulation of the estimated number of pieces and costs of franked mail, as defined in section 3201 of this title, in each mail classification sent through the mail for that quarter and for the preceding quarters in the fiscal year, together with separate tabulations of the number of pieces and costs of such mail sent by the House and by the Senate.

(2) Two weeks after the close of the second quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House of Representatives, the House Commission on Congressional Mailing Standards, the Committee on House Oversight, the Secretary of the Senate, and the Senate Committee on Rules and Administration, a statement of the costs of postage on, and fees and charges in connection with, mail matter sent through the mails as described in paragraph (1) of this subsection for the preceding two quarters together with an estimate of such costs for the balance of the fiscal year. As soon as practicable after receipt of this statement, the House Commission on Congressional Mailing Standards, the Committee on House Oversight, and the Senate Committee on Rules and Administration shall consider promulgating such regulations for their respective Houses as may be necessary to ensure that total postage costs, as described in paragraph (1) of this subsection, will not exceed the amounts available for the fiscal year. (Aug. 12, 1970, Pub.L. 91–375, § 2, 84 Stat. 754; July 9, 1971, Pub.L. 92–51, § 101, 85 Stat. 132; Dec. 18, 1973, Pub.L. 93–191, § 7, 87 Stat. 745; Mar. 27, 1974, Pub.L. 93–255, § 2(a), 88 Stat. 52; Oct. 26, 1978, Pub.L. 95–521, § 714(b), 92 Stat. 1884; Oct. 26, 1981, Pub.L. 97–69, § 6(a), 95 Stat. 1043; Sept. 24, 1982, Pub.L. 97–263, § 1, 96 Stat. 1132; Pub.L. 101–163, Title III, § 316(b), formerly § 316(c), § 317, Nov. 21, 1989, 103 Stat. 1067, renumbered Pub.L. 101–520, Title III, § 311(h)(3)(B), Nov. 5, 1990, 104 Stat. 2280; Pub.L. 102–90, Title III, § 306, Aug. 14, 1991, 105 Stat. 466; Pub.L. 104–186, Title II, § 220, Aug. 20, 1996, 110 Stat. 1748.)

§ 3218. Franked mail for survivors of Members of Congress. **1212**

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member (or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk) may send, for a period not to exceed 180

days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member. (Aug. 12, 1970, Pub.L. 91–375, § 2, 84 Stat. 755; Dec. 18, 1973, Pub.L. 93–191, § 11, 87 Stat. 746; Oct. 26, 1981, Pub.L. 97–69, § 6 (b), (c)(1), 95 Stat. 1043.)

1213 § 3219. Mailgrams.

Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title. (Added Dec. 18, 1973, Pub.L. 93–191, § 12, 87 Stat. 746; Oct. 26, 1978, Pub.L. 95–521, § 714(c), 92 Stat. 1884; Sept. 24, 1982, Pub.L. 97–263, § 1, 96 Stat. 1132.)

1214 § 3220. Omitted.

1215 DOMESTIC MAIL MANUAL PROVISIONS RELATING TO THE CONGRESSIONAL FRANKING PRIVILEGE

703.6.0.—Official Mail (Franked)

703.6.1 Basic Information

703.6.1.1 *Members of Congress.* Official mail of Members of Congress is sent without prepayment of postage and bears instead a written or printed facsimile signature or a specified marking. Exhibit 6.1.1 shows what is accepted under frank and who is authorized its use.

703.6.1.2 *Former President and Spouse.* Any former President of the United States and any surviving spouse of a former President may send nonpolitical mail as franked mail if it bears the sender's written or facsimile signature and the words "Postage and Fees Paid" in the upper right corner of the address side.

703.6.1.3 *Surviving Spouse of Member of Congress.* When a Member of Congress dies during the term of office, the Member's surviving spouse may send correspondence relating to the death without prepayment of postage, for a period not to exceed 180 days after the death of the Member. The mail must bear the sender's written or facsimile signature in the upper right corner of the address side. If there is no surviving spouse, this privilege may be exercised by an immediate family member of the deceased Member of Congress designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate.

703.6.1.4 *Use.* A person entitled to use franked mail may not lend this frank or permit its use by any committee, organization, association, or other person. This restriction does not apply to a committee of the Congress.

703.6.1.5 *Criteria.* Franked mail must be addressed to the recipient by name, except under 602.3.0, *Use of Alternative Addressing,* and it

must meet the mailability criteria in 601 and the physical standards for the class of mail used.[1]

703.6.1.6 *Handling.* Franked mail is entitled to all special services for which it is properly endorsed, and is handled and forwarded as ordinary mail, except that after delivery to the addressee, it may not be remailed.

703.6.1.7 *Package to One Addressee.* A person entitled to use franked mail may send a package of franked mail to one addressee, who may open the package and, on behalf of such person, address the franked articles and mail them.

[1] Part 602.3.0 describes alternative addressing formats. Part 601.1.0 gives general mailability standards (such as requisite dimensions, packaging, and containers). Part 601.11.0 describes articles and substances prohibited because they may be injurious to life, health or property (such as liquor or firearms). Part 601.12.0 refers to restricted forms of printed materials (such as deceptive solicitations or sexually oriented advertisements).

Exhibit 6.1.1[1]

User Entitled	Matter Permitted	Marking Required	Period Authorized
Vice President of the United States, Members of Congress, Resident Commissioners, Secretary of the Senate, Sergeant at Arms of the Senate, and each elected officer of the House of Representatives (other than Members of the House)	Public documents printed by order of Congress	"Public Document" and "U.S.S." or "M.C." must appear on address side	During 90 days immediately after expiration of term of office.
Members of Congress and Resident Commissioners	"*Congressional Record*" or any part of it (including reprints of any part, speech, or report contained in it) if for official business, activities, or duties	"*Congressional Record*" or "*Part of Congressional Record*" and "U.S.S." or "M.C." must appear on the address side	During term of office only.
Members of Congress	Seed and agricultural reports from Department of Agriculture	Signature and title (written or printed facsimile) of person entitled to frank must appear on address side	During 90 days immediately after expiration of term of office.
Vice President of the United States, Members and Members-elect of Congress, Resident Commissioners, Secretary of the Senate, Sergeant at Arms of the Senate, each elected officer of the House of Representatives (other than a Member of the House), Legislative Counsels of the House of Representatives and the Senate, Law Revision Counsel of the House of Representatives, and Senate Legal Counsel	Official correspondence	The signature and title (written or printed facsimile) of person entitled to frank must appear on address side	During term of office only. When position of Secretary, Sergeant at Arms, elected officer, Legislative Counsel, Law Revision Counsel, or Senate Legal Counsel is vacant, privileges may be exercised in officer's name by authorized persons.
Vice President-elect	All mail connected with preparation for assumption of official duties as Vice President	Signature and title (written or printed facsimile) of Vice President-elect must appear on address side	Until assumption of duties as Vice President.
Former Vice President, each former Member of Congress, former Secretary of the Senate, former Sergeant at Arms of the Senate, each former elected officer of the House (other than former Member of the House), and each former Delegate or Resident Commissioner	Matter on official business about closing of offices	Signature and title (written or printed facsimile) of person entitled to frank must appear on address side	During 90 days immediately after date of leaving office.
Former Speakers of the House	Public documents, seeds, and agricultural reports from Department of Agriculture, official correspondence	Signature and title (written or printed facsimile) of former Speaker or public document marking as shown above, must appear on address side	For as long as former Speaker determines necessary.

[1] Available at http://pe.usps.gov/text/dmm300/703.htm#1114040.

TITLE 40.—PUBLIC BUILDINGS, PROPERTY, AND WORKS

Subtitle II.—Public Buildings and Works

Part B.—United States Capitol

Chapter 51.—UNITED STATES CAPITOL BUILDINGS AND GROUNDS

§ 5101. Definition. 1216

In this chapter, the term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden), all buildings on the real property described under section 5102(d), all subways and enclosed passages connecting two or more of those structures, and the real property underlying and enclosed by any of those structures. (Act of July 31, 1996, ch. 707, sec. 16(a)(1), 60 Stat. 721; Pub.L. 90–108, sec. 1(d), Oct. 20, 1967, 81 Stat. 277; Pub.L. 108–7, sec. 1016(a), Feb. 20, 2003, 117 Stat. 364; Pub.L. 110–161, Div. H, Title I, § 1004(d)(2)(A)(i), Dec. 26, 2007, 121 Stat. 2233.)

NOTE.—DESIGNATION OF GREAT HALL OF THE CAPITOL VISITOR CENTER AS EMANICIPATION HALL

Pub.L. 110–139, § 1, Dec. 18, 2007, 121 Stat. 1491, provided that:

(a) In general

The great hall of the Capitol Visitor Center shall be known and designated as "Emancipation Hall", and any reference to the great hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

(b)Effective date

This section [enacting this note] shall apply on and after the date of the enactment of this Act [Dec. 18, 2007].

§ 5102. Legal description and jurisdiction of United States Capitol Grounds. 1217

(a) Legal description

The United States Capitol Grounds comprises all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled "Map showing areas comprising United States Capitol Grounds", dated June 25, 1946, approved by the Architect of the Capitol, and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added by law after June 25, 1946.

(b) Jurisdiction

(1) Architect of the Capitol

The jurisdiction and control over the Grounds, vested prior to July 31, 1946, by law in the Architect, is extended to the entire area of the Grounds. Except as provided in paragraph (2), the Archi-

tect is responsible for the maintenance and improvement of the Grounds, including those streets and roadways in the Grounds as shown on the map referred to in subsection (a) as being under the jurisdiction and control of the Commissioners of the District of Columbia.

(2) Mayor of the District of Columbia

(A) In general

The Mayor of the District of Columbia is responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines of those streets: Constitution Avenue from Second Street Northeast to Third Street Northwest, First Street from D Street Northeast to D Street Southeast, D Street from First Street Southeast to Washington Avenue Southwest, and First Street from the north side of Louisiana Avenue to the intersection of C Street and Washington Avenue Southwest, Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Washington Avenue Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street.

(B) Repair and maintenance of utility services

The Mayor may enter any part of the Grounds to repair or maintain or, subject to the approval of the Architect, construct or alter, any utility service of the District of Columbia Government.

(c) National Garden of the United States Botanic Garden

(1) In general.—Except as provided under paragraph (2), the United States Capitol Grounds shall include—

(A) the National Garden of the United States Botanic Garden;

(B) all grounds contiguous to the Administrative Building of the United States Botanic Garden, including Bartholdi Park; and

(C) all grounds bounded by the curblines of First Street, Southwest on the east; Washington Avenue, Southwest to its intersection with Independence Avenue, and Independence Avenue from such intersection to its intersection with Third Street, Southwest on the south; Third Street, Southwest on the west; and Maryland Avenue, Southwest on the north.

(2) Maintenance and improvements.—Notwithstanding subsections (a) and (b), jurisdiction and control over the buildings on the grounds described in paragraph (1) shall be retained by the Joint Committee on the Library, and the Joint Committee on the Library shall continue to be solely responsible for the maintenance and improvement of the grounds described in such paragraph.

(3) Authority not limited.—Nothing in this subsection shall limit the authority of the Architect of the Capitol under section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c).

(d) Library of Congress buildings and grounds

(1) In general.—Except as provided under paragraph (2), the United States Capitol grounds shall include the Library of Congress grounds described under section 11 of the Act entitled "An Act relating to the policing of the buildings of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167j).

(2) Authority of Librarian of Congress.—Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715). (Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1175; Pub.L. 108–7, Div. H, Title I, § 1016(b), Feb. 20, 2003, 117 Stat. 364; Pub.L. 110–161, Div. H, Title I, § 1004(d)(2)(A)(ii), Dec. 26, 2007, 121 Stat. 2233; Pub.L. 110–178, § 4(b)(1)(B), (d), Jan. 7, 2008, 121 Stat. 2551.)

ENACTMENT OF SUBSECTION (D)

Pub.L 110–161, Div.H, Title I, § 1004(d)(2)(A)(ii), (4), Dec. 27, 2006, 121 Stat. 2233, 2234, and Pub.L. 110–178, § 4(b)(1)(B), (d), Jan. 7, 2008, 121 Stat. 2551, 2552, made identical amendments which provided that, effective Oct. 1, 2009, this section is amended by adding the following at the end:

(d) Library of Congress buildings and grounds

(1) In general.—Except as provided under paragraph (2), The United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled "An Act relating to the policing of the buildings of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167j).

(2) Authority of Librarian of Congress.—Not withstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715).

§ 5103. Restrictions on public use of United States Capitol Grounds. **1218**

Public travel in, and occupancy of, the United States Capitol Grounds is restricted to the roads, walks, and places prepared for that purpose. (Act of July 31, 1946, ch. 707, § 2, 60 Stat. 718; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1176.)

§ 5104. Unlawful activities. **1219**

(a) Definitions

In this section—

(1) Act of physical violence.—The term "act of physical violence" means any act involving—

(A) an assault or other infliction or threat of infliction of death or bodily harm on an individual; or

(B) damage to, or destruction of, real or personal property.

(2) Dangerous weapon.—The term "dangerous weapon" includes—

(A) all articles enumerated in section 14(a) of the Act of July 8, 1932 (ch. 465, 47 Stat. 654); and

(B) a device designed to expel or hurl a projectile capable of causing injury to individuals or property, a dagger, a dirk, a stiletto, and a knife having a blade over three inches in length.

(3) Explosives.—The term "explosives" has the meaning given that term in section 841(d) of title 18.

(4) Firearm.—The term "firearm" has the meaning given that term in section 921(3) of title 18.

(b) Obstruction of Roads

A person may not occupy the roads in the United States Capitol Grounds in a manner that obstructs or hinders their proper use, or use the roads in the area of the Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, to convey goods or merchandise, except to or from the United States Capitol on Federal Government service.

(c) Sale of Articles, Display of Signs, and Solicitations

A person may not carry out any of the following activities in the Grounds:

(1) offer or expose any article for sale.

(2) display a sign, placard, or other form of advertisement.

(3) solicit fares, alms, subscriptions, or contributions.

(d) Injuries to Property

A person may not step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Grounds.

(e) Capitol Grounds and Buildings Security

(1) Firearms, dangerous weapons, explosives, or incendiary devices.—An individual or group of individuals—

(A) except as authorized by regulations prescribed by the Capitol Police Board—

(i) may not carry on or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device;

(ii) may not discharge a firearm or explosives, use a dangerous weapon, or ignite an incendiary device, on the Grounds or in any of the Capitol Buildings; or

(iii) may not transport on the Grounds or in any of the Capitol Buildings explosives or an incendiary device; or

(B) may not knowingly, with force and violence, enter or remain on the floor of either House of Congress.

(2) Violent entry and disorderly conduct.—An individual or group of individuals may not willfully and knowingly—

(A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of

the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House;

(B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House;

(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

(ii) the Library of Congress;

(D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;

(E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings;

(F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or

(G) parade, demonstrate, or picket in any of the Capitol Buildings.

(3) Exemption of Government officials.—This subsection does not prohibit any act performed in the lawful discharge of official duties by—

(A) a Member of Congress;

(B) an employee of a Member of Congress;

(C) an officer or employee of Congress or a committee of Congress; or

(D) an officer or employee of either House of Congress or a committee of that House.

(f) Parades, Assemblages, and Display of Flags

Except as provided in section 5106 of this title, a person may not—

(1) parade, stand, or move in processions or assemblages in the Grounds; or

(2) display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement. (Act of July 31, 1946, ch. 707, 60 Stat. 718; Pub.L. 87–571, Aug. 6, 1962, 76 Stat. 307; Pub.L. 90–108, § 1, Oct. 20, 1967, 81 Stat. 276; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1178; Pub.L. 110–161, Div. H, Title I, § 1004(d)(2)(A)(iii), Dec. 26, 2007, 121 Stat. 2233.)

NOTE.—AMENDMENT OF SUBSECTION (E)(2)(C)

Pub.L. 110–161, Div. H, Title I, § 1004(d)(2)(A)(iii), (4), Dec. 26, 2007, 121 Stat. 2234, and Pub.L. 110–178, § 4(b)(1)(C), (d), Jan. 7, 2008, 121 Stat. 2552, made identical amendments which provided that, effective Oct. 1, 2009, this section is amended by striking subpar. (C) and inserting the following:

(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

(ii) the Library of Congress;

1220 § 5105. Assistance to authorities by Capitol employees.

Each individual employed in the service of the Federal Government in the United States Capitol or within the United States Capitol Grounds shall prevent, as far as may be in the individual's power, a violation of a provision of this chapter or section 9, 9A, 9B, 9C, or 14 of the Act of July 31, 1946. (Ch. 707, 60 Stat. 719, 720), and shall aid the police in securing the arrest and conviction of the individual violating the provision. (Act of July 31, 1946, ch. 707, § 10, 60 Stat. 719; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1178.)

1221 § 5106. Suspension of prohibitions.

(a) Authority to Suspend

To allow the observance in the United States Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives concurrently may suspend any of the prohibitions contained in sections 5103 and 5104 of this title that would prevent the use of the roads and walks within the Grounds by processions or assemblages, and the use in the Grounds of suitable decorations, music, addresses, and ceremonies, if responsible officers have been appointed and the President and the Speaker determine that adequate arrangements have been made to maintain suitable order and decorum in the proceedings and to guard the United States Capitol and its grounds from injury.

(b) Power to Suspend Prohibitions in Absence of President or Speaker

If either the President or Speaker is absent from the District of Columbia, the authority to suspend devolves on the other officer. If both officers are absent, the authority devolves on the Capitol Police Board.

(c) Authority of Mayor To Permit Use of Louisiana Avenue

Notwithstanding subsection (a) and section 5104(f) of this title, the Capitol Police Board may grant the Mayor of the District of Columbia authority to permit the use of Louisiana Avenue for any of the purposes prohibited by section 5104(f). (Act of July 31, 1946, ch. 707, §§ 11, 12, 60 Stat. 719; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1178.)

1222 § 5107. Concerts on grounds.

Sections 5102, 5103, 5104(b)–(f), 5105, 5106, and 5109 of this title and sections 9, 9A, 9B, and 9C of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), do not prohibit a band in the service of the Federal Government from giving concerts in the United States Capitol Grounds at times which will not interfere with Congress and as authorized by the Architect of the Capitol. (Act of July 31, 1946, ch. 707, sec. 13, 60 Stat. 720; Pub.L. 107–217, Aug. 21, 2002, 116 Stat. 1178; Pub.L. 108–178, § 3, Dec. 15, 2003, 117 Stat. 2640.)

1223 § 5108. Audit of private organizations.

A private organization (except a political party or committee constituted for the election of federal officials), whether or not organized for profit and whether or not any of its income inures to the benefit of any person, that performs services or conducts activities in the United States Capitol Buildings or Grounds is subject to a special audit of

its accounts for each year in which it performs those services or conducts those activities. The Comptroller General shall conduct the audit and report the results of the audit to the Senate and the House of Representatives. (Pub.L. 91–510, Title IV, § 451(a), Oct. 26, 1970, 84 Stat. 1193; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1178.)

§ 5109. Penalties. **1224**

(a) Firearms, Dangerous Weapons, Explosives, or Incendiary Device Offenses

An individual or group violating section 5104(e)(1) of this title, or attempting to commit a violation, shall be fined under title 18, imprisoned for not more than five years, or both.

(b) Other Offenses

A person violating section 5103 or 5104(b), (c), (d), (e)(2), or (f) of this title, or attempting to commit a violation, shall be fined under title 18, imprisoned for not more than six months, or both.

(c) Procedure

(1) In general

An action for a violation of this chapter or section 9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), including an attempt or a conspiracy to commit a violation, shall be brought by the Attorney General in the name of the United States. This chapter and sections 9, 9A, 9B, 9C and 14 do not supersede any provision of federal law or the laws of the District of Columbia. Where the conduct violating this chapter or section 9, 9A, 9B, 9C or 14 also violates federal law or the laws of the District of Columbia, both violations may be joined in a single action.

(2) Venue

An action under this section for a violation of—

(A) section 5104(e)(1) of this title or for conduct that constitutes a felony under federal law or the laws of the District of Columbia shall be brought in the United States District Court for the District of Columbia; and

(B) any other section referred to in subsection (a) may be brought in the Superior Court of the District of Columbia.

(3) Amount of penalty

The penalty which may be imposed on a person convicted in an action under this subsection is the highest penalty authorized by any of the laws the defendant is convicted of violating. (Act of July 31, 1946, ch. 707, § 8, 60 Stat. 719; Pub.L. 87–571, Aug. 6, 1962, 76 Stat. 307; Pub.L. 90–108, Sec. 1(c), Oct. 20, 1967, 81 Stat. 277; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1178.)

Part C.—Federal Building Complexes

Chapter 65.—THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

§ 6501. Definition. **1225**

In this chapter, the term "Chief Justice" means the Chief Justice of the United States or the designee of the Chief Justice, except that when there is a vacancy in the office of the Chief Justice, the most senior associate justice of the Supreme Court shall be deemed to be

the Chief Justice for purposes of this chapter until the vacancy is filled. (Pub.L. 100–480, § 10, Oct. 7, 1988, 102 Stat. 2335; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1188.)

1226 § 6502. Thurgood Marshall Federal Judiciary Building.

(a) Establishment and Designation

There is a Federal Judiciary Building in Washington, D.C., known and designated as the "Thurgood Marshall Federal Judiciary Building".

(b) Title

(1) Squares 721 and 722.—Title to squares 721 and 722 remains in the Federal Government.

(2) Building.—Title to the Building and other improvements constructed or otherwise made immediately reverts to the Government at the expiration of not more than 30 years from the effective date of the lease agreement referred to in section 6504 of this title without payment of any compensation by the Government.

(c) Limitations

(1) Size of building.—The Building (excluding parking facilities) may not exceed 520,000 gross square feet in size above the level of Columbia Plaza in the District of Columbia.

(2) Height of building.—The height of the Building and other improvements shall be compatible with the height of surrounding Government and historic buildings and conform to the provisions of the Act of June 1, 1910 (ch. 263, 36 Stat. 452) (known as the Building Height Act of 1910).

(3) Design.—The Building and other improvements shall—

(A) be designed in harmony with historical and Government buildings in the vicinity;

(B) reflect the symbolic importance and historic character of the United States Capitol and other buildings on the United States Capitol Grounds; and

(C) represent the dignity and stability of the Government.

(d) Approval of Chief Justice

All final decisions regarding architectural design of the Building are subject to the approval of the Chief Justice.

(e) Chilled Water and Steam From Capitol Power Plant

If the Building is connected with the Capitol Power Plant, the Architect of the Capitol shall furnish chilled water and steam from the Plant to the Building on a reimbursable basis.

(f) Construction Standards

The Building and other improvements constructed under this chapter shall meet all standards applicable to construction of a federal building.

(g) Accounting System

The Architect shall maintain an accounting system for operation and maintenance of the Building and other improvements which will allow accurate projections of the dates and cost of major repairs, improvements, reconstructions, and replacements of the Building and improvements and other capital expenditures on the Building and improvements.

(h) Nonapplicability of Certain Laws

(1) Building codes, permits, or inspection.—The Building is not subject to any law of the District of Columbia relating to building codes, permits, or inspection, including any such law enacted by Congress.

(2) Taxes.—The Building and other improvements constructed under this chapter are not subject to any law of the District of Columbia relating to real estate and personal property taxes, special assessments, or other taxes, including any such law enacted by Congress. (Pub.L. 100–480, §§ 2–4, Oct. 7, 1988, 102 Stat. 2328–31; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1188.)

§ 6503. Commission for the Judiciary Office Building. **1227**

(a) Establishment and Membership

There is a Commission for the Judiciary Office Building, composed of the following 13 members or their designees:

(1) Two individuals appointed by the Chief Justice from among justices of the Supreme Court and other judges of the United States.

(2) The members of the House Office Building Commission.

(3) The majority leader and minority leader of the Senate.

(4) The Chairman and the ranking minority member of the Senate Committee on Rules and Administration.

(5) The Chairman and the ranking minority member of the Senate Committee on Environment and Public Works.

(6) The Chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Quorum

Seven members of the Commission is a quorum.

(c) Duties

The Commission is responsible for the supervision of the design, construction, operation, maintenance, structural, mechanical, and domestic care, and security of the Thurgood Marshall Federal Judiciary Building. The Commission shall prescribe regulations to govern the actions of the Architect of the Capitol under this chapter and to govern the use and occupancy of all space in the Building. (Pub.L. 100–480, § 7, Oct. 7, 1988, 102 Stat. 2334; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1189.)

§ 6504. Lease of building. **1228**

(a) Lease Agreement

Under an agreement with the person selected to construct the Thurgood Marshall Federal Judiciary Building, the Architect of the Capitol shall lease the Building to carry out the objectives of this chapter.

(b) Minimum Requirements of Lease Agreement

The agreement includes at a minimum the following:

(1) Limit on length of lease.—The Architect will lease the Building and other improvements for not more than 30 years from the effective date of the agreement.

(2) Rental rate.—The rental rate per square foot of occupiable space for all space in the Building and other improvements will be in the best interest of the Federal Government and will carry out the objectives

of this chapter. The aggregate rental rate for all space in the Building and other improvements shall produce an amount at least equal to the amount necessary to amortize the cost of development of squares 721 and 722 in the District of Columbia over the life of the lease.

(3) Authority to make space available and sublease space.—The Architect may make space available and sublease space in the Building and other improvements in accordance with section 6506 of this title.

(4) Other terms and conditions.—The agreement contains terms and conditions the Architect prescribes to carry out the objectives of this chapter.

(c) Obligation of Amounts

Obligation of amounts for lease payments under this section may only be made—

(1) on an annual basis; and

(2) from the account described in section 6507 of this title. (Pub.L. 100–480, §§3, 4, Oct. 7, 1988, 102 Stat. 2330, 2331; Pub.L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1189.)

1229 §6505. Structural and mechanical care and security.

(a) Structural and Mechanical Care

The Architect of the Capitol, under the direction of the Commission for the Judiciary Office Building—

(1) is responsible for the structural and mechanical care and maintenance of the Thurgood Marshall Federal Judiciary Building and improvements, including the care and maintenance of the grounds of the Building, in the same manner and to the same extent as for the structural and mechanical care and maintenance of the Supreme Court Building under section 6111 of this title; and

(2) shall perform all other duties and work required for the operation and domestic care of the Building and improvements.

(b) Security

(1) Capitol Police.—The United States Capitol Police—

(A) are responsible for all exterior security of the Building and other improvements constructed under this chapter; and

(B) may police the Building and other improvements, including the interior and exterior, and may make arrests within the interior and exterior of the Building and other improvements for any violation of federal or state law or the laws of the District of Columbia, or any regulation prescribed under any of those laws.

(2) Marshal of the Supreme Court.—This chapter does not interfere with the obligation of the Marshal of the Supreme Court to protect justices, officers, employees, or other personnel of the Supreme Court who may occupy the Building and other improvements.

(3) Reimbursement.—The Architect shall transfer from the account described in section 6507 of this title amounts necessary to reimburse the United States Capitol Police for expenses incurred in providing exterior security under this subsection. The Capitol Police may accept amounts the Architect transfers under this paragraph. Those amounts shall be credited to the appropriation account charged by the Capitol Police in carrying out security duties. (Pub.L. 100–480, §5, Oct. 7, 1988, 102 Stat. 2331; Pub.L. 102–392, Title III, §311(a), Oct. 6, 1992, 106 Stat. 1723; Pub.L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1190.)

§ 6506. Allocation of space. **1230**

(a) Priority

(1) Judicial branch.—Subject to this section, the Architect of the Capitol shall make available to the judicial branch of the Federal Government all space in the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter. The space shall be made available on a reimbursable basis and substantially in accordance with the report referred to in section 3(b)(1) of the Judiciary Office Building Development Act (Public Law 100–480, 102 Stat. 2330).

(2) Other Federal Governmental entities.—The Architect may make available to Federal Governmental entities which are not part of the judicial branch and which are not staff of Members of Congress or congressional committees any space in the Building and other improvements that the Chief Justice decides is not needed by the judicial branch. The space shall be made available on a reimbursable basis.

(3) Other persons.—If any space remains, the Architect may sublease it pursuant to subsection (e), under the direction of the Commission for the Judiciary Office Building, to any person.

(b) Space for Judicial Branch and Other Federal Governmental Entities

Space made available under subsection (a)(1) or (2) is subject to—

(1) terms and conditions necessary to carry out the objectives of this chapter; and

(2) reimbursement at the rate established under section 6504(b)(2) of this title plus an amount necessary to pay each year for the cost of administering the Building and other improvements (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space, with the amount to be determined by the Architect and—

(A) in the case of the judicial branch, the Director of the Administrative Office of the United States Courts; or

(B) in the case of any federal governmental entity not a part of the judicial branch, the entity.

(c) Space for Judicial Branch

(1) Assignment of space within judicial branch.—The Director may assign space made available to the judicial branch under subsection (a)(1) among offices of the judicial branch as the Director considers appropriate.

(2) Vacating occupied space.—When the Chief Justice notifies the Architect that the judicial branch requires additional space in the Building and other improvements, the Architect shall accommodate those requirements within 90 days after the date of the notification, except that if the space was made available to the Administrator of General Services, it shall be vacated expeditiously by not later than a date the Chief Justice and the Administrator agree on.

(3) Unoccupied space.—The Chief Justice has the right of first refusal to use unoccupied space in the Building to meet the needs of the judicial branch.

(d) Lease by Architect

(1) Authority to lease.—Subject to approval by the Committees on Appropriations of the House of Representatives and the Senate, the House Office Building Commission, and the Committee on Rules and Administration of the Senate, the Architect may lease and occupy not more than 75,000 square feet of space in the Building.

(2) Payments.—Payments under the lease shall be made on vouchers the Architect approves. Necessary amounts may be appropriated—

(A) to the Architect to carry out this subsection, including amounts for acquiring and installing furniture and furnishings; and

(B) to the Sergeant at Arms of the Senate to plan for, acquire, and install telecommunications equipment and services for the Architect with respect to space leased under this subsection.

(e) Subleased Space

(1) Rental rate.—Space subleased by the Architect under subsection (a)(3) is subject to reimbursement at a rate which is comparable to prevailing rental rates for similar facilities in the area but not less than the rate established under section 6504(b)(2) of this title plus an amount the Architect and the person subleasing the space agree is necessary to pay each year for the cost of administering the Building (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space.

(2) Limitation.—A sublease under subsection (a)(3) must be compatible with the dignity and functions of the judicial branch offices housed in the Building and must not unduly interfere with the activities and operations of the judicial branch agencies housed in the Building. Sections 5104(c) and 5108 of this title do not apply to any space in the Building and other improvements subleased to a non-Government tenant under subsection (a)(3).

(3) Collection of rent.—The Architect shall collect rent for space subleased under subsection (a)(3).

(f) Deposit of Rent and Reimbursements

Amounts received under subsection (a)(3) (including lease payments and reimbursements) shall be deposited in the account described in section 6507 of this title. (Pub.L. 100–480, § 6, Oct. 7, 1988, 102 Stat. 2332; Pub.L. 102–392, Title III, § 318, Oct. 6, 1992, 106 Stat. 1724; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1190.)

1231 § 6507. Account in Treasury.

(a) Establishment and Contents of Separate Account

There is a separate account in the Treasury. The account includes all amounts deposited in the account under section 6506(f) of this title and amounts appropriated to the account. However, the appropriated amounts may not be more than $2,000,000.

(b) Use of Amounts

Amounts in the account are available to the Architect of the Capitol—

(1) for paying expenses for structural, mechanical, and domestic care, maintenance, operation, and utilities of the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter;

(2) for reimbursing the United States Capitol Police for expenses incurred in providing exterior security for the Building and other improvements;

(3) for making lease payments under section 6504 of this title; and

(4) for necessary personnel (including consultants). (Pub.L. 100–480, § 9, Oct. 7, 1988, 102 Stat. 2334; Pub.L. 102–392, Title III, § 311(b), Oct. 6, 1992, 106 Stat. 1723; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1192.)

Chapter 89.—NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS

§ 8901. Purposes. 1232

The purposes of this chapter are—

(1) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(2) to ensure the continued public use and enjoyment of open space in the District of Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;

(3) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(4) to ensure that future commemorative works in areas administered by the National Park Service and the Administrator of General Services in the District of Columbia and its environs—

(A) are appropriately designed, constructed, and located; and

(B) reflect a consensus of the lasting national significance of the subjects involved. (Pub.L. 99–652, § 2, Nov. 14, 1986, 100 Stat. 3650; Pub.L. 103–321, § 2(a), Aug. 26, 1994, 108 Stat. 1793; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1227; Pub.L. 108–126, § 203(a), Nov. 17, 2003, 117 Stat. 1348.)

§ 8902. Definitions and nonapplication. 1233

(a) Definitions

In this chapter, the following definitions apply:

(1) Commemorative work.—The term "commemorative work means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes.

(2) The District of Columbia and its Environs.—The term 'the District of Columbia and its environs' means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled 'Commemorative Areas Washington, DC and Environs', numbered 869/86501 B, and dated June 24, 2003.

(3) Reserve.—The term 'Reserve' means the great cross-axis of the Mall, which generally extends from the United States Capitol

to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (2).

(4) Sponsor.—The term 'sponsor' means a public agency, or an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs.

(b) Nonapplication

This chapter does not apply to commemorative works authorized by a law enacted before January 3, 1985. (Pub.L. 99–652, §§ 2, 10, Nov. 14, 1986, 100 Stat. 3650, 3654; Pub.L. 103–321, § 2, Aug. 26, 1994, 108 Stat. 1793; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1227; Pub.L. 108–126, Title II, § 203(b), Nov. 17, 2003, 117 Stat. 1350.)

1234 § 8903. Congressional authorization of commemorative works.

(a) In General

Commemorative works—

(1) may be established on federal lands referred to in section 8901(4) of this title only as specifically authorized by law; and

(2) are subject to applicable provisions of this chapter.

(b) Military Commemorative Works

A military commemorative work may be authorized only to commemorate a war or similar major military conflict or a branch of the armed forces. A commemorative work solely commemorating a limited military engagement or a unit of an armed force may not be authorized. Commemorative works to a war or similar major military conflict may not be authorized until at least 10 years after the officially designated end of such war or conflict.

(c) Works Commemorating Events, Individuals, or Groups

A commemorative work commemorating an event, individual, or group of individuals, except a military commemorative work as described in subsection (b), may not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.

(d) Consultation With National Capital Memorial Advisory Commission

In considering legislation authorizing commemorative works in the District of Columbia and its environs, the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate shall solicit the views of the National Capital Memorial Advisory Commission.

(e) Expiration of Legislative Authority

Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

(A) final design approvals have been obtained from the National Capital Planning Commission and the Commisssion of Fine Arts; and

(B) 75 percent of the amount estimated to be required to complete the commemorative work has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three additional years. Upon expiration of the legislative authority, any previous site and design approvals shall also expire. (Pub.L. 103–321, § 2, Aug. 26, 1994, 108 Stat. 1795; Pub.L. 104–186, Title II, § 221, Aug. 20, 1996, 110 Stat. 1750; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1228; Pub.L. 108–126, Title II, § 203(c), Nov. 17, 2003, 117 Stat. 1350.)

§ 8904. National Capital Memorial Advisory Commission. **1235**

(a) Establishment and Composition

There is established the National Capital Memorial Advisory Commission, which shall be composed of—

(1) the Director of the National Park Service;

(2) the Architect of the Capitol;

(3) the Chairman of the American Battle Monuments Commission;

(4) the Chairman of the Commission of Fine Arts;

(5) the Chairman of the National Capital Planning Commission;

(6) the Mayor of the District of Columbia;

(7) the Commissioner of the Public Buildings Service of the General Services Administration; and

(8) the Secretary of Defense.

(b) Chairman

The Director is the Chairman of the National Capital Memorial Advisory Commission.

(c) Advisory Role

The National Capital Memorial Advisory Commission shall advise the Secretary of the Interior and the Administrator of General Services as appropriate on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs and on other matters concerning commemorative works in the Nation's Capital as the Commission considers appropriate.

(d) Meetings

The National Capital Memorial Advisory Commission shall meet at least twice annually. (Pub.L. 99–652, § 4, Nov. 14, 1986, 100 Stat. 3651; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1229; Pub.L. 108–126, Title II, § 203(d), Nov. 17, 2003, 117 Stat. 1351.)

1236 § 8905. Site and design approval.

(a) Consultation on, and Submission of, Proposals

A sponsor authorized by law to establish a commemorative work in the District of Columbia and its environs may request a permit for construction of the commemorative work only after the following requirements are met:

(1) Consultation.—The sponsor must consult with the National Capital Memorial Advisory Commission regarding the selection of alternative sites and design concepts for the commemorative work.

(2) Submittal.—Following consultation in accordance with clause (1), the Secretary of the Interior or the Administrator of General Services, as appropriate, must submit, on behalf of the person, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

(b) Decision Criteria

In considering site and design proposals, the Commission of Fine Arts, National Capital Planning Commission, and the Secretary or Administrator (as appropriate) shall be guided by, but not limited by, the following criteria:

(1) Surroundings.—To the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the work.

(2) Location.—A commemorative work shall be located so that—

(A) it does not interfere with, or encroach on, an existing commemorative work; and

(B) to the maximum extent practicable, it protects open space, existing public use, and cultural and natural resources.

(3) Material.—A commemorative work shall be constructed of durable material suitable to the outdoor environment.

(4) Landscape features.—Landscape features of commemorative works shall be compatible with the climate.

(5) Museums.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(2).

(6) Site-specific guidelines.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this chapter.

(7) Donor contributions.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site. (Pub.L. 99–652, § 7, Nov. 14, 1986, 100 Stat. 3652; Pub.L. 103–321, § 2(d), Aug. 26, 1994, 108 Stat. 1794; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1229; Pub.L. 108–126, Title II, §§ 203(e), 204, Nov. 17, 2003, 117 Stat. 1351, 1352.)

1237 § 8906. Criteria for issuance of construction permit.

(a) Criteria for Issuing Permit

Before issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary of the Interior

or Administrator of General Services, as appropriate, shall determine that—

(1) the site and design have been approved by the Secretary or Administrator, the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable individuals qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work and to ensure that the commemorative work meets high professional standards;

(3) the sponsor authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator; and

(4) the sponsor authorized to construct the commemorative work has available sufficient amounts to complete construction of the project.

(b) Donation for Perpetual Maintenance and Preservation

(1) In addition to the criteria described in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

(4) Upon request of the Secretary or Administrator (as appropriate), the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.

(c) Suspension for Misrepresentation in Fundraising

The Secretary of the Interior or Administrator may suspend any activity under this chapter that relates to the establishment of a commemorative work if the Secretary or Administrator determines that fundraising efforts relating to the work have misrepresented an affiliation with the work or the Federal Government.

(d) Annual Report

The person authorized to construct a commemorative work under this chapter must submit to the Secretary of the Interior or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant. The person shall pay for the report. (Pub.L. 99–652, § 8, Nov. 14, 1986, 100 Stat. 3652; Pub.L. 103–321, § 2(e), Aug. 26, 1994, 108 Stat. 1794; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1230; Pub.L. 108–126, Title II, § 203(f), Nov. 17, 2003, 117 Stat. 1351.)

1238 § 8907. Temporary site designation.

(a) Criterion for designation

If the Secretary of the Interior, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation's Capital, a site may be designated on land the Secretary administers in the District of Columbia.

(b) Plan

A designation may be made under subsection (a) only if, at least 120 days before the designation, the Secretary, in consultation with the Commission, prepares and submits to Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site and criteria for displaying commemorative works at the site.

(c) Risk and agreement to indemnify

A commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the work. The person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section. (Pub.L. 103–321, § 2(f), Aug. 26, 1994, 108 Stat. 1795; Pub.L. 107–271, § 1, Aug. 21, 2002, 116 Stat. 1231.)

1239 § 8908. Areas I and II.

(a) Availability of map

The Secretary of the Interior or the Administrator of General Services (as appropriate) shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map entitled "Commemorative Areas, Washington, D.C. and Environs," numbered 869/86501B, and dated June 24, 2003.

(b) Specific conditions applicable to Area I and Area II

(1) Area I.—After seeking the advice of the National Capital Memorial Commission, the Secretary or Administrator, as appropriate, may recommend the location of a commemorative work in Area I only if the Secretary or Administrator decides that the subject of the commemorative work is of preeminent historical and lasting significance to the United States. The Secretary or Administrator shall notify the Commission, the Committee on House Administration of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate of the recommendation that a commemorative work should be located in Area I. The location of a commemorative work in Area I

is deemed to be authorized only if the recommendation is approved by law not later than 150 calendar days after the notification.

(2) Area II.—Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

(c) Reserve

After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve. (Pub.L. 99–652, §§ 5, 6, Nov. 14, 1986, 100 Stat. 3651; Pub.L. 103–321, § 2, Aug. 26, 1994, 108 Stat. 1794; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1231; Pub.L. 108–126, Title II, §§ 202(b), 203(g), Nov. 17, 2003, 117 Stat. 1349, 1352.)

§ 8909. Administrative. **1240**

(a) Maintenance of documentation of design and construction

Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary of the Interior or Administrator of General Services, as appropriate, and shall be permanently maintained in the manner provided by law.

(b) Responsibility for maintenance of completed work

On completion of any commemorative work in the District of Columbia and its environs, the Secretary or Administrator, as appropriate, shall assume responsibility for maintaining the work.

(c) Regulations or standards

The Secretary and Administrator shall prescribe appropriate regulations or standards to carry out this chapter. (Pub.L. 99–652, § 10, Nov. 14, 1986, 100 Stat. 3654; Pub.L. 103–321, § 2, Aug. 26, 1994, 108 Stat. 1795; Pub.L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1231.)

TITLE 41.—PUBLIC CONTRACTS

Chapter 1.—GENERAL PROVISIONS

1245 § 6a–1. Architect of the Capitol, exception from advertisement requirements.

On and after July 27, 1965, the purchase of supplies and equipment and the procurement of services for all branches under the Architect of the Capitol may be made in the open market without compliance with section 5 of this title in the manner common among businessmen, when the aggregate amount of the purchase or the service does not exceed $25,000 in any instance. (As amended Pub.L. 93–356, § 2, July 25, 1974, 88 Stat. 390; Pub.L. 98–191 § 9(c), Dec. 1, 1983, 98 Stat. 1332.)

1246 § 6a–2. Architect of the Capitol, authority for personal services contracts with legal entities.

Notwithstanding any other provision of law, the Architect of the Capitol is authorized to contract for personal services with any firm, partnership, corporation, association, or other legal entity in the same manner as he is authorized to contract for personal services with individuals under the provisions of section 5 of this title. (Pub.L. 96–558, Dec. 19, 1980, 94 Stat. 3263.)

1247 § 22. Interest of Member of Congress.

No member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon. Nor shall the provisions of this section apply to any contracts or agreements heretofore or hereafter entered into under the Agricultural Adjustment Act [7 U.S.C.A. § 601 et seq.], the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Federal Farm Mortgage Corporation Act, the Farm Credit Act of 1933, and the Home Owners' Loan Act of 1933 [12 U.S.C.A. § 1461 et seq.], and shall not apply to contracts or agreements of a kind which the Secretary of Agriculture may enter into with farmers: *Provided,* That such exemption shall be made a matter of public record. (R.S. § 3741; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 249; Jan. 25, 1934, ch. 5, 48 Stat. 337; June 27, 1934, ch. 847, Title V, § 510, 48 Stat. 1264; Aug. 26, 1937, ch. 821, 50 Stat. 838; Oct. 13, 1994, Pub.L. 103–355, § 6004, 108 Stat. 3364; Pub.L. 104–106, Div. D, Title XLIII, § 4321(i)(12), 110 Stat. 676.)

NOTE

Section 903 of the Supplemental Appropriations Act, 1983, provided the following:

SEC. 903. (a) 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.

(b) The provisions of this section shall take effect with respect to sales or leases of property, supplies, or services to the Congress after July 29, 1983.

TITLE 42.—THE PUBLIC HEALTH AND WELFARE

Chapter 126.—EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

* * * * * * *

1250 § 12209. Instrumentalities of Congress.

The Government Accountability Office, the Government Printing Office, and the Library of Congress shall be covered as follows:

(1) In general

The rights and protections under this chapter 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).

(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, the term "instrumentality of the Congress" means the following: the Government Accountability Office, the Government Printing Office, and the Library of Congress.

(5) Enforcement of employment rights

The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any employee of an instrumentality of the Congress who alleges a violation of the rights and protections under sections 102 through 104 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.

(6) Enforcement of rights to public services and accommodations

The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any qualified person with a disability who is a visitor, guest, or patron of an instrumentality of Congress and who alleges a violation of the rights and protections under sections 201 through 230 or section 302 or 303 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.

(7) Construction.

Nothing in this section shall alter the enforcement procedures for individuals with disabilities provided in the General Accounting Office Personnel Act of 1980 [31 U.S.C.A. § 731 et seq.] and regulations promulgated pursuant to that Act. (Pub.L. 101–336, Title V, § 509, July 26, 1990, 104 Stat. 373; Pub.L. 102–166, Title III, § 315, Nov. 21, 1991, 105 Stat. 1095; Pub.L. 104–1, § 201, Jan. 23, 1995, 109 Stat. 8, 16; Pub.L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

Chapter 1.—JOINT COMMITTEE ON PRINTING

1255 § 101. Joint Committee on Printing: membership.

The Joint Committee on Printing shall 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. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1238; Pub.L. 97–4, Feb. 17, 1981, 95 Stat. 6; Pub.L. 104–186, Title II, § 223(1), Aug. 20, 1996, 110 Stat. 1751.)

1256 § 102. Joint Committee on Printing: succession; powers during recess.

The members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of the committee until their successors are chosen. The President of the Senate and the Speaker of the House of Representatives shall, on the last day of a Congress, appoint members of their respective Houses who have been elected to the succeeding Congress to fill vacancies which may then be about to occur on the Committee, and the appointees and members of the Committee who have been reelected shall continue until their successors are chosen.

When Congress is not in session, the Joint Committee may exercise all its powers and duties as when Congress is in session. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1238.)

1257 § 103. Joint Committee on Printing: remedial powers.

The Joint Committee on Printing may use any measures it considers necessary to remedy neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications. (Pub.L. 90–620, Oct. 2, 1968, 82 Stat. 1239.)

Chapter 3.—GOVERNMENT PRINTING OFFICE

1258 § 301. Public Printer: appointment.

The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office. His title shall be Public Printer. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1239; Pub.L. 92–310, § 210(a) (1), (2), June 6, 1972, 86 Stat. 204.)

1259 § 302. Deputy Public Printer: appointment; duties.

The Public Printer shall appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to be the Deputy Public Printer. He shall perform the duties formerly required of the chief clerk, supervise the buildings occupied by the Government Printing

Office, and perform any other duties required of him by the Public Printer. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1239.)

§ 303. Public Printer and Deputy Public Printer: pay. **1260**

The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level II of the Executive Schedule under subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level III of such Executive Schedule. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1239; Pub.L. 94–82, § 204(c)(1), Aug. 9, 1975, 89 Stat. 421; Pub.L. 101–520, Title II, § 209, Nov. 5, 1990, 104 Stat. 2274; Pub.L. 108–83, Title I, § 1301, Sept. 30, 2003, 117 Stat. 1033.)

§ 304. Public Printer: vacancy in office. **1261**

In case of the death, resignation, absence, or sickness of the Public Printer, the Deputy Public Printer shall perform the duties of the Public Printer until a successor is appointed or his absence or sickness ceases; but the President may direct any other officer of the Government, whose appointment is vested in the President by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the Public Printer ceases. A vacancy occasioned by death or resignation may not be filled temporarily under this section for longer than ten days, and a temporary appointment, designation, or assignment of another officer may not be made except to fill a vacancy happening during a recess of the Senate. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1239.)

§ 305. Public Printer: employees; pay. **1262**

(a) The Public Printer may employ journeymen, apprentices, laborers, and other persons necessary for the work of the Government Printing Office at rates of wages and salaries, including compensation for night and overtime work, he considers for the interest of the Government and just to the persons employed, except as otherwise provided by this section. He may not employ more persons than the necessities of the public work require nor more than four hundred apprentices at one time. The minimum pay of journeymen printers, pressmen, and bookbinders employed in the Government Printing Office shall be at the rate of 90 cents an hour for the time actually employed. Except as provided by the preceding part of this section the rate of wages, including compensation for night and overtime work, for more than ten employees of the same occupation shall be determined by a conference between the Public Printer and a committee selected by the trades affected, and the rates and compensation so agreed upon shall become effective upon approval by the Joint Committee on Printing. When the Public Printer and the committee representing a trade fail to agree as to wages, salaries, and compensation, either party may appeal to the Joint Committee on Printing, and the decision of the Joint Committee is final. The wages, salaries, and compensation so determined are not subject to change oftener than once a year.

(b) The Public Printer may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1240; Pub.L. 91–167, Dec. 26, 1969, 83 Stat. 453; Pub.L. 91–369, July 31, 1970, 84 Stat. 693.)

Chapter 5.—PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING

1263 § 501. Government printing, binding, and blank-book work to be done at Government Printing Office.

All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

(1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere; and

(2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

Printing or binding may be done at the Government Printing Office only when authorized by law. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1243.) (Note: See *Immigration and Naturalization Service* v. *Chadha* (1983; 462 U.S. 919; 103 S.Ct. 2764) relating to similar legislative veto provisions found unconstitutional.)

1264 § 502. Procurement of printing, binding, and blank-book work by Public Printer.

Printing, binding, and blank-book work authorized by law, which the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1243.) (Note: See *Immigration and Naturalization Service* v. *Chadha* (1983; 462 U.S. 919; 103 S.Ct. 2764) relating to similar legislative veto provisions found unconstitutional.)

1265 § 506. Time for printing documents or reports which include illustrations or maps.

A document or report to be illustrated or accompanied by maps may not be printed by the Public Printer until the illustrations or maps designed for it are ready for publication. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1244.)

1266 § 507. Orders for printing to be acted upon within one year.

An order for public printing may not be acted upon by the Public Printer after the expiration of one year unless the entire copy and illustrations for the work have been furnished within that period. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1244.)

1267 § 508. Annual estimates of quantity of paper required for public printing and binding.

At the beginning of each session of Congress, the Public Printer shall submit to the Joint Committee on Printing estimates of the quantity of paper of all descriptions required for the public printing and binding during the ensuing year. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1244.)

Chapter 7.—CONGRESSIONAL PRINTING AND BINDING

§ 701. "Usual number" of documents and reports; distribution of House and Senate documents and reports; binding; reports on private bills; number of copies printed; distribution.[1] 1268

(a) The order by either House of Congress to print a document or report shall signify the "usual number" of copies for binding and distribution among those entitled to receive them. A greater number may not be printed unless ordered by either House, or as provided by this section. When a special number of a document or report is ordered printed, the usual number shall also be printed, unless already ordered.

(b) The "usual number" of documents and reports shall be one thousand six hundred and eighty-two copies, which shall be printed at one time and distributed as follows:

Of the House documents and reports, unbound.—to the Senate document room, one hundred and fifty copies; to the office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the office of the Clerk of the House of Representatives, twenty copies; to the Library of Congress, ten copies, as provided by section 1718 of this title.

Of the Senate documents and reports, unbound.—to the Senate document room, two hundred and twenty copies; office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the Clerk's office of the House of Representatives, ten copies; to the Library of Congress, ten copies, as provided by section 1718 of this title.

(c) Of the number printed, the Public Printer shall bind a sufficient number of copies for distribution as follows:

Of the House documents and reports, bound.—to the Senate library, fifteen copies; to the Library of Congress, not to exceed one hundred and fifty copies, as provided by section 1718 of this title; to the House of Representatives library, fifteen copies; to the Superintendent of Documents, as many copies as are required for distribution to the State libraries and designated depositories.

Of the Senate documents and reports, bound.—to the Senate library, fifteen copies; to the Library of Congress, copies as provided by sections 1718 and 1719 of this title; to the House of Representatives library, fifteen copies; to the Superintendent of Documents, as many copies as may be required for distribution to State libraries and designated depositories. In binding documents the Public Printer shall give precedence to those that are to be distributed to libraries and to designated depositories. But a State library or designated depository entitled to documents that may prefer to have its documents in unbound form, may do so by notifying the Superintendent of Documents to that effect prior to the convening of each Congress.

(d) The usual number of reports on private bills, concurrent or simple resolutions, may not be printed. Instead there shall be printed of each

[1] The number of copies to be printed or the distribution thereof as specified in sections 701, 706, 713, 721, 723, 726, 906, 1339, and 1718 of title 44, United States Code, have been changed by the Joint Committee on Printing under authority of section 103 of title 44 (Senate Manual section **1257**), or as a result of sequestrations of funds mandated by Pub.L. 99–177, the Balanced Budget and Emergency Deficit Control Act of 1985. For current regulations, consult the Joint Committee on Printing.

Senate report on a private bill, simple or concurrent resolution, in addition to those required to be furnished the Library of Congress, three hundred and forty-five copies, which shall be distributed as follows: to the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies; and of each House report on a private bill, simple or concurrent resolution, in addition to those for the Library of Congress, two hundred and sixty copies, which shall be distributed as follows: to the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies.

This section does not prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries, nor abridge the right of the Vice President, Senators, Representatives, Resident Commissioner, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled. At least twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1246.)

CROSS REFERENCE

Distribution of Government publications to Library of Congress, see section 1718 of this title (Senate Manual section **1323**).

1269 § 702. Extra copies of documents and reports.

Copies in addition to the "usual number" of documents and reports shall be printed promptly when ready for publication, and may be bound in paper or cloth as the Joint Committee on Printing directs. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1247.)

1270 § 703. Printing extra copies.

Orders for printing copies in addition to the "usual number", otherwise than provided for by this section, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of $1,200 by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, unless the resolution is self-appropriating, when it shall be by joint resolution. Resolutions, when presented to either House, shall be referred to the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and extra copies may not be printed before the committee has reported. The printing of additional copies may be performed upon orders of the Joint Committee on Printing within a limit of $700 in cost in any one instance. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1247; Pub.L. 104–186, Title II, § 223(2), Aug. 20, 1996, 110 Stat. 1751.)

1271 § 704. Reprinting bills, laws, and reports from committees not exceeding fifty pages.

When the supply is exhausted, the Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting of not

more than one thousand copies of a pending bill, resolution, or public law, not exceeding fifty pages, or a report from a committee or congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1248.)

§ 705. Duplicate orders to print. **1272**

The Public Printer shall examine the orders of the Senate and House of Representatives for printing, and in case of duplication shall print under the first order received. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1248.)

§ 706. Bills and resolutions: number and distribution.[1] **1273**

There shall be printed of each Senate and House public bill and joint resolution six hundred and twenty-five copies, which shall be distributed as follows:

to the Senate document room, two hundred and twenty-five copies;
to the office of Secretary of Senate, fifteen copies;
to the House document room, three hundred and eighty-five copies.

There shall be printed of each Senate private bill, when introduced, when reported, and when passed, three hundred copies, which shall be distributed as follows:

to the Senate document room, one hundred and seventy copies;
to the Secretary of the Senate, fifteen copies;
to the House document room, one hundred copies;
to the Superintendent of Documents, ten copies.

There shall be printed of each House private bill, when introduced, when reported, and when passed, two hundred and sixty copies, which shall be distributed as follows:

to the Senate document room, one hundred and thirty-five copies;
to the Secretary of the Senate, fifteen copies;
to the House document room, one hundred copies;
to the Superintendent of Documents, ten copies.

Bills and resolutions shall be printed in bill form, and, unless specially ordered by either House shall be printed only when referred to a committee, when favorably reported back, and after their passage by either House.

Of concurrent and simple resolutions, when reported, and after their passage by either House, only two hundred and sixty copies shall be printed, except by special order, and shall be distributed as follows:

to the Senate document room, one hundred and thirty-five copies;
to the Secretary of the Senate, fifteen copies;
to the House document room, one hundred copies;
to the Superintendent of Documents, ten copies. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1248.)

§ 707. Bills and resolutions: style and form. **1274**

Subject to sections 205 and 206 of Title 1, the Joint Committee on Printing may authorize the printing of a bill or resolution, with index and ancillaries, in the style and form the Joint Committee on Printing

[1] See footnote to Senate Manual section **1268**.

considers most suitable in the interest of economy and efficiency, and to so continue until final enactment in both Houses of Congress. The committee may also curtail the number of copies of bills or resolutions, including the slip form of a public Act or public resolution. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1248.)

1275 § 708. Bills and resolutions: binding sets for Congress.

The Public Printer shall bind four sets of Senate and House of Representatives bills, joint and concurrent resolutions of each Congress, two for the Senate and two for the House, to be furnished him from the files of the Senate and House document room, the volumes when bound to be kept there for reference. (Pub.L. 90–620, Oct 22, 1968, 82 Stat. 1249.)

1276 § 709. Public and private laws, postal conventions, and treaties.

The Public Printer shall print in slip form copies of public and private laws, postal conventions, and treaties, to be charged to the congressional allotment for printing and binding. The Joint Committee on Printing shall control the number and distribution of copies. (Pub.L. 90–620, Oct 22, 1968, 82 Stat. 1249.)

1277 § 711. Printing Acts, joint resolutions, and treaties.

The Public Printer, on receiving from the Archivist of the United States a copy of an Act or joint resolution, or from the Secretary of State, a copy of a treaty, shall print an accurate copy and transmit it in duplicate to the Archivist of the United States or to the Secretary of State, as the case may be, for revision. On the return of one of the revised duplicates, he shall make the marked corrections and print the number specified by section 709 of this title. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1249; Pub.L. 98–497, Title I, § 107(b)(1), Oct. 19, 1984, 98 Stat. 2286.)

1278 § 713. Journals of Houses of Congress.[1]

There shall be printed of the Journals of the Senate and House of Representatives eight hundred and twenty copies, which shall be distributed as follows:

to the Senate document room, ninety copies for distribution to Senators, and twenty-five additional copies;

to the Senate library, ten copies;

to the House document room, three hundred and sixty copies for distribution to Members, and twenty-five additional copies;

to the Department of State, four copies;

to the Superintendent of Documents, one hundred and forty-four copies to be distributed to three libraries in each of the States to be designated by the Superintendent of Documents; and

to the library of the House of Representatives, ten copies.

The remaining number of the Journals of the Senate and House of Representatives, consisting of twenty-five copies, shall be furnished to the Secretary of the Senate and the Clerk of the House of Representatives, respectively, as the necessities of their respective offices require, as rapidly as signatures are completed for distribution. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1249; Pub.L. 97–164, § 158, Apr. 2, 1982, 96 Stat. 47.)

[1] See footnote to Senate Manual section **1268**.

§ 714. Printing documents for Congress in two or more editions; printing of full number and allotment of full quota. **1279**

The Joint Committee on Printing shall establish rules to be observed by the Public Printer, by which public documents and reports printed for Congress, or either House, may be printed in two or more editions, to meet the public requirements. The aggregate of the editions may not exceed the number of copies otherwise authorized. This section does not prevent the printing of the full number of a document or report, or the allotment of the full quota to Senators and Representatives, as otherwise authorized, when a legitimate demand for the full complement is known to exist. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1250.)

§ 715. Senate and House documents and reports for Department of State. **1280**

The Public Printer shall print, in addition to the usual number, and furnish the Department of State twenty copies of each Senate and House of Representatives document and report. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1250.)

CROSS REFERENCES

For distribution of House and Senate documents and reports, see sections 701, 1718, and 1719 of this title (Senate Manual sections **1268, 1323,** and **1324**).

§ 716. Printing of documents not provided for by law. **1281**

Either House may order the printing of a document not already provided for by law, when accompanied by an estimate from the Public Printer as to the probable cost. An executive department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall include an estimate of the probable cost of printing to the usual number. This section does not apply to reports or documents not exceeding fifty pages. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1250.)

§ 717. Appropriation chargeable for printing of document or report by order of Congress. **1282**

The cost of the printing of a document or report printed by order of Congress which, under section 1107 of this title, cannot be properly charged to another appropriation or allotment of appropriation already made, upon order of the Joint Committee on Printing, shall be charged to the allotment of appropriation for printing and binding for Congress. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1250.)

§ 718. Lapse of authority to print. **1283**

The authority to print a document or report, or a publication authorized by law to be printed, for distribution by Congress, shall lapse when the whole number of copies has not been ordered within two years from the date of the original order, except orders for subsequent editions, approved by the Joint Committee on Printing, in which case the whole number may not exceed that originally authorized by law. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1250.)

1284 § 719. Classification and numbering of publications ordered printed by Congress; designation of publications of departments; printing of committee hearings.

Publications ordered printed by Congress, or either House, shall be in four series, namely:

one series of reports made by the committees of the Senate, to be known as Senate reports;

one series of reports made by the committees of the House of Representatives, to be known as House reports;

one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents, and

one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House documents.

The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but these provisions do not apply to the documents printed for the use of the Senate in executive session. Of the "usual number", the copies which are intended for distribution to State libraries and other designated depositories of annual or serial publications originating in or prepared by an executive department, bureau, office, commission, or board may not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as provided by section 738 of this title; and the departmental edition, if any, shall be printed concurrently with the "usual number". Hearings of committees may be printed as congressional documents only when specifically ordered by Congress or either House. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1250.)

1285 § 720. Senate and House Manuals.

Each House may order printed as many copies as it desires, of the Senate Manual and of the Rules and Manual of the House of Representatives, even though the cost exceed $500. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1251.)

1286 § 721. Congressional Directory.[1]

(a) There shall be prepared under the direction of the Joint Committee on Printing (1) a Congressional Directory, which shall be printed and distributed as early as practicable during the first session of each Congress and (2) a supplement to each Congressional Directory, which shall be printed and distributed as early as practicable during the second regular session of each Congress. The Joint Committee shall control the number and distribution of the Congressional Directory and each supplement.

(b) One copy of the Congressional Directory delivered to Members of the Senate and the House of Representatives (including Delegates and the Resident Commissioner) shall be bound in cloth and imprinted on the cover with the name of the Member. Copies of the Congressional Directory delivered to depository libraries may be bound in cloth. All other copies of the Congressional Directory shall be bound in paper and names shall not be imprinted thereon, except that copies printed

[1] See footnote to Senate Manual section **1268.**

for sale under section 722 may be bound in cloth. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1251; Pub.L. 95–94, § 404, Aug. 5, 1977, 91 Stat. 682.)

§ 722. Congressional Directory: sale. **1287**

The Public Printer, under the direction of the Joint Committee on Printing, may print the current Congressional Directory for sale at a price sufficient to reimburse the expense of printing. The money derived from sales shall be paid into the Treasury and accounted for in his annual report to Congress, and sales may not be made on credit. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1251.)

§ 723. Memorial addresses: preparation; distribution.[1] **1288**

After the final adjournment of each session of Congress, there shall be compiled, prepared, printed with illustrations, and bound in cloth in one volume, in the style, form, and manner directed by the Joint Committee on Printing, without extra compensation to any employee, the legislative proceedings of Congress and the exercises at the general memorial services held in the House of Representatives during each session relative to the death of a Member of Congress or a former Member of Congress who served as speaker, together with all relevant memorial addresses and eulogies published in the Congressional Record during the same session of Congress, and any other matter the Joint Committee considers relevant; and there shall be printed as many copies as needed to supply the total quantity provided for by this section, of which fifty copies, bound in full morocco, with gilt edges, suitably lettered as may be requested, shall be delivered to the family of the deceased, and the remaining copies shall be distributed as follows:

of all eulogies on deceased Members of Congress to the Vice President and each Senator, Representative, and Resident Commissioner in Congress, one copy;

of the eulogies on deceased Senators there shall be furnished two hundred and fifty copies for each Senator of the State represented by the deceased and twenty copies for each Representative from that State;

of the eulogies on a deceased Representative and Resident Commissioner two hundred and fifty copies for his successor in office; twenty copies for each of the other Representatives, or Resident Commissioner of the State, or insular possession represented by the deceased; and twenty copies for each Senator from that State.

The "usual number" of memorial addresses may not be printed. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1251; Pub.L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959.)

[1] See footnote to Senate Manual section **1268.** Title VIII of Public Law 94–59, § 801, July 25, 1975, 89 Stat. 296, provides in part as follows: "Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of section 723 of title 44 of the United States Code for the printing, publication, and distribution of more than fifty bound eulogies to be delivered to the family of the deceased, and in the case of a deceased Senator or deceased Representative (including Delegates to Congress and the Resident Commissioner from Puerto Rico), there shall be furnished to his successor in office two hundred and fifty copies.".

1289 § 724. Memorial addresses: illustrations.

The illustrations to accompany bound copies of memorial addresses delivered in Congress shall be made at the Bureau of Engraving and Printing and paid for out of the appropriation for that bureau, or, in the discretion of the Joint Committee on Printing, shall be obtained elsewhere by the Public Printer and charged to the allotment for printing and binding for Congress. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1252.)

1290 § 725. Statement of appropriations; "usual number".

Of the statements of appropriations required to be prepared by section 105 of Title 2, there shall be printed, after the close of each regular session of Congress, the usual number of copies. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1252.)

1291 § 726. Printing for committees of Congress.[1]

A Committee of Congress may not procure the printing of more than one thousand copies of a hearing, or other document germane thereto, for its use except by simple, concurrent, or joint resolution, as provided by section 703 of this title. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1252.)

1292 § 727. Committee reports: indexing and binding.

The Secretary of the Senate and the Clerk of the House of Representatives shall procure and file for the use of their respective House copies of all reports made by committees, and at the close of each session of Congress shall have the reports indexed and bound, one copy to be deposited in the library of each House and one copy in the committee from which the report emanates. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1252.)

1293 § 728. United States Statutes at Large: distribution.[2]

The Public Printer, after the final adjournment of each regular session of Congress, shall print and bind copies of the United States Statutes at Large, to be charged to the congressional allotment for printing and binding. The Joint Committee on Printing shall control the number and distribution of the copies.

The Public Printer shall print and, after the end of each calendar year, bind and deliver to the Superintendent of Documents a number of copies of the United States Treaties and Other International Agreements not exceeding the number of copies of the United States Statutes at Large required for distribution in the manner provided by law. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1252.)

1294 § 730. Distribution of documents to Members of Congress.

When, in the division among Senators, and Representatives, of documents printed for the use of Congress there is an apportionment to each or either House in round numbers, the Public Printer may not

[1] See footnote to Senate Manual section **1268**.

[2] Title X of Pub.L. 94–440, § 1000, Oct. 1, 1976, 90 Stat. 1459, provides in part as follows: "Hereafter, notwithstanding any other provisions of law, appropriations for the automatic distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) of copies of the United States Statutes at Large shall not be available with respect to any Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive copies of such document.".

deliver the full number so accredited at the Senate Service Department and House of Representatives Publications Distribution Service, but only the largest multiple of the number constituting the full membership of that House, including the Secretary and Sergeant at Arms of the Senate and Clerk and Sergeant at Arms of the House, which is contained in the round numbers thus accredited to that House, so that the number delivered divides evenly and without remainder among the Members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the Superintendent of Documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of the sets, and, lastly, by sale to other persons; the libraries to be named to him by Senators and Representatives; and in this distribution the Superintendent of Documents, as far as practicable, shall make an equal allowance to each Senator and Representative. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1253; Pub.L. 104–186, Title II, § 223(3), Aug. 20, 1996, 110 Stat. 1751.)

§ 731. Allotments of public documents printed after expiration of terms of Members of Congress; rights of retiring Members to documents. 1295

The Congressional allotment of public documents, other than the Congressional Record, printed after the expiration of the term of office of the Vice President of the United States, or Senator, Representative, or Resident Commissioner, shall be delivered to his successor in office.

Unless the Vice President of the United States, a Senator, Representative, or Resident Commissioner, having public documents to his credit at the expiration of his term of office takes them prior to the 30th day of June next following the date of expiration, he shall forfeit them to his successor in office. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1253.)

§ 732. Time for distribution of documents by Members of Congress extended. 1296

Reelected Members may distribute public documents to their credit, or the credit of their respective districts in the Interior or other Departments and bureaus, and in the Government Printing Office, during their successive terms and until their right to frank documents ends. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1253.)

§ 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress. 1297

The Public Printer on order of a Member of Congress, on prepayment of the cost, may reprint documents and reports of committees together with the evidence papers submitted, or any part ordered printed by the Congress.

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks shall contain in the upper left-hand corner the following words: "Public document. United States Senate" or "House of Representatives U.S." and in upper right-hand corner the letters "U.S.S." or "M.C." Franks may also contain information relating to missing children as provided in section 3220 of title 39. But he may not print any other words except

where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

At the request of a Member of Congress or Resident Commissioner the Public Printer may print upon franks or envelopes used for mailing public documents the facsimile signature of the Member or Resident Commissioner and a special request for return if not called for, and the name of the State or Commonwealth and county and city. The Member or Resident Commissioner shall deposit with his order the extra expense involved in printing these additional words.

The Public Printer may also, at the request of a Member or Resident Commissioner, print on envelopes authorized to be furnished, the name of the Member or Resident Commissioner, and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words.

The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done. He shall account for them in his annual report to Congress. (As amended Pub.L. 93–191, § 8(a), Dec. 18, 1973, 87 Stat. 745; Pub.L. 93–255, § 2(b), Mar. 27, 1974, 88 Stat. 52; Pub.L. 99–87, § 1(c)(2), Aug. 9, 1985, 99 Stat. 291.)

1298 § 734. Stationery and blank books for Congress.

Upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively, the Public Printer shall furnish stationery, blank books, tables, forms, and other necessary papers preparatory to congressional legislation, required for the official use of the Senate and the House of Representatives, or their committees and officers. This does not prevent the purchase by the officers of the Senate and House of Representatives of stationery and blank books necessary for sales to Senators and Members in the stationery rooms of the two Houses as provided by law. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1254.)

1299 § 735. Binding for Senators.[1]

Each Senator is entitled to the binding in half morocco, or material not more expensive, of one copy of each public document to which he is entitled, an account of which shall be kept by the Secretary of the Senate. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1254; Pub.L. 104–186, Title II, § 223(4)(A), Aug. 20, 1996, 110 Stat. 1751.)

1300 § 736. Binding at expense of Members of Congress.

The Public Printer may bind at the Government Printing Office books, maps, charts, or documents published by authority of Congress, upon

[1] The rebinding of clothbound books has been prohibited by the Joint Committee on Printing under authority of section 103 of title 44, United States Code (Senate Manual section **1257**).

Title VIII of Pub.L. 94–59, § 801, July 25, 1975, 89 Stat. 296, provides in part as follows: "Hereafter, notwithstanding any other provisions of law, appropriations for the binding of copies of public documents by Committees for distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) shall not be available for a Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive bound copies of any such documents.".

application of a Member of Congress, and payment of the actual cost of binding. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1254.)

§ 737. Binding for Senate library.[1] **1301**

The Secretary of the Senate may make requisition upon the Public Printer for the binding for the Senate library of books he considers necessary, at a cost not to exceed $200 per year. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1254.)

§ 738. Binding of publications for distribution to libraries. **1302**

The Public Printer shall supply the Superintendent of Documents with sufficient copies of publications distributed in unbound form, to be bound and distributed to the State libraries and other designated depositories for their permanent files. Every publication of sufficient size on any one subject shall be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The library edition, as well as all other bound sets of congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1254.)

§ 739. Senate and House document rooms; superintendents. **1303**

There shall be one document room of the Senate and one of the House of Representatives, to be designated, respectively, the "Senate and House document room." Each shall be in charge of a superintendent, who shall be appointed by the Secretary of the Senate and the Clerk of the House, respectively, together with the necessary assistants. The Senate document room shall be under the jurisdiction of the Secretary of the Senate. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1254; Pub.L. 104–186, Title II, § 223(5), Aug. 20, 1996, 110 Stat. 1751.)

§ 740. Senate Service Department and House Publications Distribution Service; superintendents. **1304**

There shall be a Senate Service Department and a House of Representatives Publications Distribution Service in the charge of superintendents, appointed respectively by the Sergeant at Arms of the Senate and Chief Administrative Officer of the House of Representatives, together with the necessary assistants. Reports or documents to be distributed for the Senators and Representatives shall be folded and distributed from the Senate Service Department and House of Representatives Publications Distribution Service, unless otherwise ordered, and the respective superintendent shall notify each Senator and Representative in writing once every sixty days of the number and character of publications on hand and assigned to him for use and distribution. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1255; Pub.L. 104–186, Title II, § 223(6), Aug. 20, 1996, 110 Stat. 1751.)

§ 741. Disposition of documents stored at Capitol. **1305**

The Secretary and Sergeant at Arms of the Senate and the Clerk and Doorkeeper of the House of Representatives, at the convening in regular session of each successive Congress shall cause an invoice to be made of public documents stored in and about the Capitol, other

[1] The ceiling of $200 per year for binding for the Senate library has been removed by the Joint Committee on Printing under authority of section 103 of title 44, United States Code (Senate Manual section **1257**).

than those belonging to the quota of Members of Congress, to the Library of Congress and the Senate and House libraries and document rooms. The superintendents of the Senate Service Department and House of Representatives Publications Distribution Service shall put the documents to the credit of Senators and Representatives in quantities equal in the number of volumes and as nearly as possible in value, to each Member of Congress, and the documents shall be distributed upon the orders of Senators and Representatives, each of whom shall be supplied by the superintendents of the Senate Service Department and House of Representatives Publications Distribution Service with a list of the number and character of the publications thus put to his credit, but before apportionment is made copies of any of these documents desired for the use of a committee of either House shall be delivered to the chairman of the committee.

Four copies of leather-bound documents shall be reserved and carefully stored, to be used in supplying deficiencies in the Senate and House libraries caused by wear or loss. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1255.)

Chapter 9.—CONGRESSIONAL RECORD

1306 § 901. Congressional Record: arrangement, style, contents, and indexes.

The Joint Committee on Printing shall control the arrangement and style of the Congressional Record, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk. It shall provide for the publication of an index of the Congressional Record semimonthly during and at the close of sessions of Congress. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1255.)

1307 § 902. Congressional Record: indexes.

The Public Printer shall prepare the semimonthly and the session index to the Congressional Record. The Joint Committee on Printing shall direct the form and manner of its publication and distribution. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1256; Pub.L. 108–102, § 1(a), Oct. 29, 2003, 117 Stat. 1198.)

1308 § 903. Congressional Record: daily and permanent forms.

The public proceedings of each House of Congress as reported by the Official Reporters, shall be printed in the Congressional Record, which shall be issued in daily form during each session and shall be revised, printed, and bound promptly, as directed by the Joint Committee on Printing, in permanent form, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The "usual number" of the Congressional Record may not be printed. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1256.)

1309 § 904. Congressional Record: maps; diagrams; illustrations.

Maps, diagrams, or illustrations may not be inserted in the Record without the approval of the Joint Committee on Printing. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1256.)

§ 905. Congressional Record: additional insertions. **1310**

The Joint Committee on Printing shall provide for printing in the daily Record the legislative program for the day together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter. It shall cause a brief résumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1256.)

§ 906. Congressional Record: gratuitous copies; delivery.[1] **1311**

The Public Printer shall furnish the Congressional Record only as follows:

of the bound edition—

to the Senate Service Department five copies for the Vice President and each Senator;

to the Secretary and Sergeant at Arms of the Senate, each, two copies;

to the Joint Committee on Printing not to exceed one hundred copies;

to the House of Representatives Publications Distribution Service, three copies for each Representative and Resident Commissioner in Congress; and

to the Clerk and Sergeant at Arms of the House of Representatives, each, two copies;

of the daily edition—

to the Vice President, one hundred copies;

to each Senator, fifty copies (which may be transferred only to public agencies and institutions);

to the Secretary and Sergeant at Arms of the Senate, each, twenty-five copies;

to the Secretary, for official use, not to exceed thirty-five copies; and

to the Sergeant at Arms for use on the floor of the Senate, not to exceed fifty copies;

to each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands, thirty-four copies (which may be transferred only to public agencies and institutions);

to the Clerk and Sergeant at Arms of the House of Representatives, each, twenty-five copies;

to the Clerk, for official use, not to exceed fifty copies, and to the Clerk for use on the floor of the House of Representatives, not to exceed seventy-five copies;

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress (and not transferable) three copies

[1] Pub.L. 93–145, Nov. 1, 1973, 87 Stat. 546, provides in part as follows: "Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of the Act of October 22, 1968 (44 U.S.C. 906) for the printing, publication, and distribution of more than one copy of the bound permanent editions of the Congressional Record for the Vice President and each Member of the Senate and House of Representatives.".

of which one shall be delivered at his residence, one at his office and one at the Capitol.

In addition to the foregoing the Congressional Record shall also be furnished as follows:

In unstitched form, and held in reserve by the Public Printer, as many copies of the daily Record as may be required to supply a semimonthly edition, bound in paper cover together with each semimonthly index when it is issued, and then be delivered promptly as follows:

to each committee and commission of Congress, one daily and one semimonthly copy;

to each joint committee and joint commission in Congress, as may be designated by the Joint Committee on Printing, two copies of the daily, one semimonthly copy, and one bound copy;

to the Secretary and the Sergeant at Arms of the Senate, for office use, each, six semimonthly copies;

to the Clerk and Sergeant at Arms of the House, for office use, each, six semimonthly copies;

to the Joint Committee on Printing, ten semimonthly copies;

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress, one semimonthly copy;

to the President of the United States, for the use of the Executive Office, ten copies of the daily, two semimonthly copies, and one bound copy;

to the Chief Justice of the United States and each of the Associate Justices of the Supreme Court of the United States, one copy of the daily;

to the offices of the marshal and clerk of the Supreme Court of the United States, each, two copies of the daily and one semimonthly copy;

to each United States circuit and district judge, and to the chief judge and each associate judge of the United States Court of Federal Claims, the United States Court of International Trade, the Tax Court of the United States, the United States Court of Appeals for Veterans Claims, and the United States Court of Appeals for the Armed Forces, upon request to a Member of Congress and notification by the Member to the Public Printer, one copy of the daily, in addition to those authorized to be furnished to Members of Congress under the preceding provisions of this section;

to the offices of the Vice President and the Speaker of the House of Representatives, each, six copies of the daily and one semimonthly copy;

to the Sergeant at Arms, the Chaplain, the Postmaster, the superintendent and the foreman of the Senate Service Department and of the House of Representatives Publications Distribution Service, respectively; and to the Secretaries to the Majority and the Minority of the Senate, each, one copy of the daily;

to the office of the Parliamentarian of the House of Representatives, six copies of the daily, one semimonthly copy, and two bound copies;

to the offices of the Official Reporters of Debates of the Senate and House of Representatives, respectively, each, fifteen copies of the daily, one semimonthly copy, and three bound copies;

to the office of the stenographers to committees of the House of Representatives, four copies of the daily and one semimonthly copy;

to the office of the Congressional Record Index, ten copies of the daily and two semimonthly copies;

to the offices of the superintendent of the Senate and House document rooms, each, three copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the superintendents of the Senate and House press galleries, each, two copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the Legislative Counsel of the Senate and House of Representatives, respectively, and the Architect of the Capitol, each, three copies of the daily, one semimonthly copy, and one bound copy;

to the Library of Congress for official use in Washington, District of Columbia, and for international exchange, as provided by sections 1718 and 1719 of this title, not to exceed one hundred and forty-five copies of the daily, five semimonthly copies, and one hundred and fifty bound copies;

to the library of the Senate, three copies of the daily, two semimonthly copies, and not to exceed fifteen bound copies;

to the library of the House of Representatives, five copies of the daily, two semimonthly copies, and not to exceed twenty-eight bound copies, of which eight copies may be bound in the style and manner approved by the Joint Committee on Printing;

to the library of the Supreme Court of the United States, two copies of the daily, two semimonthly copies, and not to exceed five bound copies;

to the library of each United States Court of Appeals, each United States District Court, the United States Court of Federal Claims, the United States Court of International Trade, the Tax Court of the United States, the United States Court of Appeals for Veterans Claims, and the United States Court of Appeals for the Armed Forces, upon request to the Public Printer, one copy of the daily, one semimonthly copy, and one bound copy;

to the Public Printer for official use, not to exceed seventy-five copies of the daily, ten semimonthly copies, and two bound copies;

to the Director of the Botanic Garden, two copies of the daily and one semimonthly copy;

to the Archivist of the United States, five copies of the daily, two semimonthly copies, and two bound copies;

to the library of each executive department, independent office, and establishment of the Government in the District of Columbia, except those designated as depository libraries, and to the libraries of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, two copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the Governors of Puerto Rico, Guam and the Virgin Islands, each, five copies in both daily and bound form;

to the office of the Governor of the Canal Zone, five copies in both daily and bound form;

to each ex-President and ex-Vice President of the United States, one copy of the daily;

to each former Senator, Representative, and Commissioner from Puerto Rico, upon request to the Public Printer, one copy of the daily;

to the governor of each State, one copy in both daily and bound form;

to each separate establishment of the Armed Forces Retirement Home, to each of the National Homes for Disabled Volunteer Soldiers, and to each of the State soldiers' homes, one copy of the daily;

to the Superintendent of Documents, as many daily and bound copies as may be required for distribution to depository libraries;

to the Department of State, not to exceed one hundred and fifty copies of the daily, for distribution to each United States embassy and legation abroad, and to the principal consular offices in the discretion of the Secretary of State;

to each foreign legation in Washington whose government extends a like courtesy to our embassies and legations abroad, one copy of the daily, to be furnished upon requisition of and sent through the Secretary of State;

to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application, for his personal use and that of the papers he represents, one copy of the daily and one copy of the bound, the same to be sent to the office address of the member of the press or elsewhere as he directs; not to exceed four copies in all may be furnished to members of the same press bureau.

Copies of the daily edition, unless otherwise directed by the Joint Committee on Printing, shall be supplied and delivered promptly on the day after the actual day's proceedings as originally published. Each order for the daily Record shall begin with the current issue, if previous issues of the same session are not available. The apportionment specified for daily copies may not be transferred for the bound form and an allotment of daily copies not used by a Member during a session shall lapse when the session ends. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1256; Pub.L. 91–276, June 12, 1970, 84 Stat. 303; Pub.L. 92–373, Aug. 10, 1972, 86 Stat. 528; Pub.L. 93–314, § 1(b), June 8, 1974, 88 Stat. 239; Pub.L. 95–94, § 407(a), Aug. 5, 1977, 91 Stat. 683; Pub.L. 96–417, Title VI, § 601(11), Oct. 10, 1980, 94 Stat. 1744; Pub.L. 97–164, § 164(2), Apr. 2, 1982, 96 Stat. 50; Pub.L. 101–510, Title XV, §§ 1533(c)(3), 1541(a), Nov. 5, 1990, 104 Stat. 1736; Pub.L. 102–82, § 6, Aug. 6, 1991, 105 Stat. 337; Pub.L. 103–337, § 924(d)(1)(D), Oct. 5, 1994, 108 Stat. 2832; Pub.L. 104–186, Title II, § 223(7), Aug. 20, 1996, 110 Stat. 1751; Pub.L. 105–368, § 512(b)(1)(C), Nov. 11, 1998, 112 Stat. 3342.)

1312 § 907. Congressional Record: extracts for Members of Congress; mailing envelopes.

The Public Printer may print and deliver, upon the order of a Member of Congress and payment of the cost, extracts from the Congressional Record. The Public Printer may furnish without cost to Members and the Resident Commissioner, envelopes, ready for mailing the Congressional Record or any part of it, or speeches, or reports in it, if such part, speeches, or reports are mailable as franked mail under section

3210 of title 39. Envelopes so furnished shall contain in the upper left-hand corner the following words: "United States Senate" or "House of Representatives, U.S. Part of Congressional Record", and in the upper right-hand corner the letters "U.S.S." or "M.C.", and the Public Printer may, at the request of a Member or Resident Commissioner, print in addition to the foregoing, his name and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words. He may not print any other words on envelopes, except at the personal expense of the Member or Resident Commissioner ordering the envelopes, except to affix the official title of a document. The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1259; Pub.L. 93–191, § 8(b), Dec. 18, 1973, 87 Stat. 745; Pub.L. 93–255, § 2(c), Mar. 27, 1974, 88 Stat. 52.)

§ 908. Congressional Record: payment for printing extracts or other documents. 1313

If a Member or Resident Commissioner fails to pay the cost of printing extracts from the Congressional Record or other documents ordered by him to be printed, the Public Printer shall certify the amount due to the Chief Administrative Officer of the House of Representatives or the financial clerk of the Senate, as the case may be, who shall deduct from any salary due the delinquent the amount, or as much of it as the salary due may cover, and pay the amount so obtained to the Public Printer, to be applied by him to the satisfaction of the indebtedness. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1260; Pub.L. 104–186, Title II, § 223(8), Aug. 20, 1996, 110 Stat. 1752.)

§ 910. Congressional Record: subscriptions; sale of current, individual numbers, and bound sets; postage rate. 1314

(a) Under the direction of the Joint Committee, the Public Printer may sell—

(1) subscriptions to the daily Record; and

(2) current, individual numbers, and bound sets of the Congressional Record.

(b) The price of a subscription to the daily Record and of current, individual numbers, and bound sets shall be determined by the Public Printer based upon the cost of printing and distribution. Any such price shall be paid in advance. The money from any such sale shall be paid into the Treasury and accounted for in the Public Printer's annual report to Congress.

(c) The Congressional Record shall be entitled to be mailed at the same rates of postage at which any newspaper or other periodical publication, with a legitimate list of paid subscribers, is entitled to be mailed. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1260; Pub.L. 93–314, § 1(a), June 8, 1974, 88 Stat. 239.)

Chapter 11.—EXECUTIVE AND JUDICIARY PRINTING AND BINDING

1315 § 1104. Restrictions on use of illustrations.

Appropriations made for printing and binding may not be used for an illustration, engraving, or photograph in a document or report ordered printed by Congress unless the order to print expressly authorizes it, nor in a document or report of an executive department, independent office or establishment of the Government until the head of the executive department or Government establishment certifies in a letter transmitting the report that the illustration, engraving, or photograph is necessary and relates entirely to the transaction of public business. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1261.)

Chapter 13.—PARTICULAR REPORTS AND DOCUMENTS

1316 § 1301. Agriculture, Department of: report of Secretary.

The annual report of the Secretary of Agriculture shall be submitted and printed in two parts, as follows:

part 1, containing purely business and executive matter necessary for the Secretary to submit to the President and Congress;

part 2, reports from the different bureaus and divisions, and papers prepared by their special agents, accompanied by suitable illustrations as are, in the opinion of the Secretary, specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the department for their information.

In addition to the usual number, there shall be printed of part 1, one thousand copies for the Senate, two thousand copies for the House of Representatives, and three thousand copies for the Department of Agriculture; and of part 2, one hundred and ten thousand copies for the use of the Senate, three hundred and sixty thousand copies for the use of the House of Representatives, and thirty thousand copies for the use of the Department of Agriculture, the illustrations for part 2 to be subject to the approval of the Secretary of Agriculture, and executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, and the title of each of the parts shall show that each part is complete in itself. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1265.)

1317 § 1326. Librarian of Congress: reports.

Five thousand copies of the annual and special reports of the Librarian of Congress submitted to Congress, shall be printed and bound in cloth for the Library of Congress. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1270.)

1318 § 1339. Printing of the President's message.[1]

The message of the President without the accompanying documents and reports shall be printed in pamphlet form, immediately upon its receipt by Congress. In addition to the usual number, fifteen thousand

[1] See footnote to Senate Manual section **1268.**

copies shall be printed, of which five thousand shall be for the Senate, and ten thousand for the House of Representatives.

In addition to the usual number of the President's message and accompanying documents, there shall be printed one thousand copies for the Senate and two thousand for the House of Representatives. The President's message shall be delivered by the printer to the appropriate officers of each House of Congress on or before the third Wednesday next after the meeting of Congress, or as soon after as may be practicable. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1272.)

Chapter 17.—DISTRIBUTION AND SALE OF PUBLIC DOCUMENTS

§ 1705. Printing additional copies for sale to public; regulations. 1319

The Public Printer shall print additional copies of a Government publication, not confidential in character, required for sale to the public by the Superintendent of Documents, subject to regulation by the Joint Committee on Printing and without interference with the prompt execution of printing for the Government. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1279.)

§ 1706. Printing and sale of extra copies of documents. 1320

The Public Printer shall furnish to applicants giving notice before the matter is put to press, not exceeding two hundred and fifty to any one applicant, copies of bills, reports, and documents. The applicants shall pay in advance the price of the printing. The printing of these copies for private parties may not interfere with the printing for the Government. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1279.)

§ 1710. Index of documents: number and distribution. 1321

The Superintendent of Documents, at the close of each regular session of Congress, shall prepare and publish a comprehensive index of public documents, upon a plan approved by the Joint Committee on Printing. The Public Printer shall, immediately upon its publication, deliver to him a copy of every document printed by the Government Printing Office. The head of each executive department, independent agency and establishment of the Government shall deliver to him a copy of every document issued or published by the department, bureau, or office not confidential in character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index single volumes of documents as the Joint Committee on Printing directs. Two thousand copies each of the comprehensive index and of the consolidated index shall be printed and bound in addition to the usual number, two hundred for the Senate, eight hundred for the House of Representatives and one thousand for distribution by the Superintendent of Documents. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1280.)

§ 1715. Publications for department or officer or for congressional committees. 1322

When printing not bearing a congressional number, except confidential matter, blank forms, and circular letters not of a public character, is done for a department or officer of the Government, or not of a confidential character, is done for use of congressional committees, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House of Representatives libraries, respec-

tively, and one copy each to the document rooms of the Senate and House of Representatives, for reference; and these copies may not be removed. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1281.)

1323 § 1718. Distribution of Government publications to the Library of Congress.[1]

There shall be printed and furnished to the Library of Congress for official use in the District of Columbia not to exceed twenty-five copies of:

House documents and reports, bound;
Senate documents and reports, bound;
Senate and House journals, bound;
public bills and resolutions;
the United States Code and supplements, bound; and
all other publications and maps which are printed, or otherwise reproduced, under authority of law, upon the requisition of a Congressional committee, executive department, bureau, independent office, establishment, commission, or officer of the Government.

Confidential matter, blank forms, and circular letters not of a public character shall be excepted.

In addition, there shall be delivered as printed to the Library of Congress:

ten copies of each House document and report, unbound;
ten copies of each Senate document and report, unbound; and
ten copies of each private bill and resolution and fifty copies of the laws in slip form. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1282; Pub.L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.)

1324 § 1719. International exchange of Government publications.

For the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, and proclaimed by the President of the United States on January 15, 1889, there shall be supplied to the Superintendent of Documents not to exceed one hundred and twenty-five copies each of all Government publications, including the daily and bound copies of the Congressional Record, for distribution to those foreign governments which agree, as indicated by the Library of Congress, to send to the United States similar publications of their governments for delivery to the Library of Congress. Confidential matter, blank forms, circular letters not of a public character, publications determined by their issuing department, office, or establishment to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value, and publications classified for reasons of national security shall be exempted from this requirement. The printing, binding, and distribution costs of any publication distributed in accordance with this section shall be charged to appropriations provided to the Superintendent of Documents for that purpose. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1282; Pub.L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189; 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 July 11, 1987, Pub.L. 100–71, Title I, 101 Stat. 425.)

[1] See footnote to Senate Manual section **1268.**

Chapter 19.—DEPOSITORY LIBRARY PROGRAM

§ 1901. Definition of Government publication. 1325

"Government publication" as used in this chapter, means informational matter which is published as an individual document at Government expense, or as required by law. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1283.)

§ 1902. Availability of Government publications through Superintendent of Documents; lists of publications not ordered from Government Printing Office. 1326

Government publications, except those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information. Each component of the Government shall furnish the Superintendent of Documents a list of such publications it issued during the previous month, that were obtained from sources other than the Government Printing Office. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1283.)

§ 1903. Distribution of publications to depositories; notice to Government components; cost of printing and binding. 1327

Upon request of the Superintendent of Documents, components of the Government ordering the printing of publications shall either increase or decrease the number of copies of publications furnished for distribution to designated depository libraries and State libraries so that the number of copies delivered to the Superintendent of Documents is equal to the number of libraries on the list. The number thus delivered may not be restricted by any statutory limitation in force on August 9, 1962. Copies of publications furnished the Superintendent of Documents for distribution to designated depository libraries shall include—

the journals of the Senate and House of Representatives;

all publications, not confidential in character, printed upon the requisition of a congressional committee;

Senate and House public bills and resolutions; and

reports on private bills, concurrent or simple resolutions;

but not so-called cooperative publications which must necessarily be sold in order to be self-sustaining.

The Superintendent of Documents shall currently inform the components of the Government ordering printing of publications as to the number copies of their publications required for distribution to depository libraries. The cost of printing and binding those publications distributed to depository libraries obtained elsewhere than from the Government Printing Office, shall be borne by components of the Government responsible for their issuance; those requisitioned from the Government Printing Office shall be charged to appropriations provided the Superintendent of Documents for that purpose. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1283.)

1328 § 1904. Classified list of Government publications for selection by depositories.

The Superintendent of Documents shall currently issue a classified list of Government publications in suitable form, containing annotations of contents and listed by item identification numbers to facilitate the selection of only those publications needed by depository libraries. The selected publications shall be distributed to depository libraries in accordance with regulations of the Superintendent of Documents, as long as they fulfill the conditions provided by law. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1284.)

1329 § 1905. Distribution to depositories; designation of additional libraries; justification; authorization for certain designations.

The Government publications selected from lists prepared by the Superintendent of Documents, and when requested from him, shall be distributed to depository libraries specifically designated by law and to libraries designated by Senators, Representatives, and the Resident Commissioner from Puerto Rico, by the Commissioner of the District of Columbia, and by the Governors of Guam, American Samoa, and the Virgin Islands, respectively. Additional libraries within areas served by Representatives or the Resident Commissioner from Puerto Rico may be designated by them to receive Government publications to the extent that the total number of libraries designated by them does not exceed two within each area. Not more than two additional libraries within a State may be designated by each Senator from the State. Before an additional library within a State, congressional district or the Commonwealth of Puerto Rico is designated as a depository for Government publications, the head of that library shall furnish his Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be, with justification of the necessity for the additional designation. The justification, which shall also include a certification as to the need for the additional depository library designation, shall be signed by the head of every existing depository library within the congressional district or the Commonwealth of Puerto Rico or by the head of the library authority of the State or the Commonwealth of Puerto Rico, within which the additional depository library is to be located. The justification for additional depository library designations shall be transmitted to the Superintendent of Documents by the Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be. The Commissioner of the District of Columbia may designate two depository libraries in the District of Columbia, the Governor of Guam and the Governor of American Samoa may each designate one depository library in Guam and American Samoa, respectively, and the Governor of the Virgin Islands may designate one depository library on the island of Saint Thomas and one on the island of Saint Croix. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1284.)

1330 § 1906. Land-grant colleges constituted depositories.

Land-grant colleges are constituted depositories to receive Government publications subject to the depository laws. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1284.)

§ 1909. Requirements of depository libraries; reports on conditions; investigations; termination; replacement. 1331

Only a library able to provide custody and service for depository materials and located in an area where it can best serve the public need, and within an area not already adequately served by existing depository libraries may be designated by Senators, Representatives, the Resident Commissioner from Puerto Rico, the Commissioner of the District of Columbia, or the Governors of Guam, American Samoa, or the Virgin Islands as a depository of Government publications. The designated depository libraries shall report to the Superintendent of Documents at least every two years concerning their condition.

The Superintendent of Documents shall make firsthand investigation of conditions for which need is indicated and include the results of investigations in his annual report. When he ascertains that the number of books in a depository library is below ten thousand, other than Government publications, or it has ceased to be maintained so as to be accessible to the public, or that the Government publications which have been furnished the library have not been properly maintained, he shall delete the library from the list of depository libraries if the library fails to correct the unsatisfactory conditions within six months. The Representative or the Resident Commissioner from Puerto Rico in whose area the library is located or the Senator who made the designation, or a successor of the Senator, and, in the case of a library in the District of Columbia, the Commissioner of the District of Columbia, and in the case of a library in Guam, American Samoa, or the Virgin Islands, the Governor, shall be notified and shall then be authorized to designate another library within the area served by him, which shall meet the conditions herein required, but which may not be in excess of the number of depository libraries authorized by law within the State, district, territory, or the Commonwealth of Puerto Rico, as the case may be. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1285.)

§ 1910. Designations of replacement depositories; limitations on numbers; conditions. 1332

The designation of a library to replace a depository library, other than a depository library specifically designated by law, may be made only within the limitations on total numbers specified by section 1905 of this title, and only when the library to be replaced ceases to exist, or when the library voluntarily relinquishes its depository status, or when the Superintendent of Documents determines that it no longer fulfills the conditions provided by law for depository libraries. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1286.)

§ 1912. Regional depositories; designation; functions; disposal of publications. 1333

Not more than two depository libraries in each State and the Commonwealth of Puerto Rico may be designated as regional depositories, and shall receive from the Superintendent of Documents copies of all new and revised Government publications authorized for distribution to depository libraries. Designation of regional depository libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them, after approval by the head of the library authority of the State or the Commonwealth of Puerto Rico, as the case may be, who shall first ascertain from the head of the

library to be so designated that the library will, in addition to fulfilling the requirements for depository libraries, retain at least one copy of all Government publications either in printed or microfacsimile form (except those authorized to be discarded by the Superintendent of Documents); and within the region served will provide interlibrary loan, reference service, and assistance for depository libraries in the disposal of unwanted Government publications. The agreement to function as a regional depository library shall be transmitted to the Superintendent of Documents by the Senator or the Resident Commissioner from Puerto Rico when the designation is made.

The libraries designated as regional depositories may permit depository libraries, within the areas served by them, to dispose of Government publications which they have retained for five years after first offering them to other depository libraries within their area, then to other libraries. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1286.)

1334 § 1914. Implementation of depository library program by Public Printer.

The Public Printer, with the approval of the Joint Committee on Printing,3 as provided by section 103 of this title, may use any measures he considers necessary for the economical and practical implementation of this chapter. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1287.)

1335 § 1915. Highest State appellate court libraries as depository libraries.

Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library. The provisions of section 1911 of this title shall not apply to any library so designated. (Pub.L. 92–368, Aug. 10, 1972, § 1(a), 86 Stat. 507.)

1336 § 1916. Designation of libraries of accredited law schools as depository libraries.

(a) Upon the request of any accredited law school, the Public Printer shall designate the library of such law school as a depository library. The Public Printer may not make such designation unless he determines that the library involved meets the requirements of this chapter, other than those requirements of the first undesignated paragraph of section 1909 of this title which relate to the location of such library.

(b) For purposes of this section, the term "accredited law school" means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner of Education for such purpose or accredited by the highest appellate court of the State in which the law school is located. (Pub.L. 95–261, § 1, April 17, 1978, 92 Stat. 199.)

Chapter 21.—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

1337 § 2112. Presidential archival depository.

(a)(1) When the Archivist considers it to be in the public interest, the Archivist may—

(A)(i) accept, for and in the name of the United States, land, a facility, and equipment offered as a gift to the United States for the purpose of creating a Presidential archival depository;

(ii) take title to the land, facility, and equipment on behalf of the United States; and

(iii) maintain, operate, and protect the land, facility, and equipment as a Presidential archival depository and as part of the national archives system; * * *

(3) Prior to accepting and taking title to any land, facility, or equipment under subparagraph (A) of paragraph (1), or prior to entering into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository, the Archivist shall submit a written report on the proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

(A) a description of the land, facility, and equipment offered as a gift or to be made available without transfer of title;

(B) a statement specifying the estimated total cost of the proposed depository and the amount of the endowment for the depository required pursuant to subsection (g) of this section;

(C) a statement of the terms of the proposed agreement, if any;

(D) a general description of the types of papers, documents, or other historical materials proposed to be deposited in the depository to be created, and of the terms of the proposed deposit;

(E) a statement of any additional improvements and equipment associated with the development and operation of the depository, an estimate of the costs of such improvements and equipment, and a statement as to the extent to which such costs will be incurred by any Federal or State government agency;

(F) an estimate of the total annual cost to the United States of maintaining, operating, and protecting the depository; and

(G) a certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.

(4) Prior to accepting any gift under subparagraph (C) of paragraph (1) for the purpose of making any physical or material change or addition to a Presidential archival depository, or prior to implementing any provision of law requiring the making of such a change or addition, the Archivist shall submit a report in writing on the proposed change or addition to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

(A) a description of such gift;

(B) a statement specifying the estimated total cost of the proposed physical or material change or addition and the amount of the deposit in an endowment for the depository required pursuant to subsection (g) of this section in order to meet the cost of such change or addition;

(C) a statement of the purpose of the proposed change or addition and a general description of any papers, documents, or historical materials proposed to be deposited in the depository as a result of such change or addition;

(D) a statement of any additional improvements or equipment for the depository associated with such change or addition;

(E) an estimate of the increase in the total annual cost to the United States of maintaining, operating, and protecting the depository that will result from such change or addition; and

(F) a certification that the depository, and the equipment therein will, after such change or addition, comply with the standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.

(5) The Archivist may not—

(A) accept or take title to land, a facility, or equipment under subparagraph (A) of paragraph (1) for the purpose of creating a Presidential archival depository;

(B) enter into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository; or

(C) accept any gift under subparagraph (C) of such paragraph for the purpose of making any physical or material change to a Presidential archival depository, until the expiration of a period of 60 days of continuous session of Congress beginning on the date on which the Archivist transmits the report required under paragraph (3) of this subsection with respect to such Presidential archival depository or the report required under paragraph (4) of this subsection with respect to such change or addition, as the case may be.

(b) When the Archivist considers it to be in the public interest, he may deposit in a Presidential archival depository papers, documents, or other historical materials accepted under section 2111 of this title, or Federal records appropriate for preservation.

(c) When the Archivist considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Archivist, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2111 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in a Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Archivist may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository. Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title.

(d) When the Archivist considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual

to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Archivist considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space or for the occasional, non-official use of rooms and spaces (and services related to such use), in a Presidential archival depository.

(f) When the Archivist considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g)(1) When the Archivist considers it to be in the public interest, the Archivist may solicit and accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into an account in the National Archives Trust Fund and shall be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, and for the same purposes and objects, including custodial and administrative services for which appropriations for the maintenance, operation, protection, or improvement of Presidential archival depositories might be expended.

(2) The Archivist shall provide for the establishment in such Trust Fund of separate endowments for the maintenance of the land, facility, and equipment of each Presidential archival depository, to which shall be credited any gifts or bequests received under paragraph (1) that are offered for that purpose. Income to each such endowment shall be available to cover the cost of facility operations, but shall not be available for the performance of archival functions under this title.

(3) The Archivist shall not accept or take title to any land, facility, or equipment under subparagraph (A) of subsection (a)(1), or enter into any agreement to use any land, facility, or equipment under subparagraph (B) of such subsection for the purpose of creating a Presidential archival depository, unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this subsection in an endowment with respect to such depository, an amount for the purpose of maintaining such land, facility, and equipment equal to—

(A) the product of—

(i) the total cost of acquiring or constructing such facility and of acquiring and installing such equipment, multiplied by

(ii) 20 percent; plus

(B)(i) if title to the land is to be vested in the United States, the product of—

(I) the total cost of acquiring the land upon which such facility is located, or such other measure of the value of such land as is mutually agreed upon by the Archivist and the donor, multiplied by

(II) 20 percent; or

(ii) if title to the land is not to be vested in the United States, the product of—

(I) the total cost to the donor of any improvements to the land upon which such facility is located (other than such facility and equipment), multiplied by

(II) 20 percent; plus

(C) if the Presidential archival depository will exceed 70,000 square feet in area, an amount equal to the product of—

(i) the sum of—

(I) the total cost described in clause (i) of subparagraph (A); plus

(II) the total cost described in subclause (I) or (II) of subparagraph (B)(i), as the case may be, multiplied by

(ii) the percentage obtained by dividing the number of square feet by which such depository will exceed 70,000 square feet by 70,000.

(4) If a proposed physical or material change or addition to a Presidential archival depository would result in an increase in the costs of facility operations, the Archivist may not accept any gift under subparagraph (C) of paragraph (1) for the purpose of making such a change or addition, or may not implement any provision of law requiring the making of such a change or addition, unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this subsection in an endowment with respect to such depository, an amount for the purpose of maintaining the land, facility, and equipment of such depository equal to the difference between—

(A) the amount which, pursuant to paragraph (3) of this subsection, would have been required to have been available for deposit in such endowment with respect to such depository if such change or addition had been included in such depository on—

(i) the date on which the Archivist took title to the land, facility, and equipment for such depository under subparagraph (A) of subsection (a)(1); or

(ii) the date on which the Archivist entered into an agreement for the creation of such depository under subparagraph (B) of such paragraph, as the case may be; minus

(B) the amount which, pursuant to paragraph (3) of this subsection, was required to be available for deposit in such endowment with respect to such depository on the date the Archivist took such title or entered into such agreement, as the case may be.

(5)(A) Notwithstanding paragraphs (3) and (4) (to the extent that such paragraphs are inconsistent with this paragraph), this subsection shall be administered in accordance with this paragraph with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Presidential records pertaining to any President who takes the oath of office as President for the first time on or after July 1, 2002.

(B) For purposes of subparagraphs (A)(ii), (B)(i)(II), and (B)(ii)(II) of paragraph (3) the percentage of 40 percent shall apply instead of 20 percent.

(C)(i) In this subparagraph, the term "base endowment amount" means the amount of the endowment required under paragraph (3).

(ii)(I) The Archivist may give credits against the base endowment amount if the Archivist determines that the proposed Presidential archival depository will have construction features or equipment that are

expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

(II) The features and equipment described under subclause (I) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

(III) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the base endowment amount.

(D)(i) In calculating the additional endowment amount required under paragraph (4), the Archivist shall take into account credits given under subparagraph (C), and may also give credits against the additional endowment amount required under paragraph (4), if the Archivist determines that construction features or equipment used in making or equipping the physical or material change or addition are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

(ii) The features and equipment described under clause (i) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

(iii) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the additional endowment amount required under paragraph (4). (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1289, § 2108; Pub.L. 94–575, § 4(a), Oct. 21, 1976, 90 Stat. 2727; Pub.L. 95–591, § 2(b)(3), Nov. 4, 1978, 92 Stat. 2528; renumbered § 2112 and amended Pub.L. 98–497, Title I, §§ 102(a)(1), 107(a)(6), Oct. 19, 1984, 98 Stat. 2280, 2286; Pub.L. 99–323, § 3, May 27, 1986, 100 Stat. 495; Pub.L. 108–7, Div. J, Title V, § 513, Feb. 20, 2003, 117 Stat. 462; Pub.L. 108–383, § 4(a), Oct. 30, 2004, 118 Stat. 2218.)

§ 2118. Records of Congress. **1338**

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the National Archives and Records Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively. (Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1291, § 2114; renumbered and amended Pub.L. 98–497, Title I, §§ 102(a)(1), 107(a)(10), Oct. 19, 1984, 98 Stat. 2280, 2286.)

CROSS REFERENCE

The Senate provided public access to its records pursuant to S. Res. 474, Dec. 1, 1980. *See* Senate Manual section **135**.

Chapter 33.—DISPOSAL OF RECORDS

§ 3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records. **1339**

(a) The Archivist shall examine the lists and schedules submitted to him under section 3303 of this title. If the Archivist determines that any of the records listed in a list or schedule submitted to him

do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may, after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon—

(1) notify the agency to that effect; and

(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

(b) Authorizations granted under lists and schedules submitted to the Archivist under section 3303 of this title, and schedules promulgated by the Archivist under subsection (d) of this section, shall be mandatory, subject to section 2909 of this title. As between an authorization granted under lists and schedules submitted to the Archivist under section 3303 of this title and an authorization contained in a schedule promulgated under subsection (d) of this section, application of the authorization providing for the shorter retention period shall be required, subject to section 2909 of this title.

(c) The Archivist may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

(1) those particular records may be of special interest to the Congress; or

(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Archivist to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

(d) The Archivist shall promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

(e) The Archivist may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

(f) The Archivist shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter. (Added Pub.L. 91–287, § 1, June 23, 1970, 84 Stat. 320, and amended Pub.L. 95–440, § 1, Oct. 10, 1978, 92 Stat. 1063; Pub.L. 98–497, Title I, § 107(b)(24), (25)(B), Title II, § 204, Oct. 19, 1984, 98 Stat. 2290, 2294; Pub.L. 104–186, Title II, § 223(10), Aug. 20, 1996, 110 Stat. 1752; Pub.L. 108–383, § 2(b), Oct. 30, 2004, 118 Stat. 2218.)

Chapter 35.—COORDINATION OF FEDERAL INFORMATION POLICY

Subchapter I.—Federal Information Policy

§ 3501. Purposes. **1340**

The purposes of this subchapter are to—

(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

(A) privacy and confidentiality, including section 552a of title 5;

(B) security of information, including section 11332 of title 40; and

(C) access to information, including section 552 of title 5;

(9) ensure the integrity, quality, and utility of the Federal statistical system;

(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this subchapter. (Pub.L. 96–511, § 2(a), Dec. 11, 1980, 94 Stat. 2812; Pub.L. 99–591, Title VIII,

§ 811, Oct. 30, 1986, 100 Stat. 3341–335; Pub.L. 104–13; May 22, 1995, 109 Stat. 163; Pub.L. 106–398, Oct. 30, 2000, 114 Stat. 1654A–275; Pub.L. 107–217, § 3(l)(3), Aug. 21, 2002, 116 Stat. 1301.)

1341 § 3503. Office of Information and Regulatory Affairs.

(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this subchapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy. (Added Pub.L. 96–511, § 2(a), Dec. 11, 1980, 94 Stat. 2814, and amended Pub.L. 99–500, Title I, § 101(m), [Title VIII, § 813(a)], Oct. 18, 1986, 100 Stat. 1783–336; Pub.L. 99–591, Title I, § 101(m), [Title VIII, § 813(a)], Oct. 30, 1986, 100 Stat. 3341–336; Pub.L. 104–13; May 22, 1995, 109 Stat. 166; Pub.L. 106–398, Oct. 30, 2000, 114 Stat. 1654A–275.)

1342 § 3505. Assignment of tasks and deadlines.

(a) In carrying out the functions under this subchapter, the Director shall—

(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least 10 percent during each of fiscal years 1996 and 1997 and 5 percent during each of fiscal years 1998, 1999, 2000, and 2001, and set annual agency goals to—

(A) reduce information collection burdens imposed on the public that—

(i) represent the maximum practicable opportunity in each agency; and

(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this subchapter, particularly with regard to minimizing the Federal information collection burden; and

(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

(B) plans for—

(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this subchapter; and

(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may, after consultation with the agency head, waive the application of any administrative directive issued by an agency with which the project is conducted, including any directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

(c) INVENTORY OF MAJOR INFORMATION SYSTEMS.—(1) The head of each agency shall develop and maintain an inventory of major information systems (including major national security systems) operated by or under the control of such agency;

(2) The identification of information systems in an inventory under this subsection shall include an identification of the interfaces between each such system and all other systems or networks, including those not operated by or under the control of the agency;

(3) Such inventory shall be—

(A) updated at least annually;

(B) made available to the Comptroller General; and

(C) used to support information resources management, including—

(i) preparation and maintenance of the inventory of information resources under section 3506(b)(4);

(ii) information technology planning, budgeting, acquisition, and management under section 3506(h), subtitle III of title 40, and related laws and guidance;

(iii) monitoring, testing, and evaluation of information security controls under subchapter II;

(iv) preparation of the index of major information systems required under section 552(g) of title 5, United States Code; and

(v) preparation of information system inventories required for records management under chapters 21, 29, 31, and 33.

(4) The Director shall issue guidance for and oversee the implementation of the requirements of this subsection. (Added Pub.L. 96–511, § 2(a), Dec. 11, 1980, 94 Stat. 2818; and amended Pub.L. 99–500, Title I, § 101(m), [Title VIII, § 815], Oct. 18, 1986, 100 Stat. 1783–337; Pub.L. 99–591, Title I, § 101(m), [Title VIII, § 815], Oct. 30, 1986, 100 Stat. 3341–337; Pub.L. 104–13, May 22, 1995, 109 Stat. 170; Pub.L. 106–398, Oct. 30, 2000, 114 Stat. 1654A–275; Pub.L. 107–296, § 1005(c)(2), Nov. 25, 2002, 116 Stat. 2272; Pub.L. 107–347, § 305(c)(2), Dec. 17, 2002, 116 Stat. 2961.)

1343 § 3514. Responsiveness to Congress.

(a)(1) The Director shall—

(A) keep the Congress and congressional committees fully and currently informed of the major activities under this subchapter; and

(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

(2) The Director shall include in any such report a description of the extent to which agencies have—

(A) reduced information collection burdens on the public, including—

(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

(ii) a list of all violations of this subchapter and of any rules, guidelines, policies, and procedures issued pursuant to this subchapter;

(iii) a list of any increase in the collection of information burden, including the authority for each such collection; and

(iv) a list of agencies that in the preceding year did not reduce information collection burdens in accordance with section 3505(a)(1), a list of the programs and statutory responsibilities of those agencies that precluded that reduction, and recommendations to assist those agencies to reduce information collection burdens in accordance with that section;

(B) improved the quality and utility of statistical information;

(C) improved public access to Government information; and

(D) improved program performance and the accomplishment of agency missions through information resources management.

(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government. (Added Pub.L. 96–511, § 2(a), Dec. 11, 1980, 94 Stat. 2823, and amended Pub.L. 99–500, Title I, § 101(m), [Title VIII, § 819], Oct. 18, 1986, 100 Stat. 1783–339; Pub.L. 99–591, Title I, § 101(m), [Title VIII, § 819], Oct. 30, 1986, 100 Stat. 3341–339; Pub.L. 104–13, May 22, 1995, 109 Stat. 181; Pub.L. 106–398, Oct. 30, 2000, 114 Stat. 1654A–275.)

HISTORICAL DOCUMENTS

[1350]

DECLARATION OF INDEPENDENCE

IN CONGRESS JULY 4, 1776

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies;

and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the dispository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country,

to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

WE, THEREFORE, the REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge

to each other our Lives, our Fortunes, and our sacred Honor.

(The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:)

JOHN HANCOCK.

New Hampshire

VOSIAH BARTLETT,
WM. WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay

SAML. ADAMS,
JOHN ADAMS,
ROBT. TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island, etc.

STEP. HOPKINS,
WILLIAM ELLERY.

Connecticut

ROGER SHERMAN,
SAM'EL HUNTINGTON,
WM. WILLIAMS,
OLIVER WOLCOTT.

New York

WM. FLOYD,
PHIL. LIVINGSTON,
FRANS. LEWIS,
LEWIS MORRIS.

New Jersey

RICHD. STOCKTON,
JNO. WITHERSPOON,
FRAS. HOPKINSON,
JOHN HART,
ABRA CLARK.

Pennsylvania

ROBT. MORRIS,
BENJAMIN RUSH,
BENJA. FRANKLIN,
JOHN MORTON,
GEO. CLYMER,
JAS. SMITH,
GEO. TAYLOR,
JAMES WILSON,
GEO. ROSS.

Delaware

CAESAR RODNEY,
GEO. READ,
THO. M'KEAN.

Maryland

SAMUEL CHASE,
WM. PACA,
THOS. STONE,
CHARLES CARROLL OF CARROLLTON.

Virginia

GEORGE WITHE,
RICHARD HENRY LEE,
TH. JEFFERSON,
BENJA. HARRISON,
THOS. NELSON, Jr.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina

WM. HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina

EDWARD RUTLEDGE,
THOS. HEYWARD, JUNR.,
THOMAS LYNCH, JUNR.,
ARTHUR MIDDLETON.

Georgia

BUTTON GWINNETT,
LYMAN HALL,
GEO. WALTON.

Resolved, That copies of the Declaration be sent to the several assemblies, conventions, and committees or councils of safety, and to the several commanding officers of the Continental Troops: That it be PROCLAIMED in each of the UNITED STATES, and at the HEAD OF THE ARMY.—[*Jour. Cong., vol. 1, p. 396.*]

[1351]

ARTICLES OF CONFEDERATION

HISTORICAL BACKGROUND

While the Declaration of Independence was under consideration in the Continental Congress, and before it was finally agreed upon, measures were taken for the establishment of a constitutional form of government; and on the 11th of June, 1776, it was "*Resolved,* That a committee be appointed to prepare and digest the form of a confederation to be entered into between these Colonies"; which committee was appointed the next day, June 12, and consisted of a member from each Colony, namely: Mr. Bartlett, Mr. S. Adams, Mr. Hopkins, Mr. Sherman, Mr. R. R. Livingston, Mr. Dickinson, Mr. McKean, Mr. Stone, Mr. Nelson, Mr. Hewes, Mr. E. Rutledge, and Mr. Gwinnett. On the 12th of July, 1776, the committee reported a draft of the Articles of Confederation, which was printed for the use of the members under the strictest injunctions of secrecy.

This report underwent a thorough discussion in Congress, from time to time, until the 15th of November, 1777; on which day, "Articles of Confederation and Perpetual Union" were finally agreed to in form, and they were directed to be proposed to the legislatures of all the United States, and if approved by them, they were advised to authorize their delegates to ratify the same in the Congress of the United States; and in that event they were to become conclusive. On the 17th of November, 1777, the Congress agreed upon the form of a circular letter to accompany the Articles of Confederation, which concluded with a recommendation to each of the several legislatures "to invest its delegates with competent powers, ultimately, and in the name and behalf of the State, to subscribe articles of confederation and perpetual union of the United States, and to attend Congress for that purpose on or before the 10th day of March next." This letter was signed by the President of Congress and sent, with a copy of the articles, to each State legislature.

On the 26th of June, 1778, Congress agreed upon the form of a ratification of the Articles of Confederation, and directed a copy of the articles and the ratification to be engrossed on parchment; which, on the 9th of July, 1778, having been examined and the blanks filled, was signed by the delegates of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina. Congress then directed that a circular letter be addressed to the States whose delegates were not present, or being present, conceived they were not authorized to sign the ratification, informing them how many and what States had ratified the Articles of Confederation, and desiring them, with all convenient dispatch, to authorize their delegates to ratify the same. Of these States,

North Carolina ratified on the 21st and Georgia on the 24th of July, 1778; New Jersey on the 26th of November following; Delaware on the 5th of May, 1779; Maryland on the 1st of March, 1781; and on the 2d of March, 1781, Congress assembled under the new form of government.

[1351]

ARTICLES OF CONFEDERATION [1]

ACT OF CONFEDERATION OF THE UNITED STATES OF AMERICA 1351.1

TO ALL TO WHOM THESE PRESENTS SHALL COME, WE THE UNDERSIGNED DELEGATES OF THE STATES AFFIXED TO OUR NAMES, SEND GREETINGS

Whereas the Delegates of the United States of America in Congress assembled did on the 15th day of November in the Year of our Lord One Thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the states of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the Words following, viz.

"ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES OF NEWHAMPSHIRE, MASSACHUSETTS-BAY, RHODEISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA

ARTICLE I. The Stile of this confederacy shall be "The United States of America." 1351.2

ARTICLE II. Each State retains its Sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled. 1351.3

[1]Adopted by the Continental Congress on November 15, 1777, while meeting at York, Pennsylvania, which served as the site of the National Capital from September 30, 1777, to June 27, 1778. Ratification of the Articles by the respective delegates commenced on July 9, 1778, in Philadelphia, Pennsylvania, but was not completed until March 1, 1781, when the Articles were signed by the delegates from Maryland.

1351.4 ARTICLE III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

1351.5 ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states, and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant, provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person guilty of, or charged with treason, felony or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the Governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

1351.6 ARTICLE V. For the more convenient management of the general interest of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person,

being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No state without the Consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of nobility. **1351.7**

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts of duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled with any king, prince or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and

disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

1351.8 ARTICLE VII. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

1351.9 ARTICLE VIII. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

ARTICLE IX. The united states in congress assembled, 1351.10
shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving embassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The united states in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever, which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose

names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each State, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment without favour, affection or hope of reward": provided also that no state shall be deprived of territory for the benefit of the united states.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdiction as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The united states in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the united states—

regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expences of the said office—appointing all officers of the land forces, in the service of the united states, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of Money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences—to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of moneys so borrowed or emitted—to build and equip a navy—to agree upon the number of land forces, and to make requisition from each state for its quota, in proportion to the number of white inhabitants in such state; which requisitions shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expence of the united states; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the united states in congress assembled: But if the united states in congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise

a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

The Congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six Months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

1351.11 ARTICLE X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress such of the powers of congress as the united states in congress assembled, by the consent of nine

states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states. **1351.12**

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged. **1351.13**

ARTICLE XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterward confirmed by the legislatures of every state. **1351.14**

AND WHEREAS it has pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. KNOW YE that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be **1351.15**

inviolably observed by the states we respectively represent and that the union shall be perpetual.

1351.16 IN WITNESS whereof we have hereunto set our hands in Congress. DONE at Philadelphia in the state of Pennsylvania the ninth Day of July in the Year of our Lord one Thousand seven Hundred and Seventy-eight, and in the third year of the independence of America.

On the part and behalf of the State of New Hampshire.

JOSIAH BARTLETT,
JOHN WENTWORTH, JUNR. AUGUST 8, 1778.

On the part and behalf of the State of Massachusetts Bay.

JOHN HANCOCK,
SAMUEL ADAMS,
ELBRIDGE GERRY,
FRANCIS DANA,
JAMES LOVELL,
SAMUEL HOLTEN.

On the part and in behalf of the State of Rhode Island and Providence Plantations.

WILLIAM ELLERY,
HENRY MARCHANT,
JOHN COLLINS.

On the part and behalf of the State of Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
OLIVER WOLCOTT,
TITUS HOSMER,
ANDREW ADAMS.

On the part and behalf of the State of New York.

JAS DUANE,
FRAS LEWIS,
WILLIAM DUER,
GOUVR MORRIS.

On the part and in behalf of the State of New Jersey.

JNO WITHERSPOON,
NATHL SCUDDER, NOV. 26, 1778.

On the part and behalf of the State of Pennsylvania.

ROBT. MORRIS,
DANIEL ROBERDEAU,
JONA BAYARD SMITH,
WILLIAM CLINGAN,
JOSEPH REED, JULY 22, 1778.

On the part and behalf of the State of Delaware.

JOHN DICKINSON, MAY 5, 1779,
NICHOLAS VAN DYKE,
THO. M'KEAN, FEB. 12, 1779.

On the part and behalf of the State of Maryland.

JOHN HANSON, MARCH 1, 1781,
DANIEL CARROL DO

On the part and behalf of the State of Virginia.

RICHARD HENRY LEE,
JOHN BANISTER,
THOMAS ADAMS,
JNO HARVIE,
FRANCIS LIGHTFOOT LEE.

On the part and behalf of the State of North Carolina.

JOHN PENN, JULY 21, 1778,
CORNS. HARNETT,
JNO WILLIAMS.

On the part and behalf of the State of South Carolina.

HENRY LAURENS,
WILLIAM HENRY DRAYTON,
JNO MATHEWS,
RICHARD HUTSON,
THOS. HEYWARD, JUNR.

On the part and behalf of the State of Georgia.

JNO WALTON, 24th JULY 1778,
EDWD TELFAIR,
EDWD. LANGWORTHY.

[1352]

ORDINANCE OF 1787

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO

[THE CONFEDERATE CONGRESS, JULY 13, 1787]

SECTION 1. *Be it ordained by the United States in Congress assembled,* That the said Territory, for the purpose of temporary government, by one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient. **1352.1**

SEC. 2. *Be it ordained by the authority aforesaid,* That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full **1352.2**

age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

1352.3 SEC. 3. *Be it ordained by the authority aforesaid,* That there shall be appointed, from time to time, by Congress, a governor whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

1352.4 SEC. 4. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

1352.5 SEC. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of

by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

SEC. 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed, and commissioned by Congress. **1352.6**

SEC. 7. Previous to the organization of the general assembly the governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor. **1352.7**

SEC. 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof, and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature. **1352.8**

SEC. 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided,* That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: *Provided,* That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless **1352.9**

he shall have resided in the district three years, and, in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided also,* That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

1352.10 SEC. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

1352.11 SEC. 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet together, and, when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the

house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when, in his opinion, it shall be expedient.

SEC. 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government. **1352.12**

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest: **1352.13**

SEC. 14. It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit: **1352.14**

ARTICLE I **1352.15**

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

ARTICLE II **1352.16**

The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus,* and of the trial by jury; of a proportionate representation

of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements, *bona fide,* and without fraud previously formed.

1352.17 ARTICLE III

Religion, morality, and knowledge being necessary to good government, and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

1352.18 ARTICLE IV

The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule

and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona-fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

[Sands *v.* Manistee River Imp. Co., 123 U.S. 288.]

ARTICLE V **1352.19**

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States

in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided,* The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interests of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

1352.20 ARTICLE VI

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always,* That any person escaping in the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor service as aforesaid.

1352.21 *Be it ordained by the authority aforesaid,* That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed, and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

CHARLES THOMSON,
Sec'y.

[1360]

CONSTITUTION OF THE UNITED STATES OF AMERICA

HISTORICAL BACKGROUND

In May 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report (drawn by Mr. Hamilton, of New York), expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachu-

setts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 19, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 25, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1790. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

CONSTITUTION OF THE UNITED STATES OF AMERICA

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America. **1360.1**

ARTICLE I **1361**

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. **1361.1**

SECTION 2.[1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. **1361.2**

[2] No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. **1361.3**

[3] *[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall **1361.4**

NOTE.—The small superior figures designate clauses, and have no reference to footnotes.

*The part included in heavy brackets was repealed by section 2 of amendment XIV, Senate Manual section **1384.2.**

by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

As per act of November 15, 1941, the apportionment, based on the Sixteenth Census (1940), the Seventeenth Census (1950), and the Eighteenth Census (1960), distributes the 435 seats in the House among the States according to the method of equal proportions. (See Senate Manual section **1594.**)

1361.5 [4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

1361.6 [5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

1361.7 [1] SECTION 3. *The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature] thereof, for six Years; and each Senator shall have one Vote.

1361.8 [2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the Second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year; so that one-third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies].**

1361.9 [3] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when

*The part included in heavy brackets was changed by clause 1 of amendment XVII, Senate Manual section **1387.1.**

The part included in heavy brackets was changed by clause 2 of amendment XVII, Senate Manual section **1387.2.

elected, be an Inhabitant of that State for which he shall be chosen.

[4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided. **1361.10**

[5] The Senate shall choose their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States. **1361.11**

[6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present. **1361.12**

[7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law. **1361.13**

SECTION 4. [1] The Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators. **1361.14**

[2] The Congress shall assemble at least once in every Year, and such Meeting shall [be on the first Monday in December,] unless they shall by Law appoint a different Day.* **1361.15**

SECTION 5. [1] Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide. **1361.16**

[2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member. **1361.17**

*The part included in heavy brackets was changed by Section 2 of amendment XX, Senate Manual section **1390.2.**

1361.18 [3] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present be entered on the Journal.

1361.19 [4] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

1361.20 SECTION 6. [1] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

1361.21 [2] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

1361.22 SECTION 7. [1] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

1361.23 [2] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against

the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[3] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill. **1361.24**

SECTION 8. [1] The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; **1361.25**

[2] To borrow money on the credit of the United States; **1361.26**

[3] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; **1361.27**

[4] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; **1361.28**

[5] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; **1361.29**

[6] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; **1361.30**

[7] To establish Post Offices and post Roads; **1361.31**

[8] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; **1361.32**

[9] To constitute Tribunals inferior to the supreme Court; **1361.33**

[10] To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations; **1361.34**

[11] To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water; **1361.35**

1361.36 [12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

1361.37 [13] To provide and maintain a Navy;

1361.38 [14] To make Rules for the Government and Regulation of the land and naval Forces;

1361.39 [15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

1361.40 [16] To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

1361.41 [17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

1361.42 [18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

1361.43 SECTION 9. [1] The Migration or Importation of Such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

1361.44 [2] The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

1361.45 [3] No Bill of Attainder or ex post facto Law shall be passed.

*[4] No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken. **1361.46**

[5] No Tax or Duty shall be laid on Articles exported from any State. **1361.47**

[6] No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State be obliged to enter, clear, or pay Duties in another. **1361.48**

[7] No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time. **1361.49**

[8] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State. **1361.50**

SECTION 10.[1] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. **1361.51**

[2] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress. **1361.52**

[3] No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay. **1361.53**

*See also amendment XVI, Senate Manual section **1386**.

1362

ARTICLE II

1362.1 SECTION 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years,† and, together with the Vice-President, chosen for the same Term, be elected, as follows:

1362.2 [2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

1362.3 *[The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice-President. But if there should remain two or

†See also amendment XXII, Senate Manual section **1392**.

*This paragraph has been superseded by amendment XII, Senate Manual section **1382.**

more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.]

[3] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. **1362.4**

[4] No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States. **1362.5**

[5] In case of the Removal of the President from Office, or of his Death, resignation, or Inability to discharge the Powers and Duties of the said Office,† the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected. **1362.6**

[6] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them. **1362.7**

[7] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States." **1362.8**

SECTION 2. [1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses **1362.9**

†See also amendment XXV, Senate Manual section **1395.**

against the United States, except in Cases of Impeachment.

1362.10 [2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

1362.11 [3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

1362.12 SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

1362.13 SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

1363 ARTICLE III

1363.1 SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

SECTION 2. [1]The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. 1363.2

[2]In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. 1363.3

[3]The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed. 1363.4

SECTION 3. [1]Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. 1363.5

[2]The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted. 1363.6

ARTICLE IV 1364

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof. 1364.1

1364.2 SECTION 2. [1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

1364.3 [2] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

1364.4 [3] [No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]*

1364.5 SECTION 3. [1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

1364.6 [2] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory of other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

1364.7 SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

1365 The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-

*This paragraph has been superseded by amendment XIII, Senate Manual section **1383**.

fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article, and that no State without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI 1366

[1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation. 1366.1

[2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under Authority of the United States, shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. 1366.2

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. 1366.3

ARTICLE VII 1367

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. IN WITNESS whereof We have here unto subscribed our Names, 1368

G o WASHINGTON—
Presi^dt^. and deputy from Virginia.

New Hampshire

JOHN LANGDON, NICHOLAS GILMAN.

Massachusetts

NATHANIEL GORHAM, RUFUS KING.

Connecticut

WM. SAML. JOHNSON, ROGER SHERMAN.

New York

ALEXANDER HAMILTION.

New Jersey

WIL: LIVINGSTON, WM. PATERSON,
DAVID BREARLEY, JONA. DAYTON.

Pennsylvania

B. FRANKLIN, THOMAS MIFFLIN,
ROBT. MORRIS, GEO: CLYMER,
THO: FITZSIMONS, JARED INGERSOLL,
JAMES WILSON, GOUV: MORRIS.

Delaware

GEO: READ, GUNNING BEDFORD, JUN'R,
JOHN DICKINSON, RICHARD BASSETT.
JACO: BROOM,

Maryland

JAMES M'HENRY, DAN: OF ST. THOS. JENIFER.
DANL CARROLL,

Virginia

JOHN BLAIR, JAMES MADISON, JR.

North Carolina

WM. BLOUNT, RICH'D DOBBS SPAIGHT.
HU. WILLIAMSON,

South Carolina

J. RUTLEDGE, CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY, PIERCE BUTLER.

Georgia

WILLIAM FEW,

WILLIAM JACKSON,
Secretary.

Attest:
ABR. BALDWIN.

RATIFICATION OF THE CONSTITUTION 1369

The Constitution was adopted by a convention of the States September 17, 1787, and was subsequently ratified by the several States, in the following order, viz:

Delaware, December 7, 1787, yeas, 30 (unanimous).
Pennsylvania, December 12, 1787, yeas, 46; nays, 23.
New Jersey, December 18, 1787, yeas, 38 (unanimous).
Georgia, January 2, 1788, yeas, 26 (unanimous).
Connecticut, January 9, 1788, yeas, 128; nays, 40.
Massachusetts, February 6, 1788, yeas, 187; nays, 168.
Maryland, April 28, 1788, yeas, 63; nays, 11.
South Carolina, May 23, 1788, yeas, 149; nays, 73.
New Hampshire, June 21, 1788, yeas, 57; nays, 46.
Virginia, June 25, 1788, yeas, 89; nays, 79.
New York, July 26, 1788, yeas, 30; nays, 27.
North Carolina, November 21, 1789, yeas, 184; nays, 77.
Rhode Island, May 29, 1790, yeas, 34; nays, 32.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION [1]

AMENDMENT [I] [2] 1371

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT [II] 1372

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[1] In Dillon *v.* Gloss, 256 U.S. 368[1921], the Supreme Court stated that it would take judicial notice of the date on which a State ratified a proposed constitutional amendment. Accordingly the Court consulted the State journals to determine the dates on which each house of the legislature of certain States ratified the Eighteenth amendment. It, therefore, follows that the date on which the governor approved the ratification, or the date on which the secretary of state of a given State certified the ratification, or the date on which the Secretary of State of the United States received a copy of said certificate, or the date on which he proclaimed that the amendment had been ratified are not controlling. Hence, the ratification date given on the following pages is the date on which the legislature of a given State approved the particular amendment (signature by the speaker or presiding officers of both houses being considered a part of the ratification of the "legislature"). When that date is not available, the date given is that on which it was approved by the governor or certified by the secretary of state of the particular State. In each case such fact has been noted. Information as to ratification is based on data supplied by the Department of State and the General Services Administration.

[2] Brackets enclosing an amendment number indicate that the number was not specifically assigned in the resolution proposing the amendment. It will be seen, accordingly, that only amendments XIII, XIV, XV, and XVI were thus technically ratified by number.

1373 AMENDMENT [III]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

1374 AMENDMENT [IV]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

1375 AMENDMENT [V]

No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offenses to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

1376 AMENDMENT [VI]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

1377 AMENDMENT [VII]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be other-

wise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT [VIII] 1378

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT [IX] 1379

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT [X] 1380

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The **first 10 amendments**[3] to the Constitution (i.e. nos. 3 to 12 of those proposed) were ratified by the several State legislatures on the following dates: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; New York, February 27, 1790; Pennsylvania, March 10, 1790; Rhode Island, June 7, 1790; Vermont, November 3, 1791; Virginia, December 15, 1791; Massachusetts, March 2, 1939; Georgia, March 18, 1939; Connecticut, April 19, 1939.

AMENDMENT [XI] 1381

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[3] The first 10 amendments, along with 2 others, were proposed by Congress on September 25, 1789, when they passed the Senate [1 Ann. Cong. (1st Cong., 1st sess.) 90], having previously passed the House on September 24 [*Id.,* 948]. They appear officially in 1 Stat. 97. Ratification was completed on December 15, 1791, when the eleventh State (Virginia) approved these amendments, there being then 14 States in the Union. On March 1, 1792, Thomas Jefferson, Secretary of State, addressed letters to the Governors of the several States, advising them of the said ratifications (National Archives, Department of State, American Letters, IV, 355).

Proposal no. 1 prescribed the ratio of representation to population in the House and was ratified by 10 states (1 short of the requisite number). Proposal no. 2 later achieved ratification and became Amendment XXVII, Senate Manual section **1397.**

*By Council of Revision. State legislature approved Feb. 24, 1790.

The **eleventh amendment**[4] was ratified by the several State legislatures on the following dates: New York, March 27, 1794; Rhode Island, March 31, 1794; Connecticut, May 8, 1794; New Hampshire, June 16, 1794; Massachusetts, June 26, 1794; Vermont, between October 9 and November 9, 1794; Virginia, November 18, 1794; Georgia, November 29, 1794; Kentucky, December 7, 1794; Maryland, December 26, 1794; Delaware, January 23, 1795; North Carolina, February 7, 1795; South Carolina, December 4, 1797 [State Department, Press Releases, vol. XII, p. 247 (1935)].

1382

AMENDMENT [XII]

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for, as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority

[4] The eleventh amendment was proposed by Congress on March 4, 1794, when it passed the House [4 Ann. Cong. (3d Cong., 1st sess.) 477, 478], having previously passed the Senate on January 14 [*Id.,* 30, 31]. It appears officially in 1 Stat. 402. Ratification was completed on February 7, 1795, when the twelfth State (North Carolina) approved the amendment, there being then 15 States in the Union. Official announcement of ratification was not made until January 8, 1798, when President John Adams in a message to Congress stated that the eleventh amendment had been adopted by three-fourths of the States and that it "may now be deemed to be part of the Constitution" [1 Mess. and Papers of Pres. 250]. In the interim South Carolina had ratified, and Tennessee had been admitted into the Union as the sixteenth State.

of all the states shall be necessary to a choice.[5] **[**And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.**]**—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The **twelfth amendment**[6] was ratified by the several State legislatures on the following dates: North Carolina, December 22, 1803; Maryland, December 24, 1803; Kentucky, December 27, 1803; Ohio, between December 5 and December 30, 1803; Pennsylvania, January 5, 1804; Vermont, January 30, 1804; Virginia, between December 20, 1803 and February 3, 1804; New York, February 10, 1804; New Jersey, February 22, 1804; Rhode Island, between February 27 and March 12, 1804; South Carolina, May 15, 1804; Georgia, May 19, 1804; New Hampshire, June 15, 1804; Tennessee, July 27, 1804. The amendment was rejected by Delaware on January 18, 1804; and by Connecticut at its session begun May 10, 1804; Massachusetts ratified this amendment in 1961 (after having rejected it on February 3, 1804).

[5] The part included in heavy brackets has been superseded by section 3 of amendment XX, Senate Manual section **1390.3.**

[6] The twelfth amendment was proposed by Congress on December 9, 1803, when it passed the House [13 Ann. Cong. (8th Cong., 1st sess.) 775, 776], having previously passed the Senate on December 2 [*Id.,* 209]. It was not signed by the presiding officers of the House and Senate until December 12. It appears officially in 2 Stat. 306. Ratification was probably completed on June 15, 1804, when the legislature of the thirteenth State (New Hampshire) approved the amendment, there being then 17 States in the Union. The Governor of New Hampshire, however, vetoed this act of the legislature on June 20, and the act failed to pass again by two-thirds vote then required by the State constitution. Inasmuch as article V of the Federal Constitution specifies that amendments shall become effective "when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof," it has been generally believed that an approval or veto by a Governor is without significance. If the ratification by New Hampshire be deemed ineffective, then the amendment became operative by Tennessee's ratification on July 27, 1804. On September 25, 1804, in a circular letter to the Governors of the several States, Secretary of State Madison declared the amendment ratified by three-fourths of the States.

1383

AMENDMENT XIII

1383.1 SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

1383.2 SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

The **thirteenth amendment**[7] was ratified by the several State legislatures on the following dates: Illinois, February 1, 1865; Rhode Island, February 2, 1865; Michigan, February 2, 1865; Maryland, February 3, 1865; New York, February 3, 1865; West Virginia, February 3, 1865; Missouri, February 6, 1865; Maine, February 7, 1865; Kansas, February 7, 1865; Massachusetts, February 7, 1865; Pennsylvania, February 8, 1865; Virginia, February 9, 1865; Ohio, February 10, 1865; Louisiana, February 15 or 16, 1865; Indiana, February 16, 1865; Nevada, February 16, 1865; Minnesota, February 23, 1865; Wisconsin, February 24, 1865; Vermont, March 9, 1865 (date on which it was "approved" by Governor); Tennessee, April 7, 1865; Arkansas, April 14, 1865; Connecticut, May 4, 1865; New Hampshire, June 30, 1865; South Carolina, November 13, 1865; Alabama, December 2, 1865 (date on which it was "approved" by Provisional Governor); North Carolina, December 4, 1865; Georgia, December 6, 1865; Oregon, December 11, 1865; California, December 15, 1865; Florida, December 28, 1865 (Florida again ratified this amendment on June 9, 1868, upon its adoption of a new constitution); Iowa, January 17, 1866; New Jersey, January 23, 1866 (after having rejected the amendment on March 16, 1865); Texas, February 17, 1870; Delaware, February 12, 1901 (after having rejected the amendment on February 8, 1865); Kentucky, March 18, 1976 (after having rejected the

[7] The thirteenth amendment was proposed by Congress on January 31, 1865, when it passed the House [Cong. Globe (38th Cong., 2d sess.) 531], having previously passed the Senate on April 8, 1864 [*Id.* (38th cong., 1st sess.) 1490]. It appears officially in 13 Stat. 567 under date of February 1, 1865. Ratification was completed on December 6, 1865, when the legislature of the twenty-seventh State (Georgia) approved the amendment, there being then 36 States in the Union. On December 18, 1865, Secretary of State Seward certified that the thirteenth amendment had become a part of the Constitution [13 Stat. 774].

A "thirteenth amendment" depriving of United States citizenship any citizen who should accept any title, office, or emolument from a foreign power, was proposed by Congress on May 1, 1810, when it passed the House [21 Ann. Cong. (11th Cong., 2d sess.) 2050], having previously passed the Senate on April 27 [20 Ann. Cong. (11th Cong., 2d sess.) 672]. It appears officially in 2 Stat. 613. It failed of adoption, being ratified by but 12 States up to December 10, 1812 [2 Miscell. Amer. State Papers, 477–479; 2 Doc. Hist. Const. 454–499], there then being 18 in all.

Another "thirteenth amendment", forbidding any future amendment that should empower Congress to interfere with the domestic institution of any State, was proposed by Congress on March 2, 1861, when it passed the Senate [Cong. Globe (36th Cong., 2d sess.) 1403], having previously passed the House on February 28 [*Id.*, 1285]. It appears officially in 12 Stat. 2512. It failed of adoption, being ratified by but three States: Ohio, May 13, 1861 [58 Laws Ohio 190]; Maryland, January 10, 1862 [Laws Maryland (1861–62) 21]; Illinois, February 14, 1862 [2 Doc. Hist. Const., 518] irregular, because by convention instead of by legislature as authorized by Congress.

amendment on February 24, 1865). The amendment was rejected by Mississippi on December 2, 1865.

AMENDMENT XIV 1384

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. 1384.1

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. 1384.2

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability. 1384.3

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in sup- 1384.4

pressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

1384.5 SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The **fourteenth amendment**[8] was ratified by the several State legislatures on the following dates: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866 (the New Jersey Legislature on February 20, 1868, "withdrew" its consent to the ratification; the Governor vetoed that bill on March 5, 1868, and it was repassed over his veto on March 24, 1868; and on Nov. 12, 1980, the Legislature expressed support for the amendment); Oregon, September 19, 1866 (Oregon "withdrew" its consent on October 15, 1868); Vermont, October 30, 1866; New York, January 10, 1867; Ohio, January 11, 1867 (Ohio "withdrew" its consent on January 15, 1868), Illinois, January 15, 1867; West Virginia, January 16, 1867; Michigan, January 16, 1867; Kansas, January 17, 1867; Minnesota, January 17, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Indiana, January 23, 1867; Missouri, January 26, 1867 (date on which it was certified by the Missouri secretary of state); Rhode Island, February 7, 1867; Pennsylvania, February 12, 1867; Wisconsin, February 13, 1867 (actually passed February 7, but not signed by legislative officers until February 13); Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, March 9, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; North Carolina, July 2, 1868 (after having rejected the amendment on December 13, 1866); Louisiana, July 9, 1868 (after having rejected the amendment on February 6, 1867); South Carolina, July 9, 1868 (after having rejected the amendment on December 20, 1866); Alabama, July 13, 1868 (date on which it was "approved" by the Governor); Georgia, July 21, 1868 (after having rejected the amendment on November 9, 1866—Georgia ratified again on February 2, 1870); Virginia, October 8, 1869 (after having rejected the amendment on January 9, 1867); Mississippi, January 17, 1870; Texas, February 18, 1870 (after having rejected the amendment on October 27, 1866); Delaware,

[8] The fourteenth amendment was proposed by Congress on June 13, 1866, when it passed the House [Cong. Globe (39th Cong., 1st sess.) 3148, 3149], having previously passed the Senate on June 8 [*Id.,* 3042]. It appears officially in 14 Stat. 358 under date of June 16, 1866. Ratification was probably completed on July 9, 1868, when the legislature of the twenty-eighth State (South Carolina or Louisiana) approved the amendment, there being then 37 States in the Union. However, Ohio and New Jersey had prior to that date "withdrawn" their earlier assent to this amendment. Accordingly, Secretary of State Seward on July 20, 1868, certified that the amendment had become a part of the Constitution if the said withdrawals were ineffective [15 Stat. 706–707]. Congress at once (July 21, 1868) passed a joint resolution declaring the amendment a part of the Constitution and directing the Secretary to promulgate it as such. On July 28, 1868, Secretary Seward certified without reservation that the amendment was a part of the Constitution. In the interim, two other States, Alabama on July 13 and Georgia on July 21, 1868, had added their ratifications.

February 12, 1901 (after having rejected the amendment on February 8, 1867); Maryland, April 4, 1959 (after having rejected the amendment on March 23, 1867); California, May 6, 1959; Kentucky, March 18, 1976 (after having rejected the amendment on January 8, 1867).

AMENDMENT XV 1385

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. 1385.1

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation. 1385.2

The **fifteenth amendment**[9] was ratified by the several State legislatures on the following dates: Nevada, March 1, 1869; West Virginia, March 3, 1869; North Carolina, March 5, 1869; Louisiana, March 5, 1869 (date on which it was "approved" by the Governor); Illinois, March 5, 1869; Michigan, March 5, 1869; Wisconsin, March 5, 1869; Maine, March 11, 1869; Massachusetts, March 12, 1869; South Carolina, March 15, 1869; Arkansas, March 15, 1869; Pennsylvania, March 25, 1869; New York, April 14, 1869 (New York "withdrew" its consent to the ratification on January 5, 1870, which action it rescinded on March 30, 1970); Indiana, May 14, 1869; Connecticut, May 19, 1869; Florida, June 14, 1869; New Hampshire, July 1, 1869; Virginia, October 8, 1869; Vermont, October 20, 1869; Alabama, November 16, 1869; Missouri, January 7, 1870 (Missouri had ratified the first section of the 15th Amendment on March 1, 1869; it failed to include in its ratification the second section of the amendment); Minnesota, January 13, 1870; Mississippi, January 17, 1870; Rhode Island, January 18, 1870; Kansas, January 19, 1870 (Kansas had by a defectively worded resolution previously ratified this amendment on February 27, 1869); Ohio, January 27, 1870 (after having rejected the amendment on May 4, 1869); Georgia, February 2, 1870; Iowa, February 3, 1870; Nebraska, February 17, 1870; Texas, February 18, 1870; New Jersey, February 15, 1871 (after having rejected the amendment on February 7, 1870); Delaware, February 12, 1901 (date on which approved by Governor; Delaware had previously rejected the amendment on March 18, 1869); Oregon, February 24, 1959 (after having rejected the amendment on October 26, 1870); California, April 3, 1962 (after having rejected the amendment on January 28, 1870); Maryland, May 7, 1973 (date on which approved by Governor; Maryland had previously rejected the amendment on February 26, 1870); Kentucky, March 18, 1976 (after having rejected the amendment on

[9] The fifteenth amendment was proposed by Congress on February 26, 1869, when it passed the Senate [Cong. Globe (40th Cong., 3d sess.) 1641], having previously passed the House on February 25 [*Id.,* 1563, 1564]. It appears officially in 15 Stat. 346 under date of February 27, 1869. Ratification was probably completed on February 3, 1870, when the legislature of the twenty-eighth State (Iowa) approved the amendment, there being then 37 States in the Union. However, New York had prior to that date "withdrawn" its earlier assent to this amendment. Even if this withdrawal were effective, Nebraska's ratification on February 17, 1870, authorized Secretary of State Fish's certification of March 30, 1870, that the 15th amendment had become a part of the Constitution [16 Stat. 1131].

March 12, 1869). The amendment was rejected by Tennessee on November 16, 1869.

1386

AMENDMENT XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

The **sixteenth amendment**[10] was ratified by the several State legislatures on the following dates: Alabama, August 10, 1909; Kentucky, February 8, 1910; South Carolina, February 19, 1910; Illinois, March 1, 1910; Mississippi, March 7, 1910; Oklahoma, March 10, 1910; Maryland, April 8, 1910; Georgia, August 3, 1910; Texas, August 16, 1910; Ohio, January 19, 1911; Idaho, January 20, 1911; Oregon, January 23, 1911; Washington, January 26, 1911; Montana, January 27, 1911; Indiana, January 30, 1911; California, January 31, 1911; Nevada, January 31, 1911; South Dakota, February 1, 1911; Nebraska, February 9, 1911; North Carolina, February 11, 1911; Colorado, February 15, 1911; North Dakota, February 17, 1911; Michigan, February 23, 1911; Iowa, February 24, 1911; Kansas, March 2, 1911; Missouri, March 16, 1911; Maine, March 31, 1911; Tennessee, April 7, 1911; Arkansas, April 22, 1911 (after having rejected the amendment at the session begun January 9, 1911); Wisconsin, May 16, 1911; New York, July 12, 1911; Arizona, April 3, 1912; Minnesota, June 11, 1912; Louisiana, June 28, 1912; West Virginia, January 31, 1913; Delaware, February 3, 1913; Wyoming, February 3, 1913; New Mexico, February 3, 1913; New Jersey, February 4, 1913; Vermont, February 19, 1913; Massachusetts, March 4, 1913; New Hampshire, March 7, 1913 (after having rejected the amendment on March 2, 1911). The amendment was rejected (and not subsequently ratified) by Connecticut, Rhode Island, and Utah.

1387

AMENDMENT [XVII]

1387.1 The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

[10] The sixteenth amendment was proposed by Congress on July 12, 1909, when it passed the House [44 Cong. Rec. (61st Cong., 1st sess.) 4390, 4440, 4441], having previously passed the Senate on July 5 [*Id.,* 4121]. It appears officially in 36 Stat. 184. Ratification was completed on February 3, 1913, when the legislature of the thirty-sixth State (Delaware, Wyoming, or New Mexico) approved the amendment, there being then 48 States in the Union. On February 25, 1913, Secretary of State Knox certified that this amendment had become a part of the Constitution [37 Stat. 1785].

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. 1387.2

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

The **seventeenth amendment**[11] was ratified by the several State legislatures on the following dates: Massachusetts, May 22, 1912; Arizona, June 3, 1912; Minnesota, June 10, 1912; New York, January 15, 1913; Kansas, January 17, 1913; Oregon, January 23, 1913; North Carolina, January 25, 1913; California, January 28, 1913; Michigan, January 28, 1913; Iowa, January 30, 1913; Montana, January 30, 1913; Idaho, January 31, 1913; West Virginia, February 4, 1913; Colorado, February 5, 1913; Nevada, February 6, 1913; Texas, February 7, 1913; Washington, February 7, 1913; Wyoming, February 8, 1913; Arkansas, February 11, 1913; Illinois, February 13, 1913; North Dakota, February 14, 1913; Wisconsin, February 18, 1913; Indiana, February 19, 1913; New Hampshire, February 19, 1913; Vermont, February 19, 1913; South Dakota, February 19, 1913; Maine, February 20, 1913; Oklahoma, February 24, 1913; Ohio, February 25, 1913; Missouri, March 7, 1913; New Mexico, March 13, 1913; Nebraska, March 14, 1913; New Jersey, March 17, 1913; Tennessee, April 1, 1913; Pennsylvania, April 2, 1913; Connecticut, April 8, 1913; Louisiana, June 5, 1914. The amendment was rejected by Utah on February 26, 1913.

[AMENDMENT [XVIII]]* 1388

[SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited. 1388.1

[SECTION 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation. 1388.2

[11] The seventeenth amendment was proposed by Congress on May 13, 1912, when it passed the House [48 Cong. Rec. (62d Cong., 2d sess.) 6367], having previously passed the Senate on June 12, 1911 [47 Cong. Rec. (62d Cong., 1st sess.) 1925]. It appears officially in 37 Stat. 646. Ratification was completed on April 8, 1913, when the thirty-sixth State (Connecticut) approved the amendment, there being then 48 States in the Union. On May 31, 1913, Secretary of State Bryan certified that it had become a part of the Constitution [38 Stat. 2049].

*Amendment XVIII was repealed by amendment XXI, Senate Manual section **1391.**

1388.3 [SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.]

The **eighteenth amendment**[12] was ratified by the several State legislatures on the following dates: Mississippi, January 8, 1918; Virginia, January 11, 1918; Kentucky, January 14, 1918; North Dakota, January 28, 1918 (date on which approved by Governor); South Carolina, January 29, 1918; Maryland, February 13, 1918; Montana, February 19, 1918; Texas, March 4, 1918; Delaware, March 18, 1918; South Dakota, March 20, 1918; Massachusetts, April 2, 1918; Arizona, May 24, 1918; Georgia, June 26, 1918; Louisiana, August 9, 1918 (date on which approved by Governor); Florida, November 27, 1918; Michigan, January 2, 1919; Ohio, January 7, 1919; Oklahoma, January 7, 1919; Idaho, January 8, 1919; Maine, January 8, 1919; West Virginia, January 9, 1919; California, January 13, 1919; Tennessee, January 13, 1919; Washington, January 13, 1919; Arkansas, January 14, 1919; Kansas, January 14, 1919; Illinois, January 14, 1919; Indiana, January 14, 1919; Alabama, January 15, 1919; Colorado, January 15, 1919; Iowa, January 15, 1919; New Hampshire, January 15, 1919; Oregon, January 15, 1919; Nebraska, January 16, 1919; North Carolina, January 16, 1919; Utah, January 16, 1919; Missouri, January 16, 1919; Wyoming, January 16, 1919; Minnesota, January 17, 1919; Wisconsin, January 17, 1919; New Mexico, January 20, 1919; Nevada, January 21, 1919; New York, January 29, 1919; Vermont, January 29, 1919; Pennsylvania, February 25, 1919; Connecticut, May 6, 1919; New Jersey, March 9, 1922. The amendment was rejected (and not subsequently ratified) by Rhode Island.

1389 AMENDMENT [XIX]

1389.1 The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

1389.2 Congress shall have power to enforce this article by appropriate legislation.

The **nineteenth amendment**[13] was ratified by the several State legislatures on the following dates: Illinois, June 10, 1919 (readopted

[12] The eighteenth amendment was proposed by Congress on December 18, 1917, when it passed the Senate [Cong. Rec. (65th Cong., 2d sess.) 478], having previously passed the House on December 17 [*Id.,* 470]. It appears officially in 40 Stat. 1050. Ratification was completed on January 16, 1919, when the thirty-sixth State approved the amendment, there being then 48 States in the Union. On January 29, 1919, Acting Secretary of State Polk certified that this amendment had been adopted by the requisite number of States [40 Stat. 1941]. By its terms this amendment did not become effective until 1 year after ratification.

[13] The nineteenth amendment was proposed by Congress on June 4, 1919, when it passed the Senate [Cong. Rec. (66th Cong., 1st sess.) 635], having previously passed the House on May 21 [*Id.,* 94]. It appears officially in 41 Stat. 362. Ratification was completed on August 18, 1920, when the thirty-sixth State (Tennessee) approved the amendment, there being then 48 States in the Union. On August 26, 1920, Secretary of State Colby certified that it had become a part of the

June 17, 1919); Michigan, June 10, 1919; Wisconsin, June 10, 1919; Kansas, June 16, 1919; New York, June 16, 1919; Ohio, June 16, 1919; Pennsylvania, June 24, 1919; Massachusetts, June 25, 1919; Texas, June 28, 1919; Iowa, July 2, 1919 (date on which approved by Governor); Missouri, July 3, 1919; Arkansas, July 28, 1919; Montana, August 2, 1919 (date on which approved by Governor); Nebraska, August 2, 1919; Minnesota, September 8, 1919; New Hampshire, September 10, 1919 (date on which approved by Governor); Utah, October 2, 1919; California, November 1, 1919; Maine, November 5, 1919; North Dakota, December 1, 1919; South Dakota, December 4, 1919 (date on which certified); Colorado, December 15, 1919 (date on which approved by Governor); Kentucky, January 6, 1920; Rhode Island, January 6, 1920; Oregon, January 13, 1920; Indiana, January 16, 1920; Wyoming, January 27, 1920; Nevada, February 7, 1920; New Jersey, February 9, 1920; Idaho, February 11, 1920; Arizona, February 12, 1920; New Mexico, February 21, 1920 (date on which approved by Governor); Oklahoma, February 28, 1920; West Virginia, March 10, 1920; Washington, March 22, 1920; Tennessee, August 18, 1920; Connecticut, September 14, 1920 (confirmed September 21, 1920); Vermont, February 8, 1921; Delaware, March 6, 1923 (after having rejected it on June 2, 1920); Maryland, March 29, 1941 (after having rejected it on February 24, 1920, ratification certified on February 25, 1958); Virginia, February 21, 1952 (after having rejected it on February 12, 1920); Alabama, September 8, 1953 (after having rejected it on September 22, 1919); Florida, May 13, 1969; South Carolina, July 1, 1969 (after having rejected it on January 29, 1920); Georgia, February 20, 1970 (after having rejected it on July 24, 1919); Louisiana, June 11, 1970 (after having rejected it on July 1, 1920); North Carolina, May 6, 1971; Mississippi, March 22, 1984 (after having rejected it on March 29, 1920).

AMENDMENT [XX] 1390

SECTION 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives 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. 1390.1

SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day. 1390.2

SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President 1390.3

Constitution [41 Stat. 1823].

elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

1390.4 SECTION 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

1390.5 SECTION 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

1390.6 SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

The **twentieth amendment**[14] was ratified by the several State legislatures on the following dates: Virginia, March 4, 1932; New York, March 11, 1932; Mississippi, March 16, 1932; Arkansas, March 17, 1932; Kentucky, March 17, 1932; New Jersey, March 21, 1932; South Carolina,

[14] The twentieth amendment was proposed by Congress on March 2, 1932, when it passed the Senate [Cong. Rec. (72d Cong., 1st sess.) 5086], having previously passed the House on March 1 [*Id.,* 5027]. It appears officially in 47 Stat. 745. Ratification was completed on January 23, 1933, when the thirty-sixth State approved the amendment, there being then 48 States in the Union. On February 6, 1933, Secretary of State Stimson certified that it had become a part of the Constitution [47 Stat. 2569].

A proposed amendment which would authorize Congress to limit, regulate, and prohibit the labor of persons under 18 years of age was passed by Congress on June 2, 1924. This proposal at the time it was submitted to the States was referred to as "the proposed 20th Amendment." It appears officially in 43 Stat. 670.

The status of this proposed amendment is a matter of conflicting opinion. The Kentucky Court of Appeals in Wise *v.* Chandler (270 Ky. 1 [1937]) has held that it is no longer open to ratification because: (1) Rejected by more than one-fourth of the States; (2) a State may not reject and then subsequently ratify, at least when more than one-fourth of the States are on record as rejecting; and (3) more than a reasonable time has elapsed since it was submitted to the States in 1924 (for subsequent litigation in the Chandler case see 303 U.S. 634 and 307 U.S. 474). The Kansas Supreme Court in Coleman *v.* Miller (146 Kan. 390 [1937]) came to the opposite conclusion.

On October 1, 1937, 27 States had ratified the proposed amendment. Of these States 10 had previously rejected the amendment on one or more occasions. At least 26 different States have at one time rejected the amendment.

March 25, 1932; Michigan, March 31, 1932; Maine, April 1, 1932; Rhode Island, April 14, 1932; Illinois, April 21, 1932; Louisiana, June 22, 1932; West Virginia, July 30, 1932; Pennsylvania, August 11, 1932; Indiana, August 15, 1932; Texas, September 7, 1932; Alabama, September 13, 1932; California, January 4, 1933; North Carolina, January 5, 1933; North Dakota, January 9, 1933; Minnesota, January 12, 1933; Arizona, January 13, 1933; Montana, January 13, 1933; Nebraska, January 13, 1933; Oklahoma, January 13, 1933; Kansas, January 16, 1933; Oregon, January 16, 1933; Delaware, January 19, 1933; Washington, January 19, 1933; Wyoming, January 19, 1933; Iowa, January 20, 1933; South Dakota, January 20, 1933; Tennessee, January 20, 1933; Idaho, January 21, 1933; New Mexico, January 21, 1933; Georgia, January 23, 1933; Missouri, January 23, 1933; Ohio, January 23, 1933; Utah, January 23, 1933; Colorado, January 24, 1933; Massachusetts, January 24, 1933; Wisconsin, January 24, 1933; Nevada, January 26, 1933; Connecticut, January 27, 1933; New Hampshire, January 31, 1933; Vermont, February 2, 1933; Maryland, March 24, 1933; Florida, April 26, 1933.

AMENDMENT [XXI] 1391

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed. 1391.1

SECTION 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited. 1391.2

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress. 1391.3

The **twenty-first amendment**[15] was ratified by the several State conventions on the following dates: Michigan, April 10, 1933; Wisconsin, April 25, 1933; Rhode Island, May 8, 1933; Wyoming, May 25, 1933; New Jersey, June 1, 1933; Delaware, June 24, 1933; Indiana, June 26, 1933; Massachusetts, June 26, 1933; New York, June 27, 1933; Illinois, July 10, 1933; Iowa, July 10, 1933; Connecticut, July 11, 1933; New Hampshire, July 11, 1933; California, July 24, 1933; West Virginia, July 25, 1933; Arkansas, August 1, 1933; Oregon, August 7, 1933; Alabama, August 8, 1933; Tennessee, August 11, 1933; Missouri, August 29, 1933; Arizona, September 5, 1933; Nevada, September 5, 1933; Vermont, September 23, 1933; Colorado, September 26, 1933; Washington, October 3, 1933; Minnesota, October 10, 1933; Idaho, October

[15] The twenty-first amendment was proposed by Congress on February 20, 1933, when it passed the House [76 Cong. Rec. (72d Cong., 2d sess.) 4516], having previously passed the Senate on February 16 [*Id.,* 4231]. It appears officially in 47 Stat. 1625. Ratification was completed on December 5, 1933, when the thirty-sixth State (Utah) approved the amendment, there being then 48 States in the Union. On December 5, 1933, Acting Secretary of State Phillips certified that it had been adopted by the requisite number of States [48 Stat. 1749].

17, 1933; Maryland, October 18, 1933; Virginia, October 25, 1933; New Mexico, November 2, 1933; Florida, November 14, 1933; Texas, November 24, 1933; Kentucky, November 27, 1933; Ohio, December 5, 1933; Pennsylvania, December 5, 1933; Utah, December 5, 1933; Maine, December 6, 1933; Montana, August 6, 1934. The amendment was rejected by a convention in the State of South Carolina, on December 4, 1933. The electorate of the State of North Carolina voted against holding a convention at a general election held on November 7, 1933.

1392

AMENDMENT [XXII]

1392.1 SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative, from holding the office of President or acting as President during the remainder of such term.

1392.2 SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

The **twenty-second amendment**[16] was ratified by the several State legislatures on the following dates: Maine, March 31, 1947; Michigan, March 31, 1947; Iowa, April 1, 1947; Kansas, April 1, 1947; New Hampshire, April 1, 1947; Delaware, April 2, 1947; Illinois, April 3, 1947; Oregon, April 3, 1947; Colorado, April 12, 1947; California, April 15, 1947; New Jersey, April 15, 1947; Vermont, April 15, 1947; Ohio, April 16, 1947; Wisconsin, April 16, 1947; Pennsylvania, April 29, 1947; Connecticut, May 21, 1947; Missouri, May 22, 1947; Nebraska, May 23, 1947; Virginia, January 28, 1948; Mississippi, February 12, 1948; New York, March 9, 1948; South Dakota, January 21, 1949; North Dakota, February 25, 1949; Louisiana, May 17, 1950; Montana, January 25,

[16] The twenty-second amendment was proposed by Congress on March 24, 1947, when the House agreed to Senate amendment [93 Cong. Rec. (80th Cong., 1st sess.) 2389], having previously been passed in the House of Representatives on February 6, 1947 [93 Cong. Rec. (80th Cong., 1st sess.) 872], and in the Senate on March 12, 1947, with an amendment [93 Cong. Rec. (80th Cong., 1st sess.) 1978]. Ratification was completed on February 27, 1951, when the legislature of the thirty-sixth State (Minnesota) approved the amendment, there being then forty-eight States in the Union. On March 1, 1951, the Administrator of General Services, Jess Larson, certified that this amendment had become a part of the Constitution.

1951; Indiana, January 29, 1951; Idaho, January 30, 1951; New Mexico, February 12, 1951; Wyoming, February 12, 1951; Arkansas, February 15, 1951; Georgia, February 17, 1951; Tennessee, February 20, 1951; Texas, February 22, 1951; Utah, February 26, 1951; Nevada, February 26, 1951; Minnesota, February 27, 1951; North Carolina, February 28, 1951; South Carolina, March 13, 1951; Maryland, March 14, 1951; Florida, April 16, 1951; Alabama, May 4, 1951. The amendment was rejected (and not subsequently ratified) by Oklahoma in June 1947, and Massachusetts on June 9, 1949.

AMENDMENT [XXIII] 1393

SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct: 1393.1

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation. 1393.2

The **twenty-third amendment**[17] was ratified by the several State legislatures on the following dates: Hawaii, June 23, 1960 (technical correction, June 30, 1960); Massachusetts, August 22, 1960; New Jersey, December 19, 1960; New York, January 17, 1961; California, January 19, 1961; Oregon, January 27, 1961; Maryland, January 30, 1961; Idaho, January 31, 1961; Maine, January 31, 1961; Minnesota, January 31, 1961; New Mexico, February 1, 1961; Nevada, February 2, 1961; Montana, February 6, 1961; Colorado, February 8, 1961; Washington, February 9, 1961; West Virginia, February 9, 1961; Alaska, February 10,

[17] The twenty-third amendment was proposed by Congress on June 16, 1960, when the Senate agreed to S.J. Res. 39, 86th Cong., as passed by the House of Representatives on June 14; which action consisted of substituting H.J. Res. 757 for the original text of S.J. Res. 39 [106 Cong. Rec. (86th Cong., 2d sess.) 12571]. S.J. Res. 39 as approved by the Senate on February 2, 1960 [106 Cong. Rec. (86th Cong., 2d sess.) 12850–58], for the first time since 1789, proposed several unrelated articles of amendment, though several amendments cover several points in sections of an article; as finally proposed it dealt with a single matter. It appears officially in 74 Stat. 1057 under date of June 16, 1960. Ratification was completed on March 29, 1961, when the legislature of the thirty-eighth State (Ohio) approved the amendment, there being then fifty States in the Union. The identity of the thirty-eighth State was in doubt until New Hamphire by "official notice" determined March 30 as the date of its ratification. On April 3, 1961, the Administrator of General Services, John L. Moore, certified that this amendment had become a part of the Constitution (26 F.R. 2808 and 75 Stat. 847).

1961; Wyoming, February 13, 1961; South Dakota, February 14, 1961 (date of filing in Office of Secretary of State of South Dakota); Delaware, February 20, 1961; Utah, February 21, 1961; Wisconsin, February 21, 1961; Pennsylvania, February 28, 1961; Indiana, March 3, 1961; North Dakota, March 3, 1961; Tennessee, March 6, 1961; Michigan, March 8, 1961; Connecticut, March 9, 1961; Arizona, March 10, 1961; Illinois, March 14, 1961; Nebraska, March 15, 1961; Vermont, March 15, 1961; Iowa, March 16, 1961; Missouri, March 20, 1961; Oklahoma, March 21, 1961; Rhode Island, March 22, 1961; Kansas, March 29, 1961; Ohio, March 29, 1961; New Hampshire, March 30, 1961 (date in official notice; preceded by ratification on March 29, 1961, which was annulled and then repeated March 29). Arkansas rejected the proposal on January 24, 1961.

1394

AMENDMENT [XXIV]

1394.1 SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

1394.2 SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

The **twenty-fourth amendment**[18] was ratified by the several State legislatures on the following dates: Illinois, November 14, 1962; New Jersey, December 3, 1962; Oregon, January 25, 1963; Montana, January 28, 1963; West Virginia, February 1, 1963; New York, February 4, 1963; Maryland, February 6, 1963; California, February 7, 1963; Alaska, February 11, 1963; Rhode Island, February 14, 1963; Indiana, February 19, 1963; Utah, February 20, 1963; Michigan, February 20, 1963; Colorado, February 21, 1963; Ohio, February 27, 1963; Minnesota, February 27, 1963; New Mexico, March 5, 1963; Hawaii, March 6, 1963; North Dakota, March 7, 1963; Idaho, March 8, 1963; Washington, March 14, 1963; Vermont, March 15, 1963; Nevada, March 19, 1963; Connecticut, March 20, 1963; Tennessee, March 21, 1963; Pennsylvania, March 25, 1963; Wisconsin, March 26, 1963; Kansas, March 28, 1963; Massachusetts, March 28, 1963; Nebraska, April 4, 1963; Florida, April 18, 1963; Iowa, April 24, 1963; Delaware, May 1, 1963; Missouri, May 13, 1963; New Hampshire, June 16, 1963; Kentucky, June 27, 1963; Maine, January 16, 1964; South Dakota, January 23, 1964; Virginia, February 25,

[18] The twenty-fourth amendment was proposed by Congress on August 27, 1962, when it passed the House [108 Cong. Rec. (87th Cong., 2d sess.) 1767], having previously passed the Senate on March 27, 1962 [*Id.,* 5105]. It appears officially in 76 Stat. 1259 under date of August 29, 1962. Ratification was completed on January 23, 1964, when the legislature of the thirty-eighth State (South Dakota) approved the amendment, there being then fifty States in the Union. On February 4, 1964, the Administrator of General Services, Bernard L. Boutin, certified that this amendment had become a part of the Constitution (29 F.R. 1715).

1977; North Carolina, May 3, 1989. Mississippi rejected the proposal on December 20, 1962.

AMENDMENT [XXV] 1395

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President. 1395.1

SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress. 1395.2

SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President. 1395.3

SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. 1395.4

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department[1] or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after re-

[1] So in original. Probably should be "departments".

ceipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

The **twenty-fifth amendment**[19] was ratified by the several State legislatures on the following dates: Nebraska, July 12, 1965; Wisconsin, July 13, 1965; Oklahoma, July 16, 1965; Massachusetts, August 9, 1965; Pennsylvania, August 18, 1965; Kentucky, September 15, 1965; Arizona, September 22, 1965; Michigan, October 5, 1965; Indiana, October 20, 1965; California, October 21, 1965; Arkansas, November 4, 1965; New Jersey, November 29, 1965; Delaware, December 7, 1965; Utah, January 17, 1966; West Virginia, January 20, 1966; Maine, January 24, 1966; Rhode Island, January 28, 1966; Colorado, February 3, 1966; New Mexico, February 3, 1966; Kansas, February 8, 1966; Vermont, February 10, 1966; Alaska, February 18, 1966; Idaho, March 2, 1966; Hawaii, March 3, 1966; Virginia, March 8, 1966; Mississippi, March 10, 1966; New York, March 14, 1966; Maryland, March 23, 1966; Missouri, March 30, 1966; New Hampshire, June 13, 1966; Louisiana, July 5, 1966; Tennessee, January 12, 1967; Wyoming, January 25, 1967; Washington, January 26, 1967; Iowa, January 26, 1967; Oregon, February 2, 1967; Minnesota, February 10, 1967; Nevada, February 10, 1967; Connecticut, February 14, 1967; Montana, February 15, 1967; South Dakota, March 6, 1967; Ohio, March 7, 1967; Alabama, March 14, 1967; North Carolina, March 22, 1967; Illinois, March 22, 1967; Texas, April 25, 1967; Florida, May 25, 1967.

1396 AMENDMENT [XXVI]

1396.1 SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

1396.2 SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

The **twenty-sixth amendment**[20] was ratified by the several State legislatures on the following dates: Connecticut, March 23, 1971; Dela-

[19] The twenty-fifth amendment was proposed by Congress on July 6, 1965, when the Senate agreed to a conference report, to which the House had previously agreed on June 30, 1965. It appears officially in 79 Stat. 1327. Ratification was completed on February 10, 1967, when the legislature of the thirty-eighth State (Nevada) approved the amendment, there being then fifty States in the Union. On February 23, 1967, the Administrator of General Services, Lawson B. Knott, Jr., certified that this amendment had become a part of the Constitution (32 F.R. 3287).

[20] The twenty-sixth amendment was proposed by Congress on March 23, 1971, when it passed the House [117 Cong. Rec. (92d Cong., 1st sess.) 7570], having

ware, March 23, 1971; Minnesota, March 23, 1971; Tennessee, March 23, 1971; Washington, March 23, 1971; Hawaii, March 24, 1971; Massachusetts, March 24, 1971; Montana, March 29, 1971; Arkansas, March 30, 1971; Idaho, March 30, 1971; Iowa, March 30, 1971; Nebraska, April 2, 1971; New Jersey, April 3, 1971; Kansas, April 7, 1971; Michigan, April 7, 1971; Alaska, April 8, 1971; Maryland, April 8, 1971; Indiana, April 8, 1971; Maine, April 9, 1971; Vermont, April 16, 1971; Louisiana, April 17, 1971; California, April 19, 1971; Colorado, April 27, 1971; Pennsylvania, April 27, 1971; Texas, April 27, 1971; South Carolina, April 28, 1971; West Virginia, April 28, 1971; New Hampshire, May 13, 1971; Arizona, May 14, 1971; Rhode Island, May 27, 1971; New York, June 2, 1971; Oregon, June 4, 1971; Missouri, June 14, 1971; Wisconsin, June 22, 1971; Illinois, June 29, 1971; Alabama, June 30, 1971; Ohio, June 30, 1971; North Carolina, July 1, 1971; Oklahoma, July 1, 1971; Virginia, July 8, 1971; Wyoming, July 8, 1971; Georgia, October 4, 1971.

AMENDMENT [XXVII] 1397

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened. 1397.1

The twenty-seventh amendment[21] was ratified by the following States: Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; Delaware, January 28, 1790; Vermont, November 3, 1791; Virginia, December 15, 1791; Ohio, May 6, 1873; Wyoming, March 6, 1978; Maine, April 27, 1983; Colorado, April 22, 1984; South Dakota, February 21, 1985; New Hampshire, March 7, 1985; Arizona, April 3, 1985; Tennessee, May 23, 1985; Oklahoma, July 10, 1985; New Mexico, February 14, 1986; Indiana, February 24, 1986; Utah, February 25, 1986; Arkansas, March 6, 1987; Montana, March 17, 1987; Connecticut, May 13, 1987; Wisconsin, July 15, 1987; Georgia, February 2, 1988; West Virginia, March 10, 1988; Louisiana, July 7, 1988; Iowa, February 9, 1989; Idaho, March 23, 1989; Nevada, April 26, 1989; Alaska, May 6, 1989; Oregon, May 19, 1989; Minnesota, May 22, 1989; Texas, May 25, 1989; Kansas, April 5, 1990; Florida, May 31, 1990; North Dakota, March 25, 1991; Alabama, May 5, 1992; Missouri, May 5, 1992; Michigan, May 7, 1992; New Jersey, May 7, 1992; Illinois, May 12, 1992; California, June 26, 1992; Rhode Island, June 10, 1993. 1397.2

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previously passed the Senate on March 10, 1971 [*Id.,* 5830]. It appears officially in 85 Stat. 825. Ratification was completed on July 1, 1971, when the legislature of the thirty-eighth State (North Carolina) approved the amendment, there being then fifty States in the Union. On July 5, 1971, the Administrator of General Services, Robert L. Kunzig, certified that this amendment had become a part of the Constitution (36 F.R. 12725).

[21] The twenty-seventh amendment was the second of twelve articles proposed by the First Congress on Sept. 25, 1789. Ratification was completed on May 7, 1992, when the legislatures of the thirty-eighth and thirty-ninth States (Michigan and New Jersey) approved the amendment, there being then fifty States in the Union. On May 18, 1992, the Archivist of the United States declared this amendment to have become valid. (F.R. Doc. 92–11951, 57 F.R. 21187).

[1398]

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STATISTICAL DATA

[1400]

PRESIDENTS PRO TEMPORE OF THE SENATE

FROM THE FIRST CONGRESS TO END OF SECOND SESSION OF THE ONE HUNDRED TENTH CONGRESS

[In earlier years the appointment or election of a President pro tempore was held by the Senate to be for the occasion only, so that more than one appears in several sessions and in others none were chosen. Since Mar. 12, 1890, however, they have served until "the Senate otherwise ordered."]

Congress	Name of President pro tempore	State	Elected
First	John Langdon	New Hampshire	Apr. 6, 1789.
			Aug. 7, 1789
Second	Richard Henry Lee	Virginia	Apr. 18, 1792.
Do	John Langdon	New Hampshire	Nov. 5, 1792.
			Mar. 1, 1793.
Third	Ralph Izard	South Carolina	May 31, 1794.
Do	Henry Tazewell	Virginia	Feb. 20, 1795.[1]
Fourth	.....do	.....do	Dec. 7, 1795.
Do	Samuel Livermore	New Hampshire	May 6, 1796.
Do	William Bingham	Pennsylvania	Feb. 16, 1797.
Fifth	William Bradford	Rhode Island	July 6, 1797.
Do	Jacob Read	South Carolina	Nov. 22, 1797.
Do	Theodore Sedgwick	Massachusetts	June 27, 1798.
Do	John Laurance	New York	Dec. 6, 1798.
Do	James Ross	Pennsylvania	Mar. 1, 1799.
Sixth	Samuel Livermore	New Hampshire	Dec. 2, 1799.
Do	Uriah Tracy	Connecticut	May 14, 1800.
Do	John E. Howard	Maryland	Nov. 21, 1800.
Do	James Hillhouse	Connecticut	Feb. 28, 1801.
Seventh	Abraham Baldwin	Georgia	Dec. 7, 1801.
			Apr. 17, 1802.
Do	Stephen R. Bradley	Vermont	Dec. 14, 1802.
			Feb. 25, 1803.
			Mar. 2, 1803.
Eighth	John Brown	Kentucky	Oct. 17, 1803.
			Jan. 23, 1804.
Do	Jesse Franklin	North Carolina	Mar. 10, 1804.
Do	Joseph Anderson	Tennessee	Jan. 15, 1805.
			Feb. 28, 1805.
			Mar. 2, 1805.
Ninth	Samuel Smith	Maryland	Dec. 2, 1805.
			Mar. 18, 1806.
			Mar. 2, 1807.
Tenth	.....do	.....do	Apr. 16, 1808.
Do	Stephen R. Bradley	Vermont	Dec. 28, 1808.
Do	John Milledge	Georgia	Jan. 30, 1809.
Eleventh	Andrew Gregg	Pennsylvania	June 26, 1809.
Do	John Gaillard	South Carolina	Feb. 28, 1810.
			Apr. 17, 1810.
Do	John Pope	Kentucky	Feb. 23, 1811.
Twelfth	William H. Crawford	Georgia	Mar. 24, 1812.
Thirteenth	Joseph B. Varnum	Massachusetts	Dec. 6, 1813.
Do	John Gaillard	South Carolina	Apr. 18, 1814.
			Nov. 25, 1814, upon the death of Vice President Elbridge Gerry.[2]

See footnotes at end of table.

Congress	Name of President pro tempore	State	Elected
Fourteenth	.....do	.....do	Mar. 6, 1817.
Fifteenth	.....do	.....do	Mar. 31, 1818.[3]
Do	James Barbour	Virginia	Feb. 15, 1819.
Sixteenth	John Gaillard	South Carolina	Jan. 25, 1820.
Seventeenth	.....do	.....do	Feb. 1, 1822.
			Feb. 19, 1823.
Eighteenth	.....do	.....do	May 21, 1824.
Nineteenth	.....do	.....do	Mar. 9, 1825.[4]
Do	Nathaniel Macon	North Carolina	May 20, 1826.
			Jan. 2, 1827.
			Mar. 2, 1827.
Twentieth	Samuel Smith	Maryland	May 15, 1828.[5]
Twenty-first	.....do	.....do	Mar. 13, 1829.[4]
			May 29, 1830.
			Mar. 1, 1831.[6]
Twenty-second	Littleton W. Tazewell	Virginia	July 9, 1832.
Do	Hugh L. White	Tennessee	Dec. 3, 1832.
Twenty-third	.....do	.....do	(7)
Do	George Poindexter	Mississippi	June 28, 1834.
Do	John Tyler	Virginia	Mar. 3, 1835.
Twenty-fourth	William R. King	Alabama	July 1, 1836.
			Jan. 28, 1837.
Twenty-fifth	.....do	.....do	Mar. 7, 1837.[4]
			Oct. 13, 1837.
			July 2, 1838.
			Feb. 25, 1839.
Twenty-sixth	.....do	.....do	(7)
			July 3, 1840.
			Mar. 3, 1841.
Twenty-seventh	.....do	.....do	Mar. 4, 1841.[4]
Do	Samuel L. Southard	New Jersey	Mar. 11, 1841.[8]
Do	Willie P. Mangum	North Carolina	May 31, 1842.
Twenty-eighth	.....do	.....do	(7)
Twenty-ninth	Ambrose H. Sevier	Arkansas	Dec. 27, 1845.[9]
Do	David R. Atchison	Missouri	Aug. 8, 1846.
			Jan. 11, 1847.
			Mar. 3, 1847.
Thirtieth	.....do	.....do	Feb. 2, 1848.
			June 1, 1848.
			June 26, 1848.
			July 29, 1848.
			Dec. 26, 1848.
			Mar. 2, 1849.
Thirty-first	.....do	.....do	Mar. 5, 1849.[4]
			Mar. 16, 1849.
Do	William R. King	Alabama	May 6, 1850.
			July 11, 1850.
Thirty-second	.....do	.....do	(10)
Do	David R. Atchison	Missouri	Dec. 20, 1852.
Thirty-third	.....do	.....do	Mar. 4, 1853.[4]
Do	Lewis Cass	Michigan	Dec. 4, 1854.
Do	Jesse D. Bright	Indiana	Dec. 5, 1854.
Thirty-fourth	Charles E. Stuart	Michigan	June 9, 1856.[11]
Do	Jesse D. Bright	Indiana	June 11, 1856.
Do	James M. Mason	Virginia	Jan. 6, 1857.[12]
Thirty-fifth	.....do	.....do	Mar. 4, 1857.[4]
Do	Thomas J. Rusk	Texas	Mar. 14, 1857.[4]
Do	Benjamin Fitzpatrick	Alabama	Dec. 7, 1857.
			Mar. 29, 1858.
			June 14, 1858.
			Jan. 25, 1859.
Thirty-sixth	.....do	.....do	Mar. 9, 1859.[4]
			Dec. 19, 1859.
			Feb. 20, 1860.[4]
			June 26, 1860.
Do	Jesse D. Bright	Indiana	June 12, 1860.
Do	Benjamin Fitzpatrick	Alabama	June 26, 1860
Do	Solomon Foot	Vermont	Feb. 16, 1861.

See footnotes at end of table.

Congress	Name of President pro tempore	State	Elected
Thirty-seventh	Solomon Foot	do	Mar. 23, 1861.[4]
			July 18, 1861.
			Jan. 15, 1862.
			Mar. 31, 1862.
			June 19, 1862.
			Feb. 18, 1863.
Thirty-eighth	do	do	Mar. 4, 1863.[4]
			Dec. 18, 1863.
			Feb. 23, 1864.
			Mar. 11, 1864.
			Apr. 11, 1864.
Do	Daniel Clark	New Hampshire	Apr. 26, 1864.
			Feb. 9, 1865.
Thirty-ninth	Layfayette S. Foster	Connecticut	Mar. 7, 1865.[13]
Do	Benjamin F. Wade	Ohio	Mar. 2, 1867.
Fortieth	do	do	(7)
Forty-first	Henry B. Anthony	Rhode Island	Mar. 23, 1869.
			Apr. 9, 1869.
			May 28, 1870.
			July 1, 1870.
			July 14, 1870.
Forty-second	do	do	Mar. 10, 1871.
			Apr. 17, 1871.
			May 23, 1871.[4]
			Dec. 21, 1871.
			Feb. 23, 1872.
			June 8, 1872.
			Dec. 4, 1872.
			Dec. 13, 1872.
			Dec. 20, 1872.
			Jan. 24, 1873.
Forty-third	Matthew H. Carpenter	Wisconsin	Mar. 12, 1873.[4]
			Mar. 26, 1873.[4]
			Dec. 11, 1873.
			Dec. 23, 1874.
Do	Henry B. Anthony	Rhode Island	Jan. 25, 1875.
			Feb. 15, 1875.
Forty-fourth	Thomas W. Ferry	Michigan	Mar. 9, 1875.[4]
			Mar. 19, 1875.[4]
			Dec. 20, 1875.
Forty-fifth	do	do	Mar. 5, 1877.[4]
			Feb. 26, 1878.
			Apr. 17, 1878.
			Mar. 3, 1879.
Forty-sixth	Allen G. Thurman	Ohio	Apr. 15, 1879.
			Apr. 7, 1880.
			May 6, 1880.
Forty-seventh	Thomas F. Bayard	Delaware	Oct. 10, 1881.[4]
Do	David Davis	Illinois	Oct. 13, 1881.[14]
Do	George F. Edmunds	Vermont	Mar. 3, 1883.
Forty-eighth	do	do	Jan. 14, 1884.
Forty-ninth	John Sherman	Ohio	Dec. 7, 1885.[15]
Do	John J. Ingalls	Kansas	Feb. 26, 1887.
Fiftieth	do	do	(7)
Fifty-first	do	do	Mar. 7, 1889.[4]
			Apr. 2, 1889.[4]
			Dec. 5, 1889.
			Feb. 28, 1890.
			Apr. 3, 1890.[16]
Do	Charles F. Manderson	Nebraska	Mar. 2, 1891.
Fifty-second	do	do	
Fifty-third	do	do	(17)
Do	Isham G. Harris	Tennessee	Mar. 22, 1893.[4]
Do	Matt W. Ransom	North Carolina	Jan. 7, 1895.[18]
Do	Isham G. Harris	Tennessee	Jan. 10, 1895.
Fifty-fourth	William P. Frye	Maine	Feb. 7, 1896.
Fifty-fifth	do	do	
Fifty-sixth	do	do	
Fifty-seventh	do	do	Mar. 7, 1901.[4]
Fifty-eighth	do	do	
Fifty-ninth	do	do	
Sixtieth	do	do	Dec. 5, 1907.

See footnotes at end of table.

Congress	Name of President pro tempore	State	Elected
Sixty-first	.....do	.....do	
Sixty-second	.....do	.....do	(19)
Do	Augustus O. Bacon	Georgia	August 14, 1911.[20]
Do	Charles Curtis	Kansas	Dec. 4, 1911.[21]
Do	Augustus O. Bacon	Georgia	Jan. 15, 1912.[22]
Do	Jacob H. Gallinger	New Hampshire	Feb. 12, 1912.[23]
Do	Henry Cabot Lodge	Massachusetts	Mar. 25, 1912.[24]
Do	.....do	.....do	May 25, 1912.
Sixty-third	James P. Clarke	Arkansas	Mar. 13, 1913.[4]
Sixty-fourth	.....do	.....do	Dec. 6, 1915.[25]
Do	Willard Saulsbury	Delaware	Dec. 14, 1916.
Sixty-fifth	.....do	.....do	
Sixty-sixth	Albert B. Cummins	Iowa	May 19, 1919.
Sixty-seventh	.....do	.....do	Mar. 7, 1921.[4]
Sixty-eighth	.....do	.....do	
Sixty-ninth	.....do	.....do	
Do	George H. Moses	New Hampshire	Mar. 6, 1925.[4]
Seventieth	.....do	.....do	Dec. 15, 1927.
Seventy-first	.....do	.....do	
Seventy-second	.....do	.....do	
Seventy-third	Key Pittman	Nevada	Mar. 9, 1933.
Seventy-fourth	.....do	.....do	Jan. 7, 1935.
Seventy-fifth	.....do	.....do	
Seventy-sixth	.....do	.....do	(26)
Do	William H. King	Utah	Nov. 19, 1940.
Seventy-seventh	Pat Harrison	Mississippi	Jan. 6, 1941.[27]
Do	Carter Glass	Virginia	July 10, 1941.
Seventy-eighth	.....do	.....do	Jan. 14, 1943.
Seventy-ninth	Kenneth McKellar	Tennessee	Jan. 6, 1945.
Eightieth	Arthur H. Vandenberg	Michigan	Jan. 4, 1947.
Eighty-first	Kenneth McKellar	Tennessee	Jan. 3, 1949.
Eighty-second	.....do	.....do	
Eighty-third	Styles Bridges	New Hampshire	Jan. 3, 1953.
Eighty-fourth	Walter F. George	Georgia	Jan. 5, 1955.
Eighty-fifth	Carl Hayden	Arizona	Jan. 3, 1957.
Eighty-sixth	.....do	.....do	
Eighty-seventh	.....do	.....do	
Eighty-eighth	.....do	.....do	Jan. 9, 1963.
Eighty-ninth	.....do	.....do	
Ninetieth	.....do	.....do	
Ninety-first	Richard B. Russell	Georgia	Jan. 3, 1969.[28]
Ninety-second	.....do	.....do	
Do	Allen J. Ellender	Louisiana	Jan. 22, 1971.[29]
Do	James O. Eastland	Mississippi	July 28, 1972.
Ninety-third	.....do	.....do	
Ninety-fourth	.....do	.....do	
Ninety-fifth	.....do	.....do	
Ninety-sixth	Warren G. Magnuson	Washington	Jan. 15, 1979.
Do	Milton R. Young	North Dakota	Dec. 4, 1980.[30]
Ninety-seventh	Strom Thurmond	South Carolina	Jan. 5, 1981.
Ninety-eighth	.....do	.....do	
Ninety-ninth	.....do	.....do	Jan. 3, 1985.
One-hundredth	John C. Stennis	Mississippi	Jan. 6, 1987.
One-hundred-first	Robert C. Byrd	West Virginia	Jan. 3, 1989.
One-hundred-second	.....do	.....do	
One-hundred-third	.....do	.....do	
One-hundred-fourth	Strom Thurmond	South Carolina	Jan. 4, 1995.
One-hundred-fifth	.....do	.....do	
One-hundred-sixth	.....do	.....do	
One-hundred-seventh	Robert C. Byrd	West Virginia	Jan. 3, 2001.[31]
Do	Strom Thurmond	South Carolina	Jan. 3, 2001.[32]
Do	Robert C. Byrd	West Virginia	June 6, 2001.
One-hundred-eighth	Ted Stevens	Alaska	Jan. 7, 2003.
One-hundred-ninth	.....do	.....do	
One-hundred-tenth	Robert C. Byrd	West Virginia	Jan. 4, 2007.

[1]Samuel Livermore was elected Feb. 20, 1795, but declined.
[2]Vice President Gerry died in preceding Congress.
[3]Continuing from preceding session.
[4]Special session of the Senate.
[5]Nathaniel Macon, of North Carolina, was first elected on the same day, but declined to serve.
[6]Littleton W. Tazewell, of Virginia, was first elected, but declined to serve.
[7]Continuing from preceding session.

Footnotes continued on the next page.

[8] Special session of the Senate. Resigned as President pro tempore May 31, 1842.
[9] Served as President pro tempore 1 day, under designation by the Vice President.
[10] Resigned as President pro tempore Dec. 20, 1852.
[11] Resigned June 11, 1856.
[12] Served Jan. 5, 1856, by request of President pro tempore Bright.
[13] Special session of the Senate. Elected "to serve in the absence of the Vice President" and served until Mar. 2, 1867.
[14] Special session of the Senate. Resigned Mar. 3, 1883.
[15] Resigned as President pro tempore, effective Feb. 26, 1887.
[16] Resigned as President pro tempore, effective Mar. 2, 1891; in March 1890, the Senate adopted a resolution stating that Presidents pro tempore would hold office continuously until the election of another President pro tempore, rather than being elected for the period in which the vice president was absent. The new system has continued to the present.
[17] Resigned as President pro tempore Mar. 22, 1893.
[18] Resigned as President pro tempore Jan. 10, 1895.
[19] Resigned as President pro tempore Apr. 27, 1911.
[20] Bacon served as President pro tempore Aug. 14 but was actually elected on Aug. 13.
[21] Elected to serve Dec. 4 to 12, 1911.
[22] Elected to serve Jan. 15 to 17, Mar. 11 and 12, Apr. 8, May 10, May 30 to June 3, June 13 to July 5, Aug. 1 to 10, and Aug. 27 to Dec. 15, 1912; Jan. 5 to 18 and Feb. 2 to 15, 1913.
[23] Elected to serve Feb. 12 to 14, Apr. 26 and 27, May 7, July 6 to 31, Aug. 12 to 26, 1912; Dec. 16, 1912, to Jan. 4, 1913; Jan 19 to Feb. 1 and Feb. 16 to Mar. 3, 1913.
[24] Elected to serve Mar. 25 and 26, 1912.
[25] Died Oct. 1, 1916.
[26] Died Nov. 10, 1940.
[27] Died June 22, 1941.
[28] Died Jan. 21, 1971.
[29] Died July 27, 1972.
[30] Elected to serve for one day only (Dec. 5, 1980). Magnuson resumed the post.
[31] Elected to serve Jan. 3 to Jan. 20, 2001.
[32] Elected to serve beginning Jan. 20, 2001, after Republicans regained control of the Senate. Thurmond was designated President pro tempore emeritus of the United States Senate (S. Res. 103, 107-1, June 6, 2001) after Democrats regained control of Senate.

1401 DEPUTY PRESIDENT PRO TEMPORE OF THE SENATE [1]

Congress	Name	State	Elected
95th	Hubert H. Humphrey	Minnesota	Jan. 10, 1977 (effective Jan. 5, 1977).[2]
100th	George J. Mitchell	Maine	Jan. 28, 1987.[3]

[1] This office was established by S. Res. 17, 95–1, agreed to Jan. 10, 1977 (effective Jan. 5, 1977). The resolution provided that "[a]ny Member of the Senate who has held the Office of President of the United States or Vice President of the United States shall be a Deputy President pro tempore".
[2] Died Jan. 13, 1978.
[3] S. Res. 90, 100–1, agreed to Jan. 28, 1987, provided that in addition to Senators who hold the Office of Deputy President pro tempore under authority of S. Res. 17, 95–1, any other Member of the Senate designated by Senate resolution shall hold the office at the pleasure of the Senate during the 100th Congress. Senator Mitchell was so designated by S. Res. 91, agreed to the same date.

1402 PERMANENT ACTING PRESIDENT PRO TEMPORE OF THE SENATE [1]

Congress	Name	State	Elected
88th–95th	Lee Metcalf	Montana	Feb. 7, 1964.[2]

[1] Development of this office started in 1963 upon adoption of S. Res. 232 and S. Res. 238, making Senator Metcalf Permanent Acting President pro tempore from Dec. 9, 1963, until meeting of the second regular session of the 88th Congress. On Feb. 7, 1964, S. Res. 296 was adopted authorizing Senator Metcalf "to perform the duties of the Chair as Acting President pro tempore until otherwise ordered by the Senate."
[2] Died Jan. 12, 1978.

1403 PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE [1]

Congress	Name	State	Elected
107th	Strom Thurmond	South Carolina	June 6, 2001.[2]
108th	Robert C. Byrd	West Virginia	Jan. 15, 2003.[3]
110th	Ted Stevens	Alaska	Jan. 4, 2007.[4]

[1] This office was first created on June 6, 2001, with S. Res. 103, designating Senator Strom Thurmond as President pro tempore emeritus.
[2] Designated by S. Res. 103.
[3] Designated by S. Res. 21.
[4] Designated by S. Res. 6.

[1404]

SENATORS OF THE UNITED STATES

FROM THE FIRST CONGRESS TO THE END OF THE SECOND SESSION OF THE ONE HUNDRED TENTH CONGRESS

CLASSIFICATION OF SENATORS

Under Article I, section 3, clause 2, of the Constitution of the United States, relating to the classification of Senators in the First and succeeding Congresses, it was provided that, "Immediately after they shall be assembled in consequence of the first election they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year." The classification of the Senators of the First Congress was made in accordance with this provision by lot. The following table shows the classes to which the Senators of the First Congress, and from States subsequently admitted into the Union, were severally assigned, and the succession in each State to the end of the second session of the One Hundred Tenth Congress.

TERMS OF SENATORS

Technically, pursuant to the Twentieth Amendment to the Constitution of the United States, ratified January 23, 1933, the terms of Members of the Senate commence at noon on the third day of January and end six years later at noon on the third day of January. In view of the impracticality of dealing with split days, however, it has been the long established practice for payment of salaries, computation of allowances, and recording of service to credit a Member for the full day of the third of January and to consider the term as ended at the close of business on the second of January six years later. Accordingly, the service of Members of the Senate is shown on that basis in the following tables.

TABLE OF SENATORS FROM THE FIRST CONGRESS TO THE SECOND SESSION OF THE ONE HUNDRED TENTH CONGRESS*

ALABAMA

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
16th–29th	William R. King	Dec. 14, 1819	Mar. 3, 1847	Res. Apr. 15, 1844.
28th	Dixon H. Lewis	Apr. 22, 1844	Dec. 9, 1844	By gov., to fill vac.
28th–32d	.....do	Dec. 10, 1844	Mar. 3, 1853	Died Oct. 25, 1848.
30th–31st	Benjamin Fitzpatrick	Nov. 25, 1848	Nov. 30, 1849	By gov., to fill vac.
31st–32d	Jeremiah Clemens	Nov. 30, 1849	Mar. 3, 1853	
33d–38th	Clement Claiborne Clay, Jr..	Mar. 4, 1853	Mar. 3, 1865	(1)
40th–41st	Willard Warner	June 25, 1868	Mar. 3, 1871	(2)
42d–44th	George Goldthwaite	Mar. 4, 1871	Mar. 3, 1877	(3)
45th–62d	John T. Morgan	Mar. 4, 1877	Mar. 3, 1913	Died June 11, 1907.
60th–68th	John H. Bankhead	June 18, 1907	Mar. 3, 1925	(4)
66th	Braxton B. Comer	Mar. 5, 1920	Nov. 2, 1920	By gov., to fill vac.
66th–71st	J. Thomas Heflin	Nov. 2, 1920	Mar. 3, 1931	
72d–80th	John H. Bankhead, 2d	Mar. 4, 1931	Jan. 2, 1949	Died June 12, 1946.
79th	George R. Swift	June 15, 1946	Nov. 5, 1946	(5)
79th–95th	John Sparkman	Nov. 6, 1946	Jan. 2, 1979	(6)
96th–104th	Howell Heflin	Jan. 3, 1979	Jan. 2, 1997	
105th–110th	Jeff Sessions	Jan. 3, 1997	Jan. 2, 2009	

CLASS 3

16th–18th	John W. Walker	Dec. 14, 1819	Mar. 3, 1825	Res. Dec. 12, 1822.
17th–18th	William Kelly	Dec. 12, 1822	Do.	
19th–21st	Henry H. Chambers	Mar. 4, 1825	Mar. 3, 1831	Died Jan. 25, 1826.
19th	Israel Pickens	Feb. 17, 1826	Nov. 27, 1826	By gov., to fill vac.
19th–21st	John McKinley	Nov. 27, 1826	Mar. 3, 1831	
22d–24th	Gabriel Moore	Mar. 4, 1831	Mar. 3, 1837	
25th	John McKinley	Mar. 4, 1837	Mar. 3, 1843	Res. Apr. 22, 1837.
25th–27th	Clement Comer Clay	June 19, 1837	Do.	Res. Nov. 15, 1841.
27th–30th	Arthur P. Bagby	Nov. 24, 1841	Mar. 3, 1849	Res. June 16, 1848
30th	William R. King	July 1, 1848	Do.	By gov., to fill vac.
31st–33d	.....do	Mar. 4, 1849	Mar. 3, 1855	Res. Dec. 20, 1852.
32d–33d	Benjamin Fitzpatrick	Jan. 14, 1853	Mar. 3, 1855	By gov., to fill vac.
34th–36th	.....do	Mar. 4, 1855	Mar. 3, 1861	(7)
40th–45th	George E. Spencer	June 25, 1868	Mar. 3, 1879	(8)
46th–48th	George S. Houston	Mar. 4, 1879	Mar. 3, 1885	Died Dec. 31, 1879.
46th	Luke Pryor	Jan. 7, 1880	Nov. 23, 1880	By gov., to fill vac.
46th–54th	James L. Pugh	Nov. 24, 1880	Mar. 3, 1897	
55th–60th	Edmund W. Pettus	Mar. 4, 1897	Mar. 3, 1909	Died July 27, 1907.
60th-63d	Joseph F. Johnston	Aug. 6, 1907	Mar. 3, 1915	(9)
63d	Francis S. White	May 11, 1914	Do.	
64th–69th	Oscar W. Underwood	Mar. 4, 1915	Mar. 3, 1927	
70th–75th	Hugo Black	Mar. 4, 1927	Jan. 2, 1939	Res. Aug. 19, 1937.
75th	Mrs. Dixie Bibb Graves	Aug. 20, 1937	Do.	(10)
75th–90th	Lister Hill	Jan. 11, 1938	Jan. 2, 1969	By gov., to fill vac.[11]
91st–96th	James B. Allen	Jan. 3, 1969	Jan. 2, 1981	Died June 1, 1978.
95th	Maryon Pittman Allen	June 8, 1978	Nov. 7, 1978	(12)
95th–96th	Donald W. Stewart	Nov. 8, 1978	Jan. 2, 1981	(13)
96th–99th	Jeremiah Denton	Jan. 2, 1981	Jan. 2, 1987	(14)
100th–111th	Richard C. Shelby	Jan. 3, 1987	Jan. 2, 2011	

*These tables are accurate as of Jan. 25, 2008.

[1] Withdrew from the Senate Jan. 21, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Jan. 21, 1861, to June 25, 1868, because of Civil War.

[2] By legislature, to fill vacancy in term beginning Mar. 4, 1865.

[3] Not sworn in until Jan. 15, 1872, because of protest.

[4] By governor, to fill vacancy; subsequently elected. Died Mar. 1, 1920.

Footnotes continued on next page.

[5] By governor, to fill vacancy. Resigned Nov. 5, 1946.
[6] Elected Nov. 5, 1946, to fill vacancy in term ending Jan. 2, 1949.
[7] Withdrew from the Senate Jan. 21, 1861. Vacancy from Jan. 21, 1861, to June 25, 1868, because of Civil War.
[8] By legislature, to fill vacancy in term beginning Mar. 4, 1867.
[9] Died Aug. 8, 1913. Vacancy from Aug. 8, 1913, to May 11, 1914. Henry D. Clayton was appointed by governor Aug. 12, 1913, to fill vacancy but his credentials were withdrawn, Oct. 21, 1913; Frank P. Glass was appointed by governor Nov. 17, 1913, but by Senate resolution, Feb. 4, 1914, was declared not entitled to a seat.
[10] By governor, to fill vacancy. Resigned Jan. 10, 1938.
[11] Subsequently elected Apr. 26, 1938, to fill vacancy in term ending Jan. 2, 1939.
[12] By governor, to fill vacancy in term ending Jan. 2, 1981, until election held on Nov. 7, 1978.
[13] Elected Nov. 7, 1978, to complete vacancy in term ending Jan. 2, 1981. Resigned Jan. 1, 1981.
[14] By governor, to fill vacancy in term ending Jan. 2, 1981.

1407 1408 ALASKA

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
86th–92d	E. L. Bartlett	Jan. 3, 1959	Jan. 2, 1973	Died Dec. 11, 1968.
90th–110th	Ted Stevens	Dec. 24, 1968	Jan. 2, 2009	By gov., to fill vac.[1]

CLASS 3

86th–90th ..	Ernest Gruening	Jan. 3, 1959	Jan. 2, 1969	
91st–96th ...	Mike Gravel	Jan. 3, 1969	Jan. 2, 1981	
97th–108th	Frank H. Murkowski	Jan. 3, 1981	Jan. 2, 2005	Res. Dec. 2, 2002
107th–108th	Lisa Murkowski	Dec. 20, 2002	Jan. 2, 2005	By gov., to fill vac.
109th–111th	.....do	Jan. 3, 2005	Jan. 2, 2011	

[1] Elected Nov. 3, 1970, to fill vacancy in term ending Jan. 2, 1973.

1409 1410 ARIZONA

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
62d–76th	Henry Fountain Ashurst	Mar. 27, 1912	Jan. 2, 1941	
77th–82d	Ernest W. McFarland	Jan. 3, 1941	Jan. 2, 1953	
83d–88th	Barry Goldwater	Jan. 3, 1953	Jan. 2, 1965	
89th–94th ..	Paul J. Fannin	Jan. 3, 1965	Jan. 2, 1977	
95th–103d ..	Dennis DeConcini	Jan. 3, 1977	Jan. 2, 1995	
104th–112th	Jon Kyl	Jan. 3, 1995	Jan. 2, 2013	

CLASS 3

62d–66th	Marcus A. Smith	Mar. 27, 1912	Mar. 3, 1921	
67th–69th ..	Ralph H. Cameron	Mar. 4, 1921	Mar. 3, 1927	
70th–90th ..	Carl Hayden	Mar. 4, 1927	Jan. 2, 1969	
91st–99th ...	Barry Goldwater	Jan. 3, 1969	Jan. 2, 1987	
100th–111th	John S. McCain III	Jan. 3, 1987	Jan. 2, 2011	

1411 1412 ARKANSAS

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
24th–29th ..	William S. Fulton	Sept. 18, 1836	Mar. 3, 1847	Died Aug. 15, 1844.
28th–32d	Chester Ashley	Nov. 8, 1844	Mar. 3, 1853	Died Apr. 29, 1848.
30th	William K. Sebastian	May 12, 1848	Nov. 16, 1848	By gov., to fill vac.
30th–38th ..	.....do	Nov. 17, 1848	Mar. 3, 1865	(1)
40th–41st ...	Alexander McDonald	June 22, 1868	Mar. 3, 1871	(2)
42d–44th	Powell Clayton	Mar. 14, 1871	Mar. 3, 1877	
45th–50th ..	Augustus H. Garland	Mar. 4, 1877	Mar. 3, 1889	Res. Mar. 6, 1885.
49th–59th ..	James H. Berry	Mar. 20, 1885	Mar. 3, 1907	

See footnotes at end of Arkansas table.

ARKANSAS—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
60th–62d	Jeff Davis	Mar. 4, 1907	Mar. 3, 1913	Died Jan. 3, 1913.
62d	John N. Heiskell	Jan. 6, 1913	Jan. 29, 1913	By gov., to fill vac.
Do	William M. Kavanaugh	Jan. 29, 1913	Mar. 3, 1913	
63d–77th	Joseph T. Robinson	Mar. 10, 1913	Jan. 2, 1943	(3)
75th–77th	John E. Miller	Nov. 15, 1937	Do.	(4)
77th	Lloyd Spencer	Apr. 1, 1941	Do.	By gov., to fill vac.
78th–95th	John L. McClellan	Jan. 3, 1943	Jan. 2, 1979	Died Nov. 28, 1977.
95th	Kaneaster Hodges, Jr.	Dec. 10, 1977	Do.	By gov., to fill vac.
96th–104th	David H. Pryor	Jan. 3, 1979	Jan. 2, 1997	
105th–107th	Tim Hutchinson	Jan. 3, 1997	Jan. 2, 2003	
108th–110th	Mark Pryor	Jan. 3, 2003	Jan. 2, 2009	

CLASS 3

24th–30th	Ambrose H. Sevier	Sept. 18, 1836	Mar. 3, 1849	Res. Mar. 15, 1848.
30th	Solon Borland	Mar. 30, 1848	Nov. 16, 1848	By gov., to fill vac.
30th–33d	.....do	Nov. 17, 1848	Mar. 3, 1855	Res. Apr. 3, 1853.
33d	Robert W. Johnson	July 6, 1853	Nov. 9, 1854	By gov., to fill vac.
33d–36th	.....do	Nov. 10, 1854	Mar. 3, 1861	
37th–39th	Charles B. Mitchel	Mar. 4, 1861	Mar. 3, 1867	(5)
40th–42d	Benjamin F. Rice	June 23, 1868	Mar. 3, 1873	(6)
43d–45th	Stephen W. Dorsey	Mar. 4, 1873	Mar. 3, 1879	
46th–48th	James D. Walker	Mar. 4, 1879	Mar. 3, 1885	
49th–57th	James K. Jones	Mar. 4, 1885	Mar. 3, 1903	
58th–66th	James P. Clarke	Mar. 4, 1903	Mar. 2, 1921	Died Oct. 1, 1916.
64th–66th	William F. Kirby	Nov. 8, 1916	Do.	
67th–72d	Thaddeus H. Caraway	Mar. 4, 1921	Mar. 3, 1933	Died Nov. 6, 1931.
72d	Mrs. Hattie W. Caraway	Nov. 13, 1931	Jan. 12, 1932	By gov., to fill vac.
72d–78th	.....do	Jan. 13, 1932	Jan. 2, 1945	
79th–93d	J. William Fulbright	Jan. 3, 1945	Jan. 2, 1975	Res. Dec. 31, 1974.
94th–105th	Dale Bumpers	Jan. 3, 1975	Jan. 2, 1999	
106th–111th	Blanche L. Lincoln	Jan. 3, 1999	Jan. 2, 2011	

[1] Expelled July 11, 1861. Vacancy from July 11, 1861, to June 22, 1868, because of Civil War.
[2] By legislature, to fill vacancy in term beginning Mar. 4, 1865.
[3] Elected Jan. 28, 1913. Took oath Mar. 10, 1913. Served as governor until Mar. 8, 1913. Died July 14, 1937. Vacancy from July 15 to Nov. 14, 1937.
[4] Elected Oct. 18, 1937. Served in House during interim. Resigned Mar. 31, 1941.
[5] Expelled July 11, 1861. Vacancy from July 11, 1861, to June 23, 1868, because of Civil War.
[6] By legislature, to fill vacancy in term beginning Mar. 4, 1867.

CALIFORNIA 1413 1414

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
31st	John C. Fremont	Sept. 9, 1850	Mar. 3, 1851	
32d–34th	John B. Weller	Jan. 30, 1852	Mar. 3, 1857	(1)
35th–37th	David C. Broderick	Mar. 4, 1857	Mar. 3, 1863	Died Sept. 16, 1859.
36th	Henry P. Haun	Nov. 3, 1859	Mar. 4, 1860	By gov., to fill vac.
36th–37th	Milton S. Latham	Jan. 11, 1860	Mar. 3, 1863	
38th–40th	John Conness	Mar. 4, 1863	Mar. 3, 1869	
41st–43d	Eugene Casserly	Mar. 4, 1869	Mar. 3, 1875	Res. Nov. 29, 1873.
43d	John S. Hager	Dec. 23, 1873	Do.	
44th–46th	Newton Booth	Mar. 4, 1875	Mar. 3, 1881	
47th–49th	John F. Miller	Mar. 4, 1881	Mar. 3, 1887	Died Mar. 8, 1886.
49th	George Hearst	Mar. 23, 1886	Aug. 4, 1886	By gov., to fill vac.
Do	Abram P. Williams	Aug. 4, 1886	Mar. 3, 1887	
50th–52d	George Hearst	Mar. 4, 1887	Mar. 3, 1893	Died Feb. 28, 1891.
52d	Charles N. Felton	Mar. 19, 1891	Do.	
53d–55th	Stephen M. White	Mar. 4, 1893	Mar. 3, 1899	
56th–58th	Thomas R. Bard	Feb. 7, 1900	Mar. 3, 1905	(2)
59th–61st	Frank P. Flint	Mar. 4, 1905	Mar. 3, 1911	
62d–64th	John D. Works	Mar. 4, 1911	Mar. 3, 1917	
65th–79th	Hiram W. Johnson	Mar. 4, 1917	Jan. 2, 1947	(3)
78th–85th	Wm. F. Knowland	Aug. 26, 1945	Jan. 2, 1959	(4)
86th–88th	Clair Engle	Jan. 3, 1959	Jan. 2, 1965	Died July 30, 1964.

See footnotes at end of California table.

CALIFORNIA—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
88th	Pierre Salinger	Aug. 4, 1964	Dec. 31, 1964	By gov., to fill vac.[5]
88th–91st	George Murphy	Jan. 1, 1965	Jan. 2, 1971	Res. Jan. 2, 1971.[6]
91st–94th	John V. Tunney	Jan. 2, 1971	Jan. 2, 1977	Res. Jan. 1, 1977.[7]
94th–97th	S. I. Hayakawa	Jan. 2, 1977	Jan. 2, 1983	([8])
98th–102d	Pete Wilson	Jan. 3, 1983	Jan. 2, 1995	Res. Jan. 7, 1991.[9]
102d	John Seymour	Jan. 10, 1991	Nov. 10, 1992	By gov., to fill vac.[10]
102d–112th	Dianne Feinstein	Nov. 10, 1992	Jan. 2, 2013	([11])

CLASS 3

31st–33d	William M. Gwin	Sept. 9, 1850	Mar. 3, 1855	([12])
34th–36th	.....do	Jan. 13, 1857	Mar. 3, 1861	
37th–39th	James A. McDougall	Mar. 4, 1861	Mar. 3, 1867	
40th–42d	Cornelius Cole	Mar. 4, 1867	Mar. 3, 1873	
43d–45th	Aaron A. Sargent	Mar. 4, 1873	Mar. 3, 1879	
46th–48th	James T. Farley	Mar. 4, 1879	Mar. 3, 1885	
49th–54th	Leland Stanford	Mar. 4, 1885	Mar. 3, 1897	Died June 21, 1893.
53d	George C. Perkins	July 26, 1893	Jan. 22, 1895	By gov., to fill vac.
53d–63d	.....do	Jan. 23, 1895	Mar. 3, 1915	
64th–66th	James D. Phelan	Mar. 4, 1915	Mar. 3, 1921	
67th–72d	Samuel M. Shortridge	Mar. 4, 1921	Mar. 3, 1933	
73d–75th	William Gibbs McAdoo	Mar. 4, 1933	Jan. 2, 1939	Res. Nov. 8, 1938.
75th	Thomas M. Storke	Nov. 9, 1938	Do.	By gov., to fill vac.
76th–81st	Sheridan Downey	Jan. 3, 1939	Jan. 2, 1951	Res. Nov. 30, 1950.
81st	Richard M. Nixon	Dec. 4, 1950	Do.	([13])
82d–84th	.....do	Jan. 3, 1951	Jan. 2, 1957	([14])
83d–90th	Thomas H. Kuchel	Jan. 2, 1953	Jan. 2, 1969	By gov., to fill vac.[15]
91st–102d	Alan Cranston	Jan. 3, 1969	Jan. 2, 1993	
103d–111th	Barbara Boxer	Jan. 3, 1993	Jan. 2, 2011	

[1] Vacancy from Mar. 4, 1851, to Jan. 30, 1852.
[2] Vacancy from Mar. 4, 1899, to Feb. 7, 1900, because of failure of legislature to elect.
[3] Elected Nov. 7, 1916. Took oath Apr. 2, 1917. Governor during interim. Died Aug. 6, 1945.
[4] By governor, to fill vacancy. Elected Nov. 5, 1946, to fill vacancy in term ending Jan. 2, 1947, and also to fill term ending Jan. 2, 1953.
[5] Resigned Dec. 31, 1964.
[6] By governor, to fill vacancy in term ending Jan. 2, 1965.
[7] By governor, to fill vacancy in term ending Jan. 2, 1971.
[8] By governor, to fill vacancy in term ending Jan. 2, 1977.
[9] Resigned Jan. 7, 1991, having been elected Governor of California.
[10] By governor, to fill vacancy until Nov. 3, 1992.
[11] Elected Nov. 3, 1992, to fill vacancy in term ending Jan. 2, 1995.
[12] Vacancy from Mar. 4, 1855, to Jan. 12, 1857, because of failure of legislature to elect.
[13] Elected Nov. 7, 1950. Oath administered on Dec. 4, 1950.
[14] Resigned Nov. 11, 1952, effective Jan. 1, 1953, having been elected Vice President.
[15] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957.

1415 1416 COLORADO

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
44th–47th	Henry M. Teller	Nov. 15, 1876	Mar. 3, 1883	Res. Apr. 17, 1882.
47th	George M. Chilcott	Apr. 17, 1882	Jan. 27, 1883	By gov., to fill vac.
47th	Horace A. W. Tabor	Jan. 27, 1883	Mar. 3, 1883	
48th–50th	Thomas M. Bowen	Mar. 4, 1883	Mar. 3, 1889	
51st–56th	Edward O. Wolcott	Mar. 4, 1889	Mar. 3, 1901	
57th–59th	Thomas M. Patterson	Mar. 4, 1901	Mar. 3, 1907	
60th–62d	Simon Guggenheim	Mar. 4, 1907	Mar. 3, 1913	
63d–65th	John F. Shafroth	Mar. 4, 1913	Mar. 3, 1919	
66th–71st	Lawrence C. Phipps	Mar. 4, 1919	Mar. 3, 1931	
72d–74th	Edward P. Costigan	Mar. 4, 1931	Jan. 2, 1937	
75th–83d	Edwin C. Johnson	Jan. 3, 1937	Jan. 2, 1955	
84th–92d	Gordon Allott	Jan. 3, 1955	Jan. 2, 1973	
93d–95th	Floyd K. Haskell	Jan. 3, 1973	Jan. 2, 1979	
96th–101st	William L. Armstrong	Jan. 3, 1979	Jan. 2, 1991	
102d–104th	Hank Brown	Jan. 3, 1991	Jan. 2, 1997	
105th–110th	Wayne Allard	Jan. 3, 1997	Jan. 2, 2009	

COLORADO—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
44th–45th	Jerome B. Chaffee	Nov. 15, 1876	Mar. 3, 1879	
46th–48th	Nathaniel P. Hill	Mar. 4, 1879	Mar. 3, 1885	
49th–60th	Henry M. Teller	Mar. 4, 1885	Mar. 3, 1909	
61st–63d	Charles J. Hughes, Jr.	Mar. 4, 1909	Mar. 3, 1915	Died Jan. 11, 1911.
62d–66th	Charles S. Thomas	Jan. 15, 1913	Mar. 3, 1921	(1)
67th–69th	Samuel D. Nicholson	Mar. 4, 1921	Mar. 3, 1927	Died Mar. 24, 1923.
68th	Alva B. Adams	May 17, 1923	Nov. 30, 1924	By gov., to fill vac.
68th–69th	Rice W. Means	Dec. 1, 1924	Mar. 3, 1927	
70th–72d	Charles W. Waterman	Mar. 4, 1927	Mar. 3, 1933	Died Aug. 27, 1932.
72d	Walter Walker	Sept. 26, 1932	Dec. 6, 1932	By gov., to fill vac.
Do	Karl C. Schuyler	Dec. 7, 1932	Mar. 3, 1933	
73d–78th	Alva B. Adams	Mar. 4, 1933	Jan. 2, 1945	Died Dec. 1, 1941.
77th	Eugene D. Millikin	Dec. 20, 1941	Nov. 3, 1942	By gov., to fill vac.
77th–84th	.....do	Nov. 4, 1942	Jan. 2, 1957	(2)
85th–87th	John A. Carroll	Jan. 3, 1957	Jan. 2, 1963	
88th–93d	Peter H. Dominick	Jan. 3, 1963	Jan. 2, 1975	
94th–99th	Gary W. Hart	Jan. 3, 1975	Jan. 2, 1987	
100th–102d	Timothy O. Wirth	Jan. 3, 1987	Jan. 2, 1993	
103d–108th	Ben Nighthorse Campbell	Jan. 3, 1993	Jan. 2, 2005	
109th–111th	Ken Salazar	Jan. 3, 2005	Jan. 2, 2011	

[1] Vacancy from Jan. 11, 1911, to Jan. 14, 1913, because of failure of legislature to elect.
[2] Elected Nov. 3, 1942, to fill vacancy in term ending Jan. 2, 1945.

CONNECTICUT

1417 1418

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–4th	Oliver Ellsworth	Mar. 4, 1789	Mar. 3, 1797	Res. Mar. 8, 1796.
4th–13th	James Hillhouse	May 12, 1796	Mar. 3, 1815	Res. June 10, 1810.
11th–16th	Samuel W. Dana	Dec. 4, 1810	Mar. 3, 1821	
17th–19th	Elijah Boardman	Mar. 4, 1821	Mar. 3, 1827	Died Oct. 8, 1823.
18th	Henry W. Edwards	Oct. 8, 1823	May 4, 1824	By gov., to fill vac.
18th–19th	.....do	May 5, 1824	Mar. 3, 1827	
20th–22d	Samuel A. Foot	Mar. 4, 1827	Mar. 3, 1833	
23d–25th	Nathan Smith	Mar. 4, 1833	Mar. 3, 1839	Died Dec. 6, 1835.
24th	John M. Niles	Dec. 14, 1835	May 3, 1836	By gov., to fill vac.
24th–25th	.....do	May 4, 1836	Mar. 3, 1839	
26th–28th	Thaddeus Betts	Mar. 4, 1839	Mar. 3, 1845	Died Apr. 7, 1840.
26th–31st	Jabez W. Huntington	May 4, 1840	Mar. 3, 1851	Died Nov. 2, 1847.
30th	Roger S. Baldwin	Nov. 11, 1847	May 2, 1848	By gov., to fill vac.
30th–31st	.....do	May 3, 1848	Mar. 3, 1851	
32d–34th	Isaac Toucey	May 12, 1852	Mar. 3, 1857	(1)
35th–40th	James Dixon	Mar. 4, 1857	Mar. 3, 1869	
41st–43d	William A. Buckingham	Mar. 4, 1869	Mar. 3, 1875	Died Feb. 5, 1875.
43d	William W. Eaton	Feb. 5, 1875	Do.	By gov., to fill vac.
44th–46th	.....do	Mar. 4, 1875	Mar. 3, 1881	
47th–58th	Joseph R. Hawley	Mar. 4, 1881	Mar. 3, 1905	
59th–61st	Morgan G. Bulkeley	Mar. 4, 1905	Mar. 3, 1911	
62d–70th	George P. McLean	Mar. 4, 1911	Mar. 3, 1929	
71st–73d	Frederic C. Walcott	Mar. 4, 1929	Jan. 2, 1935	
74th–79th	Francis Maloney	Jan. 3, 1935	Jan. 2, 1947	Died Jan. 16, 1945.
79th	Thomas C. Hart	Feb. 15, 1945	Nov. 5, 1946	By gov., to fill vac.
80th–82d	Raymond E. Baldwin	Dec. 27, 1946	Jan. 2, 1953	(2)
81st–82d	William Benton	Dec. 17, 1949	Jan. 2, 1953	By gov., to fill vac.[3]
83d–85th	William A. Purtell	Jan. 3, 1953	Jan. 2, 1959	
86th–91st	Thomas J. Dodd	Jan. 3, 1959	Jan. 2, 1971	
92d–100th	Lowell P. Weicker, Jr.	Jan. 3, 1971	Jan. 2, 1989	
101st–112th	Joseph I. Lieberman	Jan. 3, 1989	Jan. 2, 2013	

See footnotes at end of Connecticut table.

CONNECTICUT—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–3d	William S. Johnson	Mar. 4, 1789	Mar. 3, 1795	Res. Mar. 4, 1791.
2d–3d	Roger Sherman	June 13, 1791	Do.	Died July 23, 1793.
3d	Stephen M. Mitchell	Dec. 2, 1793	Do.	
4th–6th	Jonathan Trumbull	Mar. 4, 1795	Mar. 3, 1801	Res. June 10, 1796.
4th–12th	Uriah Tracy	Oct. 13, 1796	Mar. 3, 1813	Died July 19, 1807.
10th–15th	Chauncey Goodrich	Oct. 25, 1807	Mar. 3, 1819	Res. in May 1813.
13th–15th	David Daggett	May 13, 1813	Do.	
16th–18th	James Lanman	Mar. 4, 1819	Mar. 3, 1825	
19th–21st	Calvin Willey	Dec. 5, 1825	Mar. 3, 1831	(4)
22d–24th	Gideon Tomlinson	Mar. 4, 1831	Mar. 3, 1837	
25th–27th	Perry Smith	Mar. 4, 1837	Mar. 3, 1843	
28th–30th	John M. Niles	Mar. 4, 1843	Mar. 3, 1849	
31st–33d	Truman Smith	Mar. 4, 1849	Mar. 3, 1855	(5)
33d	Francis Gillette	May 25, 1854	Do.	
34th–39th	Lafayette S. Foster	Mar. 4, 1855	Mar. 3, 1867	
40th–45th	Orris S. Ferry	Mar. 4, 1867	Mar. 3, 1879	Died Nov. 21, 1875.
44th	James E. English	Nov. 27, 1875	May 17, 1876	By gov., to fill vac.
44th–45th	William H. Barnum	May 17, 1876	Mar. 3, 1879	
46th–60th	Orville H. Platt	Mar. 4, 1879	Mar. 3, 1909	Died Apr. 21, 1905.
59th–69th	Frank B. Brandegee	May 10, 1905	Mar. 3, 1927	(6)
68th–72d	Hiram Bingham	Dec. 17, 1924	Mar. 3, 1933	
73d–75th	Augustine Lonergan	Mar. 4, 1933	Jan. 2, 1939	
76th–78th	John A. Danaher	Jan. 3, 1939	Jan. 2, 1945	
79th–84th	Brien McMahon	Jan. 3, 1945	Jan. 2, 1957	Died July 28, 1952.
82d	William A. Purtell	Aug. 29, 1952	Nov. 4, 1952	By gov., to fill vac.
82d–87th	Prescott Bush	Nov. 5, 1952	Jan. 3, 1963	(7)
88th–96th	Abraham Ribicoff	Jan. 3, 1963	Jan. 2, 1981	
97th–111th	Christopher J. Dodd	Jan. 3, 1981	Jan. 2, 2011	

[1] Vacancy from Mar. 4, 1851, to May 11, 1852, because of failure of governor to appoint.
[2] Elected Nov. 6, 1946; took oath Dec. 27, 1946. Governor during interim. Resigned Dec. 17, 1949.
[3] Elected Nov. 7, 1950.
[4] Elected for term commencing Mar. 4, 1825; took his seat Dec. 5, 1825. James Lanman was appointed, but the Senate, on Mar. 5, 1825, would not permit him to qualify; vacancy from Mar. 4, 1825 to May 4, 1825, because of recess of legislature.
[5] Resigned Apr. 11, 1854, to take effect May 24, 1854.
[6] Died Oct. 14, 1924. Vacancy from Oct. 15 to Dec. 16, 1924, when a successor was elected.
[7] Elected Nov. 4, 1952, to fill vacancy in term ending Jan. 2, 1957.

1419 1420

DELAWARE

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–4th	George Read	Mar. 4, 1789	Mar. 3, 1797	(1)
3d–7th	Henry Latimer	Feb. 7, 1795	Mar. 3, 1803	Res. Feb. 28, 1801.
6th–7th	Samuel White	Feb. 28, 1801	Jan. 13, 1802	By gov., to fill vac.
7th–13th	.....do	Jan. 14, 1802	Mar. 3, 1815	Died Nov. 4, 1809.
11th–16th	Outerbridge Horsey	Jan. 12, 1810	Mar. 3, 1821	
17th–19th	Caesar A. Rodney	Jan. 24, 1822	Mar. 3, 1827	Res. Jan. 29, 1823.[2]
18th–19th	Thomas Clayton	Jan. 15, 1824	Do.	(3)
20th–22d	Louis McLane	Mar. 4, 1827	Mar. 3, 1833	Res. Apr. 16, 1829.
21st–25th	Arnold Naudain	Jan. 7, 1830	Mar. 3, 1839	Res. June 16, 1836.
24th–28th	Richard H. Bayard	June 17, 1836	Mar. 3, 1845	(4)
29th–31st	John M Clayton	Mar. 4, 1845	Mar. 3, 1851	Res. Feb. 23, 1849.
30th–31st	John Wales	Feb. 23, 1849	Do.	
32d–40th	James Asheton Bayard, Jr	Mar. 4, 1851	Mar. 3, 1869	Res. Jan. 29, 1864.
38th–40th	George Read Riddle	Jan. 29, 1864	Do.	Died Mar. 29, 1867.
40th	James Asheton Bayard, Jr	Apr. 5, 1867	Jan. 18, 1869	By gov., to fill vac.
Do	.....do	Jan. 19, 1869	Mar. 3, 1869	
41st–49th	Thomas F. Bayard, Sr	Mar. 4, 1869	Mar. 3, 1887	Res. Mar. 6, 1885.
49th–55th	George Gray	Mar. 18, 1885	Mar. 3, 1899	
57th–58th	L. Heisler Ball	Mar. 2, 1903	Mar. 3, 1905	(5)
59th–64th	Henry A. du Pont	June 13, 1906	Mar. 3, 1917	(6)
65th–67th	Josiah O. Wolcott	Mar. 4, 1917	Mar. 3, 1923	Res. July 2, 1921.
67th	T. Coleman du Pont	July 7, 1921	Nov. 6, 1922	By gov., to fill vac.
67th–70th	Thomas F. Bayard, Jr.	Nov. 7, 1922	Mar. 3, 1929	
71st–76th	John G. Townsend, Jr.	Mar. 4, 1929	Jan. 2, 1941	

See footnotes at end of Delaware table.

DELAWARE—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
77th–79th	James M. Tunnell	Jan 3, 1941	Jan. 2, 1947	
80th–91st	John J. Williams	Jan 3, 1947	Jan. 2, 1971	Res. Dec. 31, 1970
91st–106th	William V. Roth, Jr.	Jan. 1, 1971	Jan. 2, 2001	(7)
107th–112th	Thomas Carper	Jan. 3, 2001	Jan. 2, 2013	

CLASS 3

1st–2d	Richard Bassett	Mar. 4, 1789	Mar. 3, 1793	
3d–5th	John Vining	Mar. 4, 1793	Mar. 3, 1799	Res. Jan. 19, 1798.
5th	Joshua Clayton	Jan. 19, 1798	Do.	Died Aug. 11, 1798.
5th–8th	William Hill Wells	Jan. 17, 1799	Mar. 3, 1805	Res. Nov. 6, 1804.
8th–14th	James Asheton Bayard, Sr.	Nov. 13, 1804	Mar. 3, 1817	Res. Mar. 3, 1813.
13th–14th	William Hill Wells	May 28, 1813	Do.	
15th–20th	Nicholas Van Dyke	Mar. 4, 1817	Mar. 3, 1829	Died May 21, 1826.
19th	Daniel Rodney	Nov. 8, 1826	Jan. 12, 1827	By gov., to fill vac.
19th–20th	Henry M. Ridgely	Jan. 12, 1827	Mar. 3, 1829	
21st–26th	John M. Clayton	Mar. 4, 1829	Mar. 3, 1841	Res. Dec. 29, 1836.
24th–29th	Thomas Clayton	Jan. 9, 1837	Mar. 3, 1847	
30th–32d	Presley Spruance	Mar. 4, 1847	Mar. 3, 1853	
33d–35th	John M. Clayton	Mar. 4, 1853	Mar. 3, 1859	Died Nov. 9, 1856.
34th	Joseph P. Comegys	Nov. 19, 1856	Jan. 14, 1857	By gov., to fill vac.
34th–35th	Martin W. Bates	Jan. 14, 1857	Mar. 3, 1859	
36th–41st	Willard Saulsbury, Sr	Mar. 4, 1859	Mar. 3, 1871	
42d–50th	Eli Saulsbury	Mar. 4, 1871	Mar. 3, 1889	
51st–53d	Anthony Higgins	Mar. 4, 1889	Mar. 3, 1895	
54th–56th	Richard R. Kenney	Jan. 19, 1897	Mar. 3, 1901	(8)
57th–59th	James F. Allee	Mar. 2, 1903	Mar. 3, 1907	(9)
60th–62d	Harry A. Richardson	Mar. 4, 1907	Mar. 3, 1913	
63d–65th	Willard Saulsbury, Jr	Mar. 4, 1913	Mar. 3, 1919	
66th–68th	L. Heisler Ball	Mar. 4, 1919	Mar. 3, 1925	
69th–70th	T. Coleman du Pont	Mar. 4, 1925	Mar. 3, 1931	Res. Dec. 9, 1928.
70th–71st	Daniel O. Hastings	Dec. 10, 1928	Nov. 4, 1930	By gov., to fill vac.
71st–74th	.....do	Nov. 5, 1930	Jan. 2, 1937	
75th–77th	James H. Hughes	Jan. 3, 1937	Jan. 2, 1943	
78th–80th	C. Douglass Buck	Jan. 3, 1943	Jan. 2, 1949	
81st–86th	J. Allen Frear, Jr	Jan. 3, 1949	Jan. 2, 1961	
87th–92d	J. Caleb Boggs	Jan. 3, 1961	Jan. 2, 1973	
93d–110th	Joseph R. Biden, Jr	Jan. 3, 1973	Jan. 2, 2009	

[1]Resigned Sept. 18, 1793. Vacancy from Sept. 18, 1793, to Feb. 7, 1795. Kensey Johns was appointed by governor Mar. 19, 1794, to fill vacancy, but by Senate resolution of Mar. 28, 1794, was declared not entitled to a seat.
[2]Elected to fill vacancy in term commencing Mar. 4, 1821, and took his seat Jan. 24, 1822; vacancy in this class from Mar. 4, 1821, to Jan. 23, 1822.
[3]Vacancy from Jan. 29, 1823, to Jan. 14, 1824, because of failure of legislature to elect.
[4]Resigned Sept. 19, 1839. Reelected, serving from Jan. 12, 1841, to Mar. 3, 1845. Vacancy from Sept. 19, 1839, to Jan. 11, 1841.
[5]Vacancy from Mar. 4, 1899, to Mar. 2, 1903, because of failure of legislature to elect.
[6]Vacancy from Mar. 4, 1905, to June 13, 1906, because of failure of legislature to elect.
[7]By governor, to fill vacancy in term ending Jan. 2, 1971.
[8]Vacancy from Mar. 4, 1895, to Jan. 19, 1897, because of failure of legislature to elect.
[9]Vacancy from Mar. 4, 1901, to Mar. 2, 1903, because of failure of legislature to elect.

FLORIDA

1421 1422

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
29th–31st	David Levy Yulee	July 1, 1845	Mar. 3, 1851	(1)
32d–37th	Stephen R. Mallory	Mar. 4, 1851	Mar. 3, 1863	(2)
40th	Adonijah S. Welch	July 2, 1868	Mar. 3, 1869	(3)
41st–43d	Abijah Gilbert	Mar. 4, 1869	Mar. 3, 1875	
44th–49th	Charles W. Jones	Mar. 4, 1875	Mar. 3, 1887	
50th–52d	Samuel Pasco	May 19, 1887	Mar. 3, 1893	(4)
53d	.....do	Mar. 4, 1893	Apr. 19, 1893	By gov., to fill vac.
53d–55th	.....do	Apr. 20, 1893	Mar. 3, 1899	
56th	.....do	Mar. 4, 1899	Apr. 18, 1899	Do.

FLORIDA—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
56th–58th	James P. Taliaferro	Apr. 19, 1899	Mar. 3, 1905	
59th	.....do	Mar. 4, 1905	Apr. 19, 1905	Do.
59th–61st	.....do	Apr. 20, 1905	Mar. 3, 1911	
62d	Nathan P. Bryan	Mar. 4, 1911	Apr. 18, 1911	Do.
62d–64th	.....do	Apr. 19, 1911	Mar. 3, 1917	
65th–76th	Park Trammell	Mar. 4, 1917	Jan. 2, 1941	Died May 8, 1936.
74th	Scott M. Loftin	May 26, 1936	Nov. 3, 1936	By gov., to fill vac.
74th–79th	Charles O. Andrews	Nov. 4, 1936	Jan. 2, 1947	Died Sept. 18, 1946
79th–91st	Spessard L. Holland	Sept. 25, 1946	Jan. 2, 1971	(5)
92d–100th	Lawton Chiles	Jan. 3, 1971	Jan. 2, 1989	
101st–106th	Connie Mack	Jan. 3, 1989	Jan. 2, 2001	
107th–112th	Bill Nelson	Jan. 3, 2001	Jan. 2, 2013	

CLASS 3

29th–30th	James D. Westcott, Jr.	July 1, 1845	Mar. 3, 1849	
31st–33d	Jackson Morton	Mar. 4, 1849	Mar. 3, 1855	
34th–36th	David L. Yulee	Mar. 4, 1855	Mar. 3, 1861	(6)
40th–42d	Thomas W. Osborn	June 30, 1868	Mar. 3, 1873	(7)
43d–45th	Simon B. Conover	Mar. 4, 1873	Mar. 3, 1879	
46th–54th	Wilkinson Call	Mar. 4, 1879	Mar. 3, 1897	
55th–57th	Stephen R. Mallory	May 25, 1897	Mar. 3, 1903	(8)
58th	.....do	Mar. 4, 1903	Apr. 21, 1903	By gov., to fill vac.
58th–60th	.....do	Apr. 22, 1903	Mar. 3, 1909	Died Dec. 23, 1907.
60th	William J. Bryan	Dec. 26, 1907	Do.	(9)
Do	William H. Milton	Mar. 27, 1908	Do.	By gov., to fill vac.
61st	Duncan U. Fletcher	Mar. 4, 1909	Apr. 20, 1909	By gov., to fill vac.
61st–75th	.....do	Apr. 21, 1909	Jan. 2, 1939	Died June 17, 1936.
74th	William L. Hill	July 1, 1936	Nov. 3, 1936	By gov., to fill vac.
74th–81st	Claude Pepper	Nov. 4, 1936	Jan. 2, 1951	
82d–90th	George A. Smathers	Jan. 3, 1951	Jan. 2, 1969	
91st–93d	Edward J. Gurney	Jan. 3, 1969	Jan. 2, 1975	Res. Dec. 31, 1974.
93d–96th	Richard (Dick) Stone	Jan. 1, 1975	Jan. 2, 1981	(10)
96th–99th	Paula Hawkins	Jan. 1, 1981	Jan. 2, 1987	(11)
100th–108th	Bob Graham	Jan. 3, 1987	Jan. 2, 2005	
109th–111th	Mel Martinez	Jan. 3, 2005	Jan. 2, 2011	

[1] Joint credentials of David Levy and James D. Westcott, Jr., dated July 1, 1845. Name David Levy changed to David Levy Yulee by an act of the Legislature of Florida (Sen. Jour., Jan. 12, 1846).

[2] Withdrew from the Senate Jan. 21, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Jan. 21, 1861, to June 17, 1868, because of Civil War. Wilkinson Call presented credentials of an election held on Dec. 29, 1865, but was not seated.

[3] By legislature, to fill vacancy in term beginning Mar. 4, 1863.

[4] Vacancy from Mar. 4 to May 19, 1887; Jesse J. Finley was appointed on Feb. 28, 1887, but never qualified for the reason that President pro tempore Ingalls had held that the appointment having been anticipated was not valid and a successor had been elected.

[5] By governor, to fill vacancy in term ending Jan. 2, 1947.

[6] Withdrew from the Senate Jan. 21, 1861. Vacancy from Jan. 21, 1861, to June 18, 1868, because of Civil War. William Marvin presented credentials of an election held on Dec. 29, 1865, for term ending Mar. 3, 1867, and of an election held on Nov. 28, 1866, for term commencing Mar. 4, 1867, but was not seated.

[7] By legislature, to fill vacancy in term beginning Mar. 4, 1867.

[8] Vacancy from Mar. 4, to May 24, 1897. John A. Henderson was appointed by the governor on Mar. 6, 1897, but was not seated.

[9] By governor, to fill vacancy. Died Mar. 22, 1908.

[10] By governor, to fill vacancy in term ending Jan. 2, 1975. Resigned Dec. 31, 1980.

[11] By governor, to fill vacancy in term ending Jan. 2, 1981.

GEORGIA

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–2d	William Few	Mar. 4, 1789	Mar. 3, 1793	
2d–5th	James Jackson	Mar. 4, 1793	Mar. 3, 1799	Res. in 1795.
3d	George Walton	Nov. 16, 1795	Feb. 20, 1796	By gov., to fill vac.
4th–5th	Josiah Tatnall	Feb. 20, 1796	Mar. 3, 1799	
6th–11th	Abraham Baldwin	Mar. 4, 1799	Mar. 3, 1811	Died Mar. 4, 1807.

See footnotes at end of Georgia table.

GEORGIA—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
10th	George Jones	Aug. 27, 1807	Nov. 7, 1807	By gov., to fill vac.
10th–14th	William H. Crawford	Nov. 7, 1807	Mar. 3, 1817	Res. Mar. 23, 1813.
13th	William B. Bulloch	Apr. 8, 1813	Nov. 6, 1813	By gov., to fill vac.
13th–14th	William Wyatt Bibb	Nov. 6, 1813	Mar. 3, 1817	Res. Nov. 9, 1816.
14th–17th	George Michael Troup	Nov. 13, 1816	Mar. 3, 1823	Res. Sept. 23, 1818.
15th–17th	John Forsyth	Nov. 23, 1818	Do.	(1)
16th–17th	Freeman Walker	Nov. 6, 1819	Do.	Res. Aug. 8, 1821.
17th–20th	Nicholas Ware	Nov. 10, 1821	Mar. 3, 1829	Died Sept. 7, 1824.
18th–20th	Thomas W. Cobb	Nov. 4, 1824	Do.	Res. in 1828.
20th	Oliver H. Prince	Nov. 7, 1828	Do.	
21st–23d	George Michael Troup	Mar. 4, 1829	Mar. 3, 1835	Res. Mar. 2, 1833.
23d–26th	John Pendleton King	Nov. 21, 1833	Mar. 3, 1841	Res. Nov. 1, 1837.
25th–26th	Wilson Lumpkin	Nov. 22, 1837	Do.	
27th–29th	John Macpherson Berrien	Mar. 4, 1841	Mar. 3, 1847	Res. May 1845.
29th	.....do	Nov. 14, 1845	Do.	
30th–32d	.....do	Nov. 13, 1847	Mar. 3, 1853	Res. May 28, 1852.[2]
32d	Robert M. Charlton	May 31, 1852	Do.	By gov., to fill vac.
33d–38th	Robert Toombs	Mar. 4, 1853	Mar. 3, 1865	(3)
40th–41st	Homer V. M. Miller	Feb. 24, 1871	Mar. 3, 1871	(4)
42d–44th	Thomas M. Norwood	Nov. 14, 1871	Mar. 3, 1877	(5)
45th–47th	Benjamin H. Hill	Mar. 4, 1877	Mar. 3, 1883	Died Aug. 16, 1882.
47th	Pope Barrow	Nov. 15, 1882	Do.	
48th–53d	Alfred H. Colquitt	Mar. 4, 1883	Mar. 3, 1895	Died Mar. 26, 1894.
53d	Patrick Walsh	Apr. 2, 1894	Nov. 6, 1894	By gov., to fill vac.
Do	.....do	Nov. 7, 1894	Mar. 3, 1895	
54th–59th	Augustus O. Bacon	Mar. 4, 1895	Mar. 3, 1907	
60th	.....do	Mar. 4, 1907	July 8, 1907	Do.
60th–62d	.....do	July 9, 1907	Mar. 3, 1913	
63d	.....do	Mar. 4, 1913	July 9, 1913	Do.
63d–65th	.....do	July 10, 1913	Mar. 3, 1919	Died Feb. 14, 1914.
63d	William S. West	Mar. 2, 1914	Nov. 3, 1914	By gov., to fill vac.
63d–65th	Thomas W. Hardwick	Nov. 4, 1914	Mar. 3, 1919	
66th–74th	William J. Harris	Mar. 4, 1919	Jan. 2, 1937	Died Apr. 18, 1932.
72d	John S. Cohen	Apr. 25, 1932	Jan. 11, 1933	By gov., to fill vac.
72d–92d	Richard B. Russell	Jan. 12, 1933	Jan. 2, 1973	Died Jan. 21, 1971.
92d	David H. Gambrell	Feb. 1, 1971	Nov. 7, 1972	By gov., to fill vac.
92d–104th	Sam Nunn	Nov. 8, 1972	Jan. 2, 1997	(6)
105th–107th	Max Cleland	Jan. 3, 1997	Jan. 2, 2003	
108th–110th	Saxby Chambliss	Jan. 3, 2003	Jan. 2, 2009	

CLASS 3

1st–6th	James Gunn	Mar. 4, 1789	Mar. 3, 1801	
7th–9th	James Jackson	Mar. 4, 1801	Mar. 3, 1807	Died Mar. 19, 1806.
9th–12th	John Milledge	June 19, 1806	Mar. 3, 1813	Res. Nov. 14, 1809.
11th–15th	Charles Tait	Nov. 27, 1809	Mar. 3, 1819	
16th–18th	John Elliott	Mar. 4, 1819	Mar. 3, 1825	
19th–21st	John Macpherson Berrien	Mar. 4, 1825	Mar. 3, 1831	Res. Mar. 9, 1829.
21st–24th	John Forsyth	Nov. 9, 1829	Mar. 3, 1837	Res. June 27, 1834.
23d–27th	Alfred Cuthbert	Jan 12, 1835	Mar. 3, 1843	
28th–30th	Walter T. Colquitt	Mar. 4, 1843	Mar. 3, 1849	Res. Feb. 1848.
30th	Herschel V. Johnson	Feb. 4, 1848	Do.	By gov., to fill vac.[7]
31st–33d	William C. Dawson	Mar. 4, 1849	Mar. 3, 1855	
34th–36th	Alfred Iverson	Mar. 4, 1855	Mar. 3, 1861	(8)
40th–42d	Joshua Hill	Feb. 1, 1871	Mar. 3, 1873	(9)
43d–48th	John B. Gordon	Mar. 4, 1873	Mar. 3, 1885	(10)
46th	Joseph E. Brown	May 26, 1880	Nov. 15, 1880	By gov., to fill vac.
46th–51st	.....do	Nov. 16, 1880	Mar. 3, 1891	
52d–54th	John B. Gordon	Mar. 4, 1891	Mar. 3, 1897	
55th–63d	Alexander S. Clay	Mar. 4, 1897	Mar. 3, 1915	Died Nov. 13, 1910.
61st–63d	Joseph M. Terrell	Nov. 17, 1910	Do.	(11)
62d–66th	Hoke Smith	Nov. 16, 1911	Mar. 3, 1921	(12)
67th–69th	Thomas E. Watson	Mar. 4, 1921	Mar. 3, 1927	Died Sept. 26, 1922.
67th	Mrs. Rebecca L. Felton	Oct. 3, 1922	Nov. 21, 1922	By gov., to fill vac.

See footnotes at end of Georgia table.

GEORGIA—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
67th–84th ..	Walter F. George	Nov. 22, 1922	Jan. 2, 1957	
85th–96th ..	Herman E. Talmadge	Jan. 3, 1957	Jan. 2, 1981	
97th–99th ..	Mack Mattingly	Jan. 3, 1981	Jan. 2, 1987	
100th–102d	Wyche Fowler, Jr.	Jan. 3, 1987	Jan. 2, 1993	
103d–108th	Paul Coverdell	Jan 3, 1993	Jan. 2, 2005	Died July 18, 2000.
106th	Zell Bryan Miller	July 27, 2000	Nov. 6, 2000	By gov., to fill vac.[13]
106th–108th	.....do	Nov. 7, 2000	Jan. 2, 2005	
109th–111th	Johnny Isakson	Jan. 3, 2005	Jan. 2, 2011	

[1] Elected Nov. 7, 1818. Served in House during interim. Resigned Feb. 17, 1819.
[2] Vacancy from Mar. 4 to Nov. 12, 1847, because of failure of legislature to elect.
[3] Withdrew from the Senate Feb. 4, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Feb. 4, 1861, to July 28, 1868, because of Civil War.
[4] Elected July 28, 1868, to fill vacancy in term beginning Mar. 4, 1865. Credentials challenged; took oath on Feb. 24, 1871, as prescribed in joint resolution approved Feb. 23, 1871.
[5] Vacancy from Mar. 4 to Nov. 13, 1871. Foster Blodgett presented credentials, but was not permitted to qualify, and on Dec. 19, 1871, was adjudged not elected in accordance with the Constitution.
[6] Elected Nov. 7, 1972, to fill vacancy in term ending Jan. 2, 1973, and also to full term ending Jan. 2, 1979.
[7] Senator-elect in 1866, but was not permitted to qualify.
[8] Withdrew from Senate Jan. 28, 1861. Vacancy from Jan. 28, 1861, to July 28, 1868, because of Civil War.
[9] Elected July 28, 1868, to fill vacancy in term beginning Mar. 4, 1867; credentials challenged; took oath Feb. 1, 1871.
[10] Tendered resignation May 14, 1880, and retired from the Senate May 26, 1880.
[11] By governor, to fill vacancy. Resigned July 14, 1911.
[12] Elected July 12, 1911. Took oath Dec. 4, 1911. Governor during interim.
[13] By governor, to fill vacancy until special election held Nov. 7, 2000; elected Nov. 7, 2000, to fill vacancy in term ending Jan. 2, 2005.

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HAWAII

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
86th–94th ..	Hiram L. Fong	Aug. 21, 1959	Jan. 2, 1977	
95th–103d ..	Spark M. Matsunaga	Jan. 3, 1977	Jan. 2, 1995	Died Apr. 15, 1990.
101st	Daniel K. Akaka	May 16, 1990	Nov. 6, 1990	By gov., to fill vac.
101st–112th	.....do	Nov. 7, 1990	Jan. 2, 2013	

CLASS 3

86th–87th ..	Oren E. Long	Aug. 21, 1959	Jan. 2, 1963	
88th–111th	Daniel K. Inouye	Jan. 3, 1963	Jan. 2, 2011	

1427 1428

IDAHO

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st–56th ...	George L. Shoup	Dec. 18, 1890	Mar. 3, 1901	
57th–59th ..	Fred T. Dubois	Mar. 4, 1901	Mar. 3, 1907	
60th–77th ..	William E. Borah	Mar. 4, 1907	Jan. 2, 1943	Died Jan. 19, 1940.
76th	John Thomas	Jan. 27, 1940	Nov. 5, 1940	By gov., to fill vac.
76th–80th ..	.....do	Nov. 6, 1940	Jan. 2, 1949	Died Nov. 10, 1945.
79th	Charles C. Gossett	Nov. 17, 1945	Nov. 5, 1946	By gov., to fill vac.
80th	Henry C. Dworshak	Nov. 6, 1946	Jan. 2, 1949	
81st–83d	Bert H. Miller	Jan. 3, 1949	Jan. 2, 1955	Died Oct. 8, 1949.
Do	Henry C. Dworshak	Oct. 14, 1949	Nov. 6, 1950	By gov., to fill vac.[1]
84th–89th ..	.....do	Nov. 7, 1950	Jan. 2, 1967	Died July 23, 1962.
87th	Len B. Jordan	Aug. 6, 1962	Nov. 5, 1962	By gov., to fill vac.
87th–92d	.....do	Nov. 6, 1962	Jan. 2, 1973	(2)
93d–101st ..	James A. McClure	Jan. 3, 1973	Jan. 2, 1991	
102d–110th	Larry E. Craig	Jan. 3, 1991	Jan. 2, 2009	

See footnotes at end of Idaho table.

IDAHO—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st	William J. McConnell	Dec. 18, 1890	Mar. 3, 1891	
52d–54th	Fred T. Dubois	Mar. 4, 1891	Mar. 3, 1897	
55th–57th	Henry Heitfeld	Mar. 4, 1897	Mar. 3, 1903	
58th–63d	Weldon B. Heyburn	Mar. 4, 1903	Mar. 3, 1915	Died Oct. 17, 1912.
62d	Kirtland I. Perky	Nov. 18, 1912	Feb. 5, 1913	By gov., to fill vac.
62d–66th	James H. Brady	Feb. 6, 1913	Mar. 3, 1921	Died Jan. 13, 1918.
65th	John F. Nugent	Jan. 22, 1918	Nov. 4, 1918	By gov., to fill vac.
66th	John F. Nugent	Nov. 5, 1918	Mar. 3, 1921	Res. Jan 14, 1921.
Do	Frank R. Gooding	Jan. 15, 1921	Do.	By gov., to fill vac.
67th–72d	.....do	Mar. 4, 1921	Mar. 3, 1933	Died June 24, 1928.
70th	John Thomas	June 30, 1928	Nov. 5, 1928	By gov., to fill vac.
70th–72d	.....do	Nov. 6, 1928	Mar. 3, 1933	
73d–75th	James P. Pope	Mar. 4, 1933	Jan. 2, 1939	
76th–78th	D. Worth Clark	Jan. 3, 1939	Jan. 2, 1945	
79th–81st	Glen H. Taylor	Jan. 3, 1945	Jan. 2, 1951	
82d–84th	Herman Welker	Jan. 3, 1951	Jan. 2, 1957	
85th–96th	Frank Church	Jan. 3, 1957	Jan. 2, 1981	
97th–102d	Steven D. Symms	Jan. 3, 1981	Jan. 2, 1993	
103d–105th	Dirk Kempthorne	Jan. 3, 1993	Jan. 2, 1999	
106th–111th	Mike Crapo	Jan. 3, 1999	Jan. 2, 2011	

[1] Elected Nov. 7, 1950.
[2] Elected Nov. 6, 1962, to fill vacancy in term ending Jan. 2, 1967.

ILLINOIS

1429 1430

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
15th–20th	Jesse B. Thomas	Dec. 3, 1818	Mar. 3, 1829	
21st–23d	John McLean	Mar. 4, 1829	Mar. 3, 1835	Died Oct. 14, 1830.
21st	David J. Baker	Nov. 12, 1830	Dec. 11, 1830	By gov., to fill vac.
21st–26th	John M. Robinson	Dec. 11, 1830	Mar. 3, 1841	
27th–29th	Samuel McRoberts	Mar. 4, 1841	Mar. 3, 1847	Died Mar. 27, 1843.
28th	James Semple	Aug. 16, 1843	Dec. 10, 1844	By gov., to fill vac.
28th–29th	.....do	Dec. 11, 1844	Mar. 3, 1847	
30th–38th	Stephen A. Douglas	Mar. 4, 1847	Mar. 3, 1865	Died June 3, 1861.
37th	Orville H. Browning	June 26, 1861	Jan. 12, 1863	By gov., to fill vac.
37th–38th	William A. Richardson	Jan. 12, 1863	Mar. 3, 1865	
39th–41st	Richard Yates	Mar. 4, 1865	Mar. 3, 1871	
42d–44th	John A. Logan	Mar. 4, 1871	Mar. 3, 1877	
45th–47th	David Davis	Mar. 4, 1877	Mar. 3, 1883	
48th–62d	Shelby M. Cullom	Mar. 4, 1883	Mar. 3, 1913	
63d–65th	James Hamilton Lewis	Mar. 26, 1913	Mar. 3, 1919	(1)
66th–68th	Medill McCormick	Mar. 4, 1919	Mar. 3, 1925	Died Feb. 25, 1925.
68th	Charles S. Deneen	Feb. 26, 1925	Do.	By gov., to fill vac.
69th–71st	.....do	Mar. 4, 1925	Mar. 3, 1931	
72d–77th	James Hamilton Lewis	Mar. 4, 1931	Jan. 2, 1943	Died Apr. 9, 1939.
76th	James M. Slattery	Apr. 14, 1939	Nov. 21, 1940	By gov., to fill vac.
76th–80th	C. Wayland Brooks	Nov. 22, 1940	Jan. 2, 1949	
81st–89th	Paul H. Douglas	Jan. 3, 1949	Jan. 2, 1967	
90th–98th	Charles H. Percy	Jan. 3, 1967	Jan. 2, 1985	
99th–104th	Paul Simon	Jan. 3, 1985	Jan. 2, 1997	
105th–110th	Richard J. Durbin	Jan. 3, 1997	Jan. 2, 2009	

CLASS 3

15th–18th	Ninian Edwards	Dec. 3, 1818	Mar. 3, 1825	Res. Mar. 4, 1824.
18th	John McLean	Nov. 23, 1824	Do.	
19th–24th	Elias K. Kane	Mar. 4, 1825	Mar. 3, 1837	Died Dec. 11, 1835.
24th	William Lee D. Ewing	Dec. 30, 1835	Do.	
25th–27th	Richard M. Young	Mar. 4, 1837	Mar. 3, 1843	
28th–30th	Sidney Breese	Mar. 4, 1843	Mar. 3, 1849	
31st–33d	James Shields	Mar. 4, 1849	Mar. 3, 1855	(2)

See footnotes at end of Illinois table.

ILLINOIS—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
34th–42d	Lyman Trumbull	Mar. 4, 1855	Mar. 3, 1873	
43d–45th	Richard J. Oglesby	Mar. 4, 1873	Mar. 3, 1879	
46th–51st ...	John A. Logan	Mar. 4, 1879	Mar. 3, 1891	Died Dec. 26, 1886.
49th–51st ...	Charles B. Farwell	Jan. 19, 1877	Do.	
52d–54th	John McAuley Palmer	Mar. 4, 1891	Mar. 3, 1897	
55th–57th ..	William E. Mason	Mar. 4, 1897	Mar. 3, 1903	
58th–60th ..	Albert J. Hopkins	Mar. 4, 1903	Mar. 3, 1909	
61st–63d	William Lorimer	June 18, 1909	Mar. 3, 1915	(3)
63d	Lawrence Y. Sherman	Mar. 26, 1913	Do.	(4)
64th–66th ..	.....do	Mar. 4, 1915	Mar. 3, 1921	
67th–69th ..	William B. McKinley	Mar. 4, 1921	Mar. 3, 1927	Died Dec. 7, 1926.
70th–72d	Frank L. Smith	Mar. 4, 1927	Mar. 3, 1933	(5)
71st–72d	Otis F. Glenn	Dec. 3, 1928	Do.	
73d–75th	William H. Dieterich	Mar. 4, 1933	Jan. 2, 1939	
76th–81st ...	Scott W. Lucas	Jan. 3, 1939	Jan. 2, 1951	
82d–93d	Everett McKinley Dirksen	Jan. 3, 1951	Jan. 2, 1975	Died Sept. 7, 1969.
91st	Ralph Tyler Smith	Sept. 17, 1969	Nov. 16, 1970	By gov., to fill vac.
91st–96th ...	Adlai E. Stevenson III	Nov. 17, 1970	Jan. 2, 1981	(6)
97th–102d ..	Alan J. Dixon	Jan. 3, 1981	Jan. 2, 1993	
103d–105th	Carol Moseley-Braun	Jan. 3, 1993	Jan. 2, 1999	
106th–108th	Peter G. Fitzgerald	Jan. 3, 1999	Jan. 2, 2005	
109th–111th	Barack Obama	Jan. 3, 2005	Jan. 2, 2011	

[1]Vacancy from Mar. 4 to Mar. 25, 1913, because of recess of legislature.
[2]Vacancy from Mar. 16 to Dec. 2, 1849, Mr. Shields not having been a citizen the term of years required by law. Subsequently elected for the term.
[3]Vacancy from Mar. 4 to May 27, 1909, because of failure of legislature to elect, and also from May 27 to June 17, 1909, because Mr. Lorimer did not resign his seat in the House of Representatives until the last named date. Election declared invalid July 13, 1912.
[4]Vacancy from July 14, 1912, to Mar. 25, 1913, because of recess of legislature.
[5]By governor, to fill vacancy, Dec. 16, 1926. Oath not administered. Elected for term beginning Mar. 4, 1927, but was not permitted to qualify. Resignation sent to Governor of Illinois, Feb. 9, 1928. Vacancy from Dec. 8, 1926, to Dec. 2. 1928.
[6]Elected Nov. 3, 1970, to fill vacancy in term ending Jan. 2, 1975.

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INDIANA

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
14th–22d	James Noble	Dec. 11, 1816	Mar. 3, 1833	Died Feb. 26, 1831.
22d	Robert Hanna	Aug. 19, 1831	Jan. 3, 1832	By gov., to fill vac.
22d–25th	John Tipton	Jan. 4, 1832	Mar. 3, 1839	
26th–28th ...	Albert S. White	Mar. 4, 1839	Mar. 3, 1845	
29th–37th ...	Jesse D. Bright	Mar. 4, 1845	Mar. 3, 1863	Exp. Feb. 5, 1862.
37th	Joseph A. Wright	Feb. 24, 1862	Jan. 14, 1863	By gov., to fill vac.
Do	David Turpie	Jan. 14, 1863	Mar. 3, 1863	
37th–40th ...	Thomas A. Hendricks	Mar. 4, 1863	Mar. 3, 1869	
41st–43d	Daniel D. Pratt	Mar. 4, 1869	Mar. 3, 1875	
44th–46th ...	Joseph E. McDonald	Mar. 4, 1875	Mar. 3, 1881	
47th–49th ...	Benjamin Harrison	Mar. 4, 1881	Mar. 3, 1887	
50th–55th ...	David Turpie	Mar. 4, 1887	Mar. 3, 1899	
56th–61st	Albert J. Beveridge	Mar. 4, 1899	Mar. 3, 1911	
62d–64th	John W. Kern	Mar. 4, 1911	Mar. 3, 1917	
65th–67th ...	Harry S. New	Mar. 4, 1917	Mar. 3, 1923	
68th–70th ...	Samuel M. Ralston	Mar. 4, 1923	Mar. 3, 1929	Died Oct. 14, 1925.
69th	Arthur R. Robinson	Oct. 20, 1925	Nov. 2, 1926	By gov., to fill vac.
69th–73d	.....do	Nov. 3, 1926	Jan. 2, 1935	
74th–76th ...	Sherman Minton	Jan. 3, 1935	Jan. 2, 1941	
77th–79th ...	Raymond E. Willis	Jan. 3, 1941	Jan. 2, 1947	
80th–85th ...	William E. Jenner	Jan. 3, 1947	Jan. 2, 1959	
86th–94th ...	Vance Hartke	Jan. 3, 1959	Jan. 2, 1977	
95th–112th	Richard G. Lugar	Jan. 3, 1977	Jan. 2, 2013	

CLASS 3

14th–18th ...	Waller Taylor	Dec. 11, 1816	Mar. 3, 1825	
19th–24th ...	William Hendricks	Mar. 4, 1825	Mar. 3, 1837	

INDIANA—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
25th–27th	Oliver H. Smith	Mar. 4, 1837	Mar. 3, 1843	
28th–30th	Edward A. Hannegan	Mar. 4, 1843	Mar. 3, 1849	
31st–33d	James Whitcomb	Mar. 4, 1849	Mar. 3, 1855	Died Oct. 4, 1852.
32d	Charles W. Cathcart	Nov. 23, 1852	Jan. 11, 1853	By gov., to fill vac.
32d–33d	John Petit	Jan. 11, 1853	Mar. 3, 1855	
34th–36th	Graham N. Fitch	Feb. 4, 1857	Mar. 3, 1861	(1)
37th–39th	Henry S. Lane	Mar. 4, 1861	Mar. 3, 1867	
40th–45th	Oliver H. P. T. Morton	Mar. 4, 1867	Mar. 3, 1879	Died Nov. 1, 1877.
45th	Daniel W. Voorhees	Nov. 6, 1877	Jan. 30, 1879	By gov., to fill vac.
45th–54th	.....do	Jan. 31, 1879	Mar. 3, 1897	
55th–60th	Charles W. Fairbanks	Mar. 4, 1897	Mar. 3, 1909	Res. Mar. 3, 1905.
59th–60th	James A. Hemenway	Mar. 4, 1905	Do.	
61st–66th	Benjamin F. Shively	Mar. 4, 1909	Mar. 3, 1921	Died Mar. 14, 1916.
64th	Thomas Taggart	Mar. 20, 1916	Nov. 7, 1916	By gov., to fill vac.
64th–72d	James E. Watson	Nov. 8, 1916	Mar. 3, 1933	
73d–78th	Frederick Van Nuys	Mar. 4, 1933	Jan. 2, 1945	Died Jan. 25, 1944.
78th	Samuel D. Jackson	Jan. 28, 1944	Nov. 13, 1944	By gov., to fill vac.
78th	William E. Jenner	Nov. 14, 1944	Jan. 2, 1945	(2)
79th–87th	Homer E. Capehart	Jan. 3, 1945	Jan. 2, 1963	
88th–96th	Birch Bayh	Jan. 3, 1963	Jan. 2, 1981	
97th–102d	Dan Quayle	Jan. 3, 1981	Jan. 2, 1993	Res. Jan. 2, 1989.[3]
101st	Dan Coats	Jan. 3, 1989	Nov. 6, 1990	By gov., to fill vac.
101st–105th	.....do	Nov. 6, 1990	Jan. 2, 1999	(4)
106th–111th	Evan Bayh	Jan. 3, 1999	Jan. 2, 2011	

[1]Vacancy from Mar. 4, 1855, to Feb. 3, 1857.
[2]Elected Nov. 7, 1944, to fill vacancy in term ending Jan. 2, 1945.
[3]Resigned Jan. 2, 1989, having been elected Vice President of the United States for the 51st term on Nov. 8, 1988.
[4]Elected to fill vacancy in term ending Jan. 2, 1993.

IOWA

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CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
30th–35th	George W. Jones	Dec. 7, 1848	Mar. 3, 1859	
36th–41st	James W. Grimes	Mar. 4, 1859	Mar. 3, 1871	Res. Dec. 6, 1869.
41st	James B. Howell	Jan. 18, 1870	Do.	
42d–44th	George G. Wright	Mar. 4, 1871	Mar. 3, 1877	
45th–47th	Samuel J. Kirkwood	Mar. 4, 1877	Mar. 3, 1883	Res. Mar. 7, 1881.
47th	James W. McDill	Mar. 8, 1881	Jan. 17, 1882	By gov., to fill vac.
Do	.....do	Jan. 18, 1882	Mar. 3, 1883	
48th–53d	James F. Wilson	Mar. 4, 1883	Mar. 3, 1895	
54th–59th	John H. Gear	Mar. 4, 1895	Mar. 3, 1907	Died July 14, 1900.
56th	Jonathan P. Dolliver	Aug. 22, 1900	Mar. 3, 1901	By gov., to fill vac.
57th	.....do	Mar. 4, 1901	Jan. 20, 1902	Do.
57th–62d	.....do	Jan. 21, 1902	Mar. 3, 1913	Died Oct. 15, 1910.
61st–62d	Lafayette Young	Nov. 2, 1910	Apr. 11, 1911	By gov., to fill vac.
62d–68th	William S. Kenyon	Apr. 12, 1911	Mar. 3, 1925	Res. Feb. 24, 1922.
67th	Charles A. Rawson	Feb. 24, 1922	Nov. 7, 1922	By gov., to fill vac.
67th–68th	Smith W. Brookhart	Nov. 7, 1922	Mar. 3, 1925	
69th–71st	.....do	Mar. 4, 1925	Mar. 3, 1931	(1)
Do	Daniel F. Steck	Apr. 12, 1926	Do.	(2)
72d–74th	L. J. Dickinson	Mar. 4, 1931	Jan. 2, 1937	
75th–77th	Clyde L. Herring	Jan. 3, 1937	Jan. 2, 1943	(3)
78th–80th	George A. Wilson	Jan. 3, 1943	Jan. 2, 1949	(4)
81st–83d	Guy M. Gillette	Jan. 3, 1949	Jan. 2, 1955	
84th–86th	Thomas E. Martin	Jan. 3, 1955	Jan. 2, 1961	
87th–92d	Jack Miller	Jan. 3, 1961	Jan. 2, 1973	
93d–95th	Dick Clark	Jan. 3, 1973	Jan. 2, 1979	
96th–98th	Roger W. Jepsen	Jan. 3, 1979	Jan. 2, 1985	
99th–110th	Thomas R. Harkin	Jan. 3, 1985	Jan. 2, 2009	

See footnotes at end of Iowa table.

IOWA—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
30th–33d	Augustus C. Dodge	Dec. 7, 1848	Mar. 3, 1855	Res. Feb. 22, 1855.
34th–36th	James Harlan	Mar. 4, 1855	Mar. 3, 1861	(5)
34th–39th	.....do	Jan. 17, 1857	Mar. 3, 1867	(6)
39th	Samuel J. Kirkwood	Jan. 13, 1866	Do.	
40th–42d	James Harlan	Mar. 4, 1867	Mar. 3, 1873	
43d–60th	William B. Allison	Mar. 4, 1873	Mar. 3, 1909	Died Aug. 4, 1908.
60th–69th	Albert B. Cummins	Nov. 24, 1908	Mar. 3, 1927	Died July 30, 1926.[7]
69th	David W. Stewart	Aug. 7, 1926	Nov. 9, 1926	By gov., to fill vac.
Do	.....do	Nov. 10, 1926	Mar. 3, 1927	
70th–72d	Smith W. Brookhart	Mar. 4, 1927	Mar. 3, 1933	
73d–75th	Richard Louis Murphy	Mar. 4, 1933	Jan. 2, 1939	Died July 16, 1936.
74th–78th	Guy M. Gillette	Nov. 4, 1936	Jan. 2, 1945	(8)
79th–90th	Bourke B. Hickenlooper	Jan. 3, 1945	Jan. 2, 1969	
91st–93d	Harold E. Hughes	Jan. 3, 1969	Jan. 2, 1975	
94th–96th	John C. Culver	Jan. 3, 1975	Jan. 2, 1981	
97th–111th	Charles E. Grassley	Jan. 3, 1981	Jan. 2, 2011	

[1] Election declared invalid, Apr. 12, 1926.
[2] Successfully contested the election of Smith W. Brookhart and took his seat Apr. 12, 1926.
[3] Elected Nov. 3, 1936. Took oath Jan. 19, 1937. Governor during interim.
[4] Elected Nov. 3, 1942. Took oath Jan. 14, 1943. Governor during interim.
[5] Seat declared vacant Jan. 12, 1857.
[6] Subsequently elected. Resigned May 15, 1865. Vacancy from May 16, 1865, to Jan. 12, 1866.
[7] Vacancy from Aug. 4 to Nov. 24, 1908, because of failure of legislature to elect.
[8] Vacancy from July 17 to Nov. 3, 1936, when a successor was elected.

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KANSAS

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
37th–41st	James H. Lane	Apr. 4, 1861	Mar. 3, 1871	Died July 11, 1866.
39th	Edmund G. Ross	July 19, 1866	Jan. 22, 1867	By gov., to fill vac.
39th–41st	.....do	Jan. 23, 1867	Mar. 3, 1871	
42d–44th	Alexander Caldwell	Mar. 4, 1871	Mar. 3, 1877	Res. Mar. 24, 1873.
43d	Robert Crozier	Nov. 24, 1873	Feb. 2, 1874	By gov., to fill vac.
43d–44th	James M. Harvey	Feb. 12, 1874	Mar. 3, 1877	
45th–53d	Preston B. Plumb	Mar. 4, 1877	Mar. 3, 1895	Died Dec. 20, 1891.
52d	Bishop W. Perkins	Jan. 1, 1892	Mar. 3, 1893	By gov., to fill vac.
53d	John Martin	Mar. 4, 1893	Mar. 3, 1895	
54th–56th	Lucien Baker	Mar. 4, 1895	Mar. 3, 1901	
57th–59th	Joseph R. Burton	Mar. 4, 1901	Mar. 3, 1907	Res. June 4, 1906.
59th	Alfred W. Benson	June 11, 1906	Jan. 23, 1907	By gov., to fill vac.
59th–62d	Charles Curtis	Jan. 23, 1907	Mar. 3, 1913	
63d–65th	William H. Thompson	Mar. 4, 1913	Mar. 3, 1919	
66th–80th	Arthur Capper	Mar. 4, 1919	Jan. 2, 1949	
81st–89th	Andrew F. Schoeppel	Jan. 3, 1949	Jan. 2, 1967	Died Jan. 21, 1962.
87th	James B. Pearson	Jan. 31, 1962	Nov. 5, 1962	By gov., to fill vac.
87th–95th	.....do	Nov. 6, 1962	Jan. 2, 1979	Res. Dec. 23, 1978.
95th–104th	Nancy L. Kassebaum	Dec. 23, 1978	Jan. 2, 1997	By gov., to fill vac.[1]
105th–110th	Pat Roberts	Jan. 3, 1997	Jan. 2, 2009	

CLASS 3

37th–42d	Samuel C. Pomeroy	Apr. 4, 1861	Mar. 3, 1873	
43d–51st	John J. Ingalls	Mar. 4, 1873	Mar. 3, 1891	
52d–54th	William A. Peffer	Mar. 4, 1891	Mar. 3, 1897	
55th–57th	William A. Harris	Mar. 4, 1897	Mar. 3, 1903	
58th–60th	Chester I. Long	Mar. 4, 1903	Mar. 3, 1909	
61st–63d	Joseph L. Bristow	Mar. 4, 1909	Mar. 3, 1915	
64th–72d	Charles Curtis	Mar. 4, 1915	Mar. 3, 1933	Res. Mar. 3, 1929.
71st	Henry J. Allen	Apr. 1, 1929	Nov. 30, 1930	By gov., to fill vac.
71st–75th	George McGill	Dec. 1, 1930	Jan. 2, 1939	
76th–81st	Clyde M. Reed	Jan. 3, 1939	Jan. 2, 1951	Died Nov. 8, 1949.
81st	Harry Darby	Dec. 2, 1949	Nov. 28, 1950	By gov., to fill vac.
81st–90th	Frank Carlson	Nov. 29, 1950	Jan. 2, 1969	(2)

See footnotes at end of Kansas table.

KANSAS—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
91st–104th	Robert Dole	Jan. 3, 1969	Jan. 2, 1999	Res. June 11, 1996.
104th	Sheila Frahm	June 11, 1996	Nov. 5, 1996	By gov., to fill vac.
104th–111th	Sam Brownback	Nov. 27, 1996	Jan. 2, 2011	(3)

[1] Elected to six-year term commencing Jan. 3, 1979; subsequently appointed by governor to fill vacancy in term ending Jan. 2. 1979.
[2] Elected Nov. 7, 1950, to fill vacancy in term ending Jan. 2, 1951, and also to full term ending Jan. 2, 1957.
[3] Elected Nov. 5, 1996, to fill vacancy in term ending Jan. 2, 1999.

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CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
2d–8th	John Brown	June 18, 1792	Mar. 3, 1805	
9th–11th	Buckner Thruston	Mar. 4, 1805	Mar. 3, 1811	Res. Dec. 18, 1809.
11th	Henry Clay	Jan. 4, 1810	Do.	
12th–14th	George M. Bibb	Mar. 4, 1811	Mar. 3, 1817	Res. Aug. 23, 1814.
13th	George Walker	Aug. 30, 1814	Dec. 16, 1814	By gov., to fill vac.
13th–14th	William T. Barry	Dec. 16, 1814	Mar. 3, 1817	Res. May 1, 1816.
14th	Martin D. Hardin	Nov. 13, 1816	Dec. 4, 1816	By gov., to fill vac.
Do	.....do	Dec. 5, 1816	Mar. 3, 1817	
15th–17th	John J. Crittenden	Mar. 4, 1817	Mar. 3, 1823	Res. Mar. 3, 1819.
16th–20th	Richard M. Johnson	Dec. 10, 1819	Mar. 3, 1829	
21st–23d	George M. Bibb	Mar. 4, 1829	Mar. 3, 1835	
24th–26th	John J. Crittenden	Mar. 4, 1835	Mar. 3, 1841	
27th–29th	James T. Morehead	Mar. 4, 1841	Mar. 3, 1847	
30th–32d	Joseph R. Underwood	Mar. 4, 1847	Mar. 3, 1853	
33d–35th	John B. Thompson	Mar. 4, 1853	Mar. 3, 1859	
36th–38th	Lazarus W. Powell	Mar. 4, 1859	Mar. 3, 1865	
39th–41st	James Guthrie	Mar. 4, 1865	Mar. 3, 1871	Res. Feb. 7, 1868.
40th–41st	Thomas C. McCreery	Feb. 19, 1868	Do.	
42d–44th	John W. Stevenson	Mar. 4, 1871	Mar. 3, 1877	
45th–53d	James B. Beck	Mar. 4, 1877	Mar. 3, 1895	Died May 3, 1890.
51st–53d	John G. Carlisle	May 17, 1890	Do.	Res. Feb. 4, 1893.
52d–56th	William Lindsay	Feb. 15, 1893	Mar. 3, 1901	
57th–59th	Joseph C. S. Blackburn	Mar. 4, 1901	Mar. 3, 1907	
60th–62d	Thomas H. Paynter	Mar. 4, 1907	Mar. 3, 1913	
63d–65th	Ollie M. James	Mar. 4, 1913	Mar. 3, 1919	Died Aug. 28, 1918.
65th	George B. Martin	Sept. 7, 1918	Do.	By gov., to fill vac.
66th–68th	A. Owsley Stanley	Mar. 4, 1919	Mar. 3, 1925	
69th–71st	Fred M. Sackett	Mar. 4, 1925	Mar. 3, 1931	Res. Jan. 9, 1930.
71st	John M. Robsion	Jan. 9, 1930	Nov. 30, 1930	By gov., to fill vac.
Do	Ben M. Williamson	Dec. 1, 1930	Mar. 3, 1931	
72d–77th	Marvel M. Logan	Mar. 4, 1931	Jan. 2, 1943	Died Oct. 3, 1939.
76th	Albert B. Chandler	Oct. 10, 1939	Nov. 5, 1940	By gov., to fill vac.
76th–80th	.....do	Nov. 6, 1940	Jan. 2, 1949	Res. Nov. 1, 1945.
79th	William A. Stanfill	Nov. 19, 1945	Nov. 5, 1946	By gov., to fill vac.
80th	John Sherman Cooper	Nov. 6, 1946	Jan. 2, 1949	
81st–83d	Virgil Chapman	Jan. 3, 1949	Jan. 2, 1955	Died Mar. 8, 1951.
82d	Thomas R. Underwood	Mar. 19, 1951	Nov. 4, 1952	By gov., to fill vac.
82d–83d	John Sherman Cooper	Nov. 5, 1952	Jan. 2, 1955	(1)
84th–86th	Alben W. Barkley	Jan. 3, 1955	Jan. 2, 1961	Died Apr. 30, 1956.
84th	Robert Humphreys	June 21, 1956	Nov. 6, 1956	By gov., to fill vac.[2]
85th–92d	John Sherman Cooper	Nov. 7, 1956	Jan. 2, 1973	(3)
93d–98th	Walter D. Huddleston	Jan. 3, 1973	Jan. 2, 1985	
99th–110th	Mitch McConnell	Jan. 3, 1985	Jan. 2, 2009	

CLASS 3

2d–3d	John Edwards	June 18, 1792	Mar. 3, 1795	
4th–6th	Humphrey Marshall	Mar. 4, 1795	Mar. 3, 1801	
7th–9th	John Breckinridge	Mar. 4, 1801	Mar. 3, 1807	Res. Aug. 7, 1805.
9th	John Adair	Nov. 8, 1805	Do.	Res. Nov. 18, 1806.
Do	Henry Clay	Dec. 29, 1806	Do.	
10th–12th	John Pope	Mar. 4, 1807	Mar. 3, 1813	

See footnotes at end of Kentucky table.

KENTUCKY—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
13th–15th	Jesse Bledsoe	Mar. 4, 1813	Mar. 3, 1819	(4)
Do	Isham Talbot	Jan. 5, 1815	Do.	
16th–18th	William Logan	Mar. 4, 1819	Mar. 3, 1825	Res. May 28, 1820.
Do	Isham Talbot	Oct. 19, 1820	Do.	
19th–21st	John Rowan	Mar. 4, 1825	Mar. 3, 1831	
22d–27th	Henry Clay	Nov. 10, 1831	Mar. 3, 1843	Res. Mar. 31, 1842.
27th–30th	John J. Crittenden	Mar. 31, 1842	Mar. 3, 1849	Res. June 12, 1848.
30th	Thomas Metcalfe	June 23, 1848	Jan. 2, 1849	By gov., to fill vac.
Do	.....do	Jan. 3, 1849	Mar. 3, 1849	
31st–33d	Henry Clay	Mar. 4, 1849	Mar. 3, 1855	(5)
32d	David Meriwether	July 6, 1852	Sept. 1, 1852	Do.
32d–33d	Archibald Dixon	Sept. 1, 1852	Mar. 3, 1855	
34th–36th	John J. Crittenden	Mar. 4, 1855	Mar. 3, 1861	
37th–39th	John C. Breckinridge	Mar. 4, 1861	Mar. 3, 1867	Exp. Dec. 4, 1861.
37th–42d	Garrett Davis	Dec. 10, 1861	Mar. 3, 1873	Died Sept. 22, 1872.
42d	Willis B. Machen	Sept. 27, 1872	Jan. 20, 1873	By gov., to fill vac.
Do	.....do	Jan. 21, 1873	Mar. 3, 1873	
43d–45th	Thomas C. McCreery	Mar. 4, 1873	Mar. 3, 1879	
46th–48th	John Stuart Williams	Mar. 4, 1879	Mar. 3, 1885	
49th–54th	Joseph C. S. Blackburn	Mar. 4, 1885	Mar. 3, 1897	
55th–57th	William J. Deboe	Mar. 4, 1897	Mar. 3, 1903	
58th–60th	James B. McCreary	Mar. 4, 1903	Mar. 3, 1909	
61st–63d	William O. Bradley	Mar. 4, 1909	Mar. 3, 1915	Died May 23, 1914.
63d	Johnson N. Camden, Jr.	June 16, 1914	Nov. 2, 1914	By gov., to fill vac.
Do	.....do	Nov. 3, 1914	Mar. 3, 1915	
64th–66th	John C. W. Beckham	Mar. 4, 1915	Mar. 3, 1921	
67th–69th	Richard P. Ernst	Mar. 4, 1921	Mar. 3, 1927	
70th–81st	Alben W. Barkley	Mar. 4, 1927	Jan. 2, 1951	Res. Jan. 19, 1949.
81st	Garrett L. Withers	Jan. 20, 1949	Nov. 26, 1950	By gov., to fill vac.
Do	Earle C. Clements	Nov. 27, 1950	Jan. 2, 1951	(6)
82d–84th	.....do	Jan. 3, 1951	Jan. 2, 1957	
85th–90th	Thruston B. Morton	Jan. 3, 1957	Jan. 2, 1969	Res. Dec. 16, 1968.
90th–93d	Marlow W. Cook	Dec. 17, 1968	Jan. 2, 1975	Res. Dec. 27, 1974.[7]
93d–105th	Wendell H. Ford	Dec. 28, 1974	Jan. 2, 1999	(8)
106th–111th	Jim Bunning	Jan. 3, 1999	Jan. 2, 2011	

[1]Elected Nov. 4, 1952, to fill vacancy in term ending Jan. 2, 1955.
[2]Joseph J. Leary appointed June 18, 1956, to fill vacancy, but declined to serve.
[3]Elected Nov. 6, 1956, to fill vacancy in term ending Jan. 2, 1961.
[4]Resigned Dec. 24, 1814. Declared by Senate resolution of Jan. 20, 1815, as having resigned.
[5]Resigned Dec. 15, 1851, to take effect first Monday in Sept. 1852. Died June 29, 1852.
[6]Elected Nov. 7, 1950. Oath administered Nov. 27, 1950.
[7]Elected to 6-year term commencing Jan. 3, 1969, and subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1969.
[8]Elected to 6-year term commencing Jan. 3, 1975, and subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1975.

LOUISIANA

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
12th–14th	Jean N. Destréhan	Sept. 3, 1812	Mar. 3, 1817	(1)
12th	Thomas Posey	Oct. 8, 1812	Feb. 4, 1813	By gov., to fill vac.
12th–14th	James Brown	Feb. 5, 1813	Mar. 3, 1817	Elect. Dec. 1, 1812.
15th–17th	William C. C. Claiborne	Mar. 4, 1817	Mar. 3, 1823	Died Nov. 23, 1817.
15th–20th	Henry Johnson	Jan. 12, 1818	Mar. 3, 1829	Res. May 27, 1824.
18th–20th	Dominique Bouligny	Nov. 19, 1824	Do.	
21st–23d	Edward Livingston	Mar. 4, 1829	Mar. 3, 1835	Res. May 24, 1831.
22d–23d	George A. Waggaman	Nov. 15, 1831	Do.	
24th–26th	Robert C. Nicholas	Jan. 13, 1836	Mar. 3, 1841	(2)
27th–29th	Alexander Barrow	Mar. 4, 1841	Mar. 3, 1847	Died Dec. 29, 1846.
29th	Pierre Soulé	Jan. 21, 1847	Do.	
30th–32d	Solomon W. Downs	Mar. 4, 1847	Mar. 3, 1853	
33d–38th	Judah P. Benjamin	Mar. 4, 1853	Mar. 3, 1865	(3)
40th–41st	John S. Harris	July 8, 1868	Mar. 3, 1871	(4)
42d–44th	J. Rodman West	Mar. 4, 1871	Mar. 3, 1877	
45th–47th	William P. Kellogg	Mar. 4, 1877	Mar. 3, 1883	
48th–53d	Randall L. Gibson	Mar. 4, 1883	Mar. 3, 1895	Died Dec. 15, 1892.

See footnotes at end of Louisiana table.

LOUISIANA—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
52d–53d	Donelson Caffery	Dec. 31, 1892	May 22, 1894	By gov., to fill vac.
53d–56th	.....do	May 23, 1894	Mar. 3, 1901	
57th–62d	Murphy J. Foster	Mar. 4, 1901	Mar. 3, 1913	
63d–71st	Joseph E. Ransdell	Mar. 4, 1913	Mar. 3, 1931	
72d–74th	Huey P. Long	Jan. 25, 1932	Jan. 2, 1937	(5)
74th	Rose McConnell Long	Jan. 31, 1936	Apr. 20, 1936	Do.
Do	.....do	Apr. 21, 1936	Jan. 2, 1937	
75th–92d	Allen J. Ellender	Jan. 3, 1937	Jan. 2, 1973	Died July 27, 1972.
92d	Elaine S. Edwards	Aug. 1, 1972	Do.	(6)
92d–104th	J. Bennett Johnston	Nov. 14, 1972	Jan. 2, 1997	By gov., to fill vac.[7]
105th–110th	Mary L. Landrieu	Jan. 3, 1997	Jan. 2, 2009	

CLASS 3

12th	Allan B. Magruder	Sept. 3, 1812	Mar. 3, 1813	
13th–15th	Eligius Fromentin	Mar. 4, 1813	Mar. 3, 1819	
16th–18th	James Brown	Mar. 4, 1819	Mar. 3, 1825	Res. Dec. 10, 1823.
18th–24th	Josiah S. Johnston	Jan. 15, 1824	Mar. 3, 1837	(8)
23d–24th	Alexander Porter	Dec. 19, 1833	Do.	(9)
24th–27th	Alexander Mouton	Jan. 12, 1837	Mar. 3, 1843	Res. Mar. 1, 1842.
27th	Charles M. Conrad	Apr. 14, 1842	Do.	
28th–30th	Henry Johnson	Feb. 12, 1844	Mar. 3, 1849	(10)
31st–33d	Pierre Soulé	Mar. 4, 1849	Mar. 3, 1855	Res. Apr. 11, 1853.
33d–36th	John Slidell	Apr. 28, 1853	Mar. 3, 1861	(11)
40th–44th	William P. Kellogg	July 8, 1868	Mar. 3, 1873	(12)
44th–45th	James B. Eustis	Jan. 12, 1876	Mar. 3, 1879	
46th–48th	Benjamin F. Jonas	Mar. 4, 1879	Mar. 3, 1885	
49th–51st	James B. Eustis	Mar. 4, 1885	Mar. 3, 1891	
52d–54th	Edward D. White	Mar. 4, 1891	Mar. 3, 1897	Res. Mar. 12, 1894.
53d	Newton C. Blanchard	Mar. 12, 1894	May 22, 1894	By gov., to fill vac.
53d–54th	.....do	May 23, 1894	Mar. 3, 1897	
55th–63d	Samuel D. McEnery	Mar. 4, 1897	Mar. 3, 1915	(13)
61st–63d	John R. Thornton	Dec. 7, 1910	Mar. 3, 1915	
64th–66th	Robert F. Broussard	Mar. 4, 1915	Mar. 3, 1921	Died Apr. 12, 1918.
65th	Walter Guion	Apr. 22, 1918	Nov. 5, 1918	By gov., to fill vac.
65th–66th	Edward J. Gay	Nov. 6, 1918	Mar. 3, 1921	
67th–72d	Edwin S. Broussard	Mar. 4, 1921	Mar. 3, 1933	
73d–81st	John H. Overton	Mar. 4, 1933	Jan. 2, 1951	Died Mar. 14, 1948.
80th	William C. Feazel	May 18, 1948	Dec. 30, 1948	By gov., to fill vac.
80th–99th	Russell B. Long	Dec. 31, 1948	Jan. 2, 1987	(14)
100th–108th	John B. Breaux	Jan. 3, 1987	Jan. 2, 2005	
109th–111th	David Vitter	Jan. 3, 2005	Jan. 2, 2011	

[1]Not sworn. Resigned Oct. 1, 1812.
[2]Elected in place of Chas. E. A. Gayarre, who did not qualify. Vacancy from Mar. 4, 1835, to Jan. 13, 1836.
[3]Withdrew Feb. 4, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Feb. 4, 1861, to July 8, 1868, because of Civil War.
[4]By legislature, to fill vacancy in term beginning Mar. 4, 1865.
[5]Elected Nov. 4, 1930. Took oath Jan. 25, 1932. Governor during interim. Died Sept. 10, 1935. Vacancy from Sept. 11, 1935 to Jan. 30, 1936.
[6]By governor, to fill vacancy. Resigned, effective Nov. 13, 1972.
[7]Elected to 6-year term commencing Jan. 3, 1973; subsequently appointed by governor to fill vacancy in term ending Jan. 2, 1973.
[8]Died May 19, 1833. Vacancy from May 20 to Dec. 18, 1833.
[9]Resigned Jan. 5, 1837; subsequently elected for term beginning Mar. 4, 1843, but did not qualify.
[10]Alexander Porter was elected for this term. Did not present credentials nor qualify. Vacancy from Mar. 4, 1843, to Feb. 12, 1844.
[11]Withdrew from the Senate Feb. 4, 1861. Vacancy from Feb. 4, 1861, to July 8, 1868, because of Civil War.
[12]By legislature, to fill vacancy in term beginning Mar. 4, 1867. Resigned Nov. 1, 1872. Vacancy from Nov. 1, 1872, to Jan. 12, 1876.
[13]Died June 28, 1910. Vacancy from June 29 to Dec. 6, 1910.
[14]Elected Nov. 2, 1948, for term expiring Jan. 2, 1951. Oath administered Dec. 31, 1948.

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MAINE

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
16th–19th	John Holmes	June 13, 1820	Mar. 3, 1827	
20th–22d	Albion K. Parris	Mar. 4, 1827	Mar. 3, 1833	Res. Aug. 26, 1828.
Do	John Holmes	Jan. 15, 1829	Do.	
23d–25th	Ether Shepley	Mar. 4, 1833	Mar. 3, 1839	Res. Mar. 3, 1836.
24th	Judah Dana	Dec. 7, 1836	Feb. 22, 1837	By gov., to fill vac.
25th–28th	Reuel Williams	Feb. 22, 1837	Mar. 3, 1845	Res. Feb. 15, 1843.
28th–31st	John Fairfield	Mar. 3, 1843	Mar. 3, 1851	Died Dec. 24, 1847.
30th	Wyman B. S. Moor	Jan. 5, 1848	May 26, 1848	By gov., to fill vac.
30th–34th	Hannibal Hamlin	May 26, 1848	Mar. 3, 1857	Res. Jan. 7, 1857.
34th	Amos Nourse	Jan. 16, 1857	Do.	
35th–37th	Hannibal Hamlin	Mar. 4, 1857	Mar. 3, 1863	(1)
36th–40th	Lot Myrick Morrill	Jan. 17, 1861	Mar. 3, 1869	
41st–46th	Hannibal Hamlin	Mar. 4, 1869	Mar. 3, 1881	
47th–61st	Eugene Hale	Mar. 4, 1881	Mar. 3, 1911	
62d–64th	Charles F. Johnson	Mar. 4, 1911	Mar. 3, 1917	
65th–76th	Frederick Hale	Mar. 4, 1917	Jan. 2, 1941	
77th–82d	Ralph O. Brewster	Jan. 3, 1941	Jan. 2, 1953	
83d–85th	Frederick G. Payne	Jan. 3, 1953	Jan. 2, 1959	
86th–97th	Edmund S. Muskie	Jan. 3, 1959	Jan. 2, 1983	(2)
96th	George J. Mitchell	May 17, 1980	Jan. 2, 1983	(3)
96th–103d	.....do	Jan. 3, 1983	Jan. 2, 1995	
104th–112th	Olympia J. Snowe	Jan. 3, 1995	Jan. 2, 2013	

CLASS 3

16th–20th	John Chandler	June 14, 1820	Mar. 3, 1829	
21st–23d	Peleg Sprague	Mar. 4, 1829	Mar. 3, 1835	Res. Jan. 1, 1835.
23d–26th	John Ruggles	Jan. 20, 1835	Mar. 3, 1841	
27th–29th	George Evans	Mar. 4, 1841	Mar. 3, 1847	
30th–32d	James W. Bradbury	Mar. 4, 1847	Mar. 3, 1853	
33d–38th	William Pitt Fessenden	Feb. 10, 1854	Mar. 3, 1865	Res. July 1, 1864.
38th	Nathan A. Farwell	Oct. 27, 1864	Jan. 10, 1865	By gov., to fill vac.
Do	.....do	Jan. 11, 1865	Mar. 3, 1865	
39th–41st	William Pitt Fessenden	Mar. 4, 1865	Mar. 3, 1871	Died Sept. 9, 1869.
41st	Lot Myrick Morrill	Oct. 30, 1869	Jan. 18, 1870	By gov., to fill vac.
41st–44th	.....do	Jan. 19, 1870	Mar. 3, 1877	Res. July 7, 1876.
44th	James G. Blaine	July 10, 1876	Jan. 16, 1877	By gov., to fill vac.
44th–47th	.....do	Jan. 17, 1877	Mar. 3, 1883	Res. Mar. 5, 1881.
47th–62d	William P. Frye	Mar. 18, 1881	Mar. 3, 1913	(4)
62d	Obadiah Gardner	Sept. 23, 1911	Apr. 1, 1912	By gov., to fill vac.
Do	.....do	Apr. 2, 1912	Mar. 3, 1913	
63d–65th	Edwin C. Burleigh	Mar. 4, 1913	Mar. 3, 1919	Died June 16, 1916.
64th–71st	Bert M. Fernald	Sept. 12, 1916	Mar. 3, 1931	Died Aug. 23, 1926.[5]
69th–71st	Arthur R. Gould	Nov. 30, 1926	Mar. 3, 1931	
72d–80th	Wallace H. White, Jr.	Mar. 4, 1931	Jan. 2, 1949	
81st–92d	Margaret Chase Smith	Jan. 3, 1949	Jan. 2, 1973	
93d–95th	William D. Hathaway	Jan. 3, 1973	Jan. 2, 1979	
96th–104th	William S. Cohen	Jan. 3, 1979	Jan. 2, 1997	
105th–110th	Susan M. Collins	Jan. 3, 1997	Jan. 2, 2009	

[1]Resigned Jan. 7, 1861, to take effect Jan. 17, 1861.
[2]Resigned May 7, 1980, having been confirmed as Secretary of State by the Senate.
[3]By governor, to fill vacancy in term ending Jan. 2, 1983. Vacancy from May 8 to May 16, 1980.
[4]Elected Mar. 15, 1881. Resigned From House Mar. 17, 1881. Died Aug. 8, 1911.
[5]Vacancy from June 17 to Sept. 11, 1916, because of recess of legislature.

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MARYLAND

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–4th	C. Carroll, of Carrollton	Mar. 4, 1789	Mar. 3, 1797	Res. Nov. 30, 1792.
2d–4th	Richard Potts	Jan. 10, 1793	Do.	Res. Oct. 24, 1796.
4th–7th	John E. Howard	Nov. 30, 1796	Mar. 3, 1803	
8th–10th	Samuel Smith	Mar. 4, 1803	Mar. 3, 1809	
11th	.....do	Mar. 4, 1809	Nov. 15, 1809	By gov., to fill vac.
11th–13th	.....do	Nov. 16, 1809	Mar. 3, 1815	

MARYLAND—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
14th–16th	Robert G. Harper	Jan. 29, 1816	Mar. 3, 1821	(1)
Do	Alexander Contee Hanson	Dec. 20, 1816	Do.	Died Apr. 23, 1819.
16th–19th	William Pinkney	Dec. 21, 1819	Mar. 3, 1827	Died Feb. 25, 1822.
17th–23d	Samuel Smith	Dec. 16, 1822	Mar. 3, 1833	
23d–25th	Joseph Kent	Mar. 4, 1833	Mar. 3, 1839	Died Nov. 24, 1837.
25th–28th	William D. Merrick	Jan. 4, 1838	Mar. 3, 1845	
29th–31st	Reverdy Johnson	Mar. 4, 1845	Mar. 3, 1851	Res. Mar. 7, 1849.
31st	David Stewart	Dec. 6, 1849	Jan. 12, 1850	By gov., to fill vac.
31st–34th	Thomas G. Pratt	Jan. 12, 1850	Mar. 3, 1857	
35th–37th	Anthony Kennedy	Mar. 4, 1857	Mar. 3, 1863	
38th–40th	Reverdy Johnson	Mar. 4, 1863	Mar. 3, 1869	Res. July 10, 1868.
40th	William Pinkney Whyte	July 13, 1868	Do.	By gov., to fill vac.
41st–43d	William T. Hamilton	Mar. 4, 1869	Mar. 3, 1875	
44th–46th	William Pinkney Whyte	Mar. 4, 1875	Mar. 3, 1881	
47th–55th	Arthur P. Gorman	Mar. 4, 1881	Mar. 3, 1899	
56th–58th	Louis E. McComas	Mar. 4, 1899	Mar. 3, 1905	
59th–64th	Isidor Rayner	Mar. 4, 1905	Mar. 3, 1917	Died Nov. 25, 1912.
62d–63d	William P. Jackson	Nov. 29, 1912	Jan. 28, 1914	By gov., to fill vac.
63d–64th	Blair Lee	Jan. 29, 1914	Mar. 3, 1917	
65th–67th	Joseph L. France	Mar. 4, 1917	Mar. 3, 1923	
68th–70th	William Cabell Bruce	Mar. 4, 1923	Mar. 3, 1929	
71st–73d	Phillips Lee Goldsborough	Mar. 4, 1929	Jan. 2, 1935	
74th–79th	George L.P. Radcliffe	Jan. 3, 1935	Jan. 2, 1947	
80th–82d	Herbert R. O'Conor	Jan. 3, 1947	Jan. 2, 1953	
83d–88th	J. Glenn Beall	Jan. 3, 1953	Jan. 2, 1965	
89th–91st	Joseph D. Tydings	Jan. 3, 1965	Jan. 2, 1971	
92d–94th	J. Glenn Beall, Jr.	Jan. 3, 1971	Jan. 2, 1977	
95th–109th	Paul S. Sarbanes	Jan. 3, 1977	Jan. 2, 2007	
110th–112th	Benjamin L. Cardin	Jan. 3, 2007	Jan. 2, 2013	

CLASS 3

1st–6th	John Henry	Mar. 4, 1789	Mar. 3, 1801	Res. Dec. 10, 1797.
5th–6th	James Lloyd	Dec. 11, 1797	Do.	Res. Dec. 1, 1800.
6th	William Hindman	Dec. 12, 1800	Do.	
7th	.....do	Mar. 4, 1801	Nov. 19, 1801	By gov., to fill vac.
7th–9th	Robert Wright	Nov. 19, 1801	Mar. 3, 1807	Res. Nov. 12, 1806.
9th–12th	Philip Reed	Nov. 25, 1806	Mar. 3, 1813	
13th–15th	Robert H. Goldsborough	May 21, 1813	Mar. 3, 1819	(2)
16th–21st	Edward Lloyd	Dec. 27, 1819	Mar. 3, 1831	Res. Jan. 4, 1826.
19th–24th	Ezekiel F. Chambers	Jan. 24, 1826	Mar. 3, 1837	Res. in 1834.
23d–24th	Robert H. Goldsborough	Jan. 13, 1835	Do.	Died Oct. 5, 1936.
24th–27th	John S. Spence	Dec. 31, 1836	Mar. 3, 1843	Died Oct. 24, 1840.
26th–27th	John Leeds Kerr	Jan. 5, 1841	Do.	
28th–29th	James A. Pearce	Mar. 4, 1843	Mar. 3, 1867	Died Dec. 20, 1862.
37th–38th	Thomas H. Hicks	Dec. 29, 1862	Jan. 11, 1864	By gov., to fill vac.
38th–39th	.....do	Jan. 12, 1864	Mar. 3, 1867	Died Feb. 14, 1865.
39th	John A. J. Creswell	Mar. 9, 1865	Do.	
40th–42d	George Vickers	Mar. 7, 1868	Mar. 3, 1873	(3)
43d–45th	George R. Dennis	Mar. 4, 1873	Mar. 3, 1879	
46th–48th	James B. Groome	Mar. 4, 1879	Mar. 3, 1885	
49th–51st	Ephraim King Wilson	Mar. 4, 1885	Mar. 3, 1891	(4)
52d	Charles H. Gibson	Nov. 19, 1891	Jan. 2, 1892	By gov., to fill vac.
52d–54th	.....do	Jan. 21, 1892	Mar. 3, 1897	
55th–57th	George L. Wellington	Mar. 4, 1897	Mar. 3, 1903	
58th–60th	Arthur P. Gorman	Mar. 4, 1903	Mar. 3, 1909	Died June 4, 1906.
59th–60th	William Pinkney Whyte	June 8, 1906	Jan. 14, 1908	By gov., to fill vac.
60th	.....do	Jan. 15, 1908	Mar. 3, 1909	Died Mar. 17, 1908.
60th–66th	John Walter Smith	Mar. 25, 1908	Mar. 3, 1921	
67th–69th	Ovington E. Weller	Mar. 4, 1921	Mar. 3, 1927	
70th–81st	Millard E. Tydings	Mar. 4, 1927	Jan. 2, 1951	
82d–87th	John Marshall Butler	Jan. 3, 1951	Jan. 2, 1963	
88th–90th	Daniel B. Brewster	Jan. 3, 1963	Jan. 2, 1969	
91st–99th	Charles McC. Mathias, Jr.	Jan. 3, 1969	Jan. 2, 1987	
100th–111th	Barbara A. Mikulski	Jan. 3, 1987	Jan. 2, 2011	

[1]Vacancy from Mar. 4, 1815, to Jan. 28, 1816, because of failure of legislature to elect. Resigned Dec. 6, 1816.
[2]Vacancy from Mar. 4, 1813, to May 20, 1813, due to failure of the legislature to elect.

Footnotes continued on next page.

[3]Philip F. Thomas was elected but was not permitted to qualify. Vacancy from Mar. 4, 1867, to Mar. 6, 1868.
[4]Died Feb. 24, 1891. Had been reelected on Jan. 15, 1890, for the term beginning Mar. 4, 1891. Vacancy from Feb. 25 to Nov. 18, 1891, because of recess of legislature.

1445 1446 MASSACHUSETTS

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	Tristram Dalton	Mar. 4, 1789	Mar. 3, 1791	
2d–4th	George Cabot	Mar. 4, 1791	Mar. 3, 1797	Res. June 9, 1796.
4th–7th	Benjamin Goodhue	June 11, 1796	Mar. 3, 1803	Res. Nov. 8, 1800.
6th–7th	Jonathan Mason	Nov. 14, 1800	Do.	
8th–10th	John Quincy Adams	Mar. 4, 1803	Mar. 3, 1809	Res. June 8, 1808.
10th–13th	James Lloyd	June 9, 1808	Mar. 3, 1815	Res. May 1, 1813.
13th	Christopher Gore	May 5, 1813	May 29, 1813	By gov., to fill vac.
13th–16th	.....do	May 30, 1813	Mar. 3, 1821	Res. May 30, 1816.
14th–16th	Eli P. Ashmun	June 12, 1816	Do.	Res. May 10, 1818.
15th–16th	Prentiss Mellen	June 5, 1818	Do.	Res. May 15, 1820.
16th–19th	Elijah H. Mills	June 12, 1820	Mar. 3, 1827	
20th–28th	Daniel Webster	May 30, 1827	Mar. 3, 1845	Res. Feb. 22, 1841.
26th–28th	Rufus Choate	Feb. 23, 1841	Do.	
29th–31st	Daniel Webster	Mar. 4, 1845	Mar. 3, 1851	Res. July 22, 1850.
31st	Robert C. Winthrop	July 30, 1850	Feb. 1, 1851	By gov., to fill vac.
Do	Robert Rantoul	Feb. 1, 1851	Mar. 3, 1851	
32d–43d	Charles Sumner	Mar. 4, 1851	Mar. 3, 1875	Died Mar. 11, 1874.
43d	William B. Washburn	Apr. 17, 1874	Mar. 3, 1875	
44th–52d	Henry L. Dawes	Mar. 4, 1875	Mar. 3, 1893	
53d–70th	Henry Cabot Lodge	Mar. 4, 1893	Mar. 3, 1929	Died Nov. 9, 1924.
69th	William M. Butler	Nov. 13, 1924	Dec. 5, 1926	By gov., to fill vac.
69th–79th	David I. Walsh	Dec. 6, 1926	Jan. 2, 1947	
80th–82d	Henry Cabot Lodge, Jr.	Jan. 3, 1947	Jan. 2, 1953	
83d–88th	John F. Kennedy	Jan. 3, 1953	Jan. 2, 1965	(1)
87th	Benjamin A. Smith, II	Dec. 27, 1960	Nov. 6, 1962	By gov., to fill vac.
87th–112th	Edward M. Kennedy	Nov. 7, 1962	Jan. 2, 2013	(2)

CLASS 3

1st–5th	Caleb Strong	Mar. 4, 1789	Mar. 3, 1799	Res. June 1, 1796.
4th–5th	Theodore Sedgwick	June 11, 1796	Do.	
6th–8th	Samuel Dexter	Mar. 4, 1799	Mar. 3, 1805	Res. May 30, 1800.
Do	Dwight Foster	June 6, 1800	Do.	Res. Mar. 3, 1803.
8th–11th	Timothy Pickering	Mar. 4, 1803	Mar. 3, 1811	
12th–14th	Joseph B. Varnum	June 8, 1811	Mar. 3, 1817	
15th–17th	Harrison Gray Otis	Mar. 4, 1817	Mar. 3, 1823	Res. May 30, 1822.
17th–20th	James Lloyd	June 5, 1822	Mar. 3, 1829	Res. May 23, 1826.
19th–23d	Nathaniel Silsbee	May 31, 1826	Mar. 3, 1835	
24th–26th	John Davis	Mar. 4, 1835	Mar. 3, 1841	Res. Jan. 5, 1841.
26th–29th	Isaac C. Bates	Jan. 13, 1841	Mar. 3, 1847	Died Mar. 16, 1945.
29th–32d	John Davis	Mar. 24, 1845	Mar. 3, 1853	
33d–35th	Edward Everett	Mar. 4, 1853	Mar. 3, 1859	Res. June 1, 1854.
33d	Julius Rockwell	June 3, 1854	Jan. 31, 1855	By gov., to fill vac.
33d–44th	Henry Wilson	Jan. 31, 1855	Mar. 3, 1877	Res. Mar. 3, 1873.
43d–44th	George S. Boutwell	Mar. 12, 1873	Do.	
45th–59th	George F. Hoar	Mar. 4, 1877	Mar. 3, 1907	Died Sept. 30, 1904.
58th	Winthrop Murray Crane	Oct. 12, 1904	Jan. 17, 1905	By gov., to fill vac.
58th–62d	.....do	Jan. 18, 1905	Mar. 3, 1913	
63d–65th	John W. Weeks	Mar. 4, 1913	Mar. 3, 1919	
66th–68th	David I. Walsh	Mar. 4, 1919	Mar. 3, 1925	
69th–71st	Frederick H. Gillett	Mar. 4, 1925	Mar. 3, 1931	
72d–74th	Marcus A. Coolidge	Mar. 4, 1931	Mar. 3, 1937	
75th–80th	Henry Cabot Lodge, Jr.	Jan. 3, 1937	Jan. 2, 1949	Res. Feb. 3, 1944.
78th	Sinclair Weeks	Feb. 8, 1944	Dec. 19, 1944	By gov., to fill vac.
78th–89th	Leverett Saltonstall	Jan. 4, 1945	Jan. 2, 1967	(3)
90th–95th	Edward W. Brooke	Jan. 3, 1967	Jan. 2, 1979	
96th–98th	Paul Tsongas	Jan. 3, 1979	Jan. 2, 1985	
99th–110th	John F. Kerry	Jan. 3, 1985	Jan. 2, 2009	

[1]Resigned Dec. 22, 1960, having been elected President of the United States for the 44th term on Nov. 8, 1960. Vacancy from Dec. 23 to 26, 1960.
[2]Elected Nov. 7, 1962 to fill vacancy in term ending Jan. 2, 1965.
[3]Elected Nov. 7, 1944. Took oath Jan. 10, 1945. Governor during interim.

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
24th–25th	Lucius Lyon	Jan. 26, 1837	Mar. 3, 1839	
26th–28th	Augustus S. Porter	Jan. 20, 1840	Mar. 3, 1845	
29th–31st	Lewis Cass	Mar. 4, 1845	Mar. 3, 1851	Res. May 29, 1848.
30th	Thomas Fitzgerald	June 8, 1848	Mar. 3, 1849	By gov., to fill vac.
30th–34th	Lewis Cass	Mar. 4, 1849	Mar. 3, 1857	
35th–43d	Zachariah Chandler	Mar. 4, 1857	Mar. 3, 1875	
44th–46th	Isaac P. Christiancy	Mar. 4, 1875	Mar. 3, 1881	Res. Feb. 10, 1879.
46th	Zachariah Chandler	Feb. 19, 1879	Do.	Died Nov. 1, 1879.
Do	Henry P. Baldwin	Nov. 17, 1879	Jan. 18, 1881	By gov., to fill vac.
Do	.....do	Jan. 19, 1881	Mar. 3, 1881	
47th–49th	Omar D. Conger	Mar. 4, 1881	Mar. 3, 1887	
50th–55th	Francis B. Stockbridge	Mar. 4, 1887	Mar. 3, 1899	Died Apr. 30, 1894.
53d	John Patton, Jr.	May 5, 1894	Jan. 14, 1895	By gov., to fill vac.
53d–61st	Julius C. Burrows	Jan. 23, 1895	Mar. 3, 1911	
62d–67th	Charles E. Townsend	Mar. 4, 1911	Mar. 3, 1923	
68th–70th	Woodbridge N. Ferris	Mar. 4, 1923	Mar. 3, 1929	Died Mar. 23, 1928.
70th	Arthur H. Vandenberg	Mar. 31, 1928	Nov. 5, 1928	By gov., to fill vac.
70th–82d	.....do	Nov. 6, 1928	Jan. 2, 1953	Died Apr. 18, 1951.
82d	Blair Moody	Apr. 22, 1951	Nov. 4, 1952	By gov., to fill vac.
82d–85th	Charles E. Potter	Nov. 5, 1952	Jan. 2, 1959	(1)
86th–94th	Phillip A. Hart	Jan. 3, 1959	Jan. 2, 1977	Died Dec. 26, 1976.
94th	Donald W. Riegle, Jr.	Dec. 30, 1976	Jan. 2, 1977	By gov., to fill vac.
94th–103d	.....do	Jan. 3, 1977	Jan. 2, 1995	
104th–106th	Spencer Abraham	Jan. 3, 1995	Jan. 2, 2001	
107th–112th	Debbie Stabenow	Jan. 3, 2001	Jan. 2, 2013	

CLASS 3

24th–26th	John Norvell	Jan. 26, 1837	Mar. 3, 1841	
27th–29th	William Woodbridge	Mar. 4, 1841	Mar. 3, 1847	
30th–32d	Alpheus Felch	Mar. 4, 1847	Mar. 3, 1853	
33d–35th	Charles E. Stuart	Mar. 4, 1853	Mar. 3, 1859	
36th–38th	Kinsley S. Bingham	Mar. 4, 1859	Mar. 3, 1865	Died Oct. 5, 1861.
37th–41st	Jacob M. Howard	Jan. 4, 1862	Mar. 3, 1871	
42d–47th	Thomas W. Ferry	Mar. 4, 1871	Mar. 3, 1883	
48th–50th	Thomas W. Palmer	Mar. 4, 1883	Mar. 3, 1889	
51st–59th	James McMillan	Mar. 4, 1889	Mar. 3, 1907	Died Aug. 10, 1902.
57th	Russell A. Alger	Sept. 27, 1902	Jan. 19, 1903	By gov., to fill vac.
57th–59th	.....do	Jan. 20, 1903	Mar. 3, 1907	Died Jan. 24, 1907.
59th–65th	William Alden Smith	Feb. 6, 1907	Mar. 3, 1919	
66th–68th	Truman H. Newberry	Mar. 4, 1919	Mar. 3, 1925	Res. Nov. 18, 1922.
67th–68th	James Couzens	Nov. 29, 1922	Nov. 3, 1924	By gov., to fill vac.
68th–74th	.....do	Nov. 4, 1924	Jan. 2, 1937	Died Oct. 22, 1936.
74th	Prentiss M. Brown	Nov. 19, 1936	Do.	By gov., to fill vac.
75th–77th	.....do	Jan. 3, 1937	Jan. 2, 1943	
78th–83d	Homer Ferguson	Jan. 3, 1943	Jan. 2, 1955	
84th–89th	Patrick V. McNamara	Jan. 3, 1955	Jan. 2, 1967	Died Apr. 30, 1966.
89th	Robert P. Griffin	May 11, 1966	Jan. 2, 1967	By gov., to fill vac.
89th–95th	.....do	Jan. 3, 1967	Jan. 2, 1979	
96th–110th	Carl Levin	Jan. 3, 1979	Jan. 2, 2009	

[1] Elected Nov. 4, 1952, to fill vacancy in term ending Jan. 2, 1953, and also to fill term ending Jan. 2, 1959.

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
35th–37th	Henry M. Rice	May 11, 1858	Mar. 3, 1863	
38th–43d	Alexander Ramsey	Mar. 4, 1863	Mar. 3, 1875	
44th–49th	Samuel J. R. McMillan	Mar. 4, 1875	Mar. 3, 1887	
50th–58th	Cushman K. Davis	Mar. 4, 1887	Mar. 3, 1905	Died Nov. 27, 1900.
56th	Charles A. Towne	Dec. 5, 1900	Jan. 23, 1901	By gov., to fill vac.
56th–64th	Moses E. Clapp	Jan. 23, 1901	Mar. 3, 1917	
65th–67th	Frank B. Kellogg	Mar. 4, 1917	Mar. 3, 1923	
68th–79th	Henrik Shipstead	Mar. 4, 1923	Jan. 2, 1947	

MINNESOTA—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
80th–85th	Edward J. Thye	Jan. 3, 1947	Jan. 2, 1959	
86th–91st	Eugene J. McCarthy	Jan. 3, 1959	Jan. 2, 1971	
92nd–97th	Hubert H. Humphrey	Jan. 3, 1971	Jan. 2, 1983	Died Jan. 13, 1978.
95th	Muriel Humphrey	Jan. 25, 1978	Nov. 7, 1978	By gov., to fill vac.
95th–103d	David Durenberger	Nov. 8, 1978	Jan. 2, 1995	(1)
104th–106th	Rod Grams	Jan. 3, 1995	Jan. 2, 2001	
107th–109th	Mark Dayton	Jan. 3, 2001	Jan. 2, 2007	
110th–112th	Amy Klobuchar	Jan. 3, 2007	Jan. 2, 2013	

CLASS 3

35th	James Shields	May 11, 1858	Mar. 3, 1859	
36th–38th	Morton S. Wilkinson	Mar. 4, 1859	Mar 3, 1865	
39th–41st	Daniel S. Norton	Mar. 4, 1865	Mar. 3, 1871	Died July 13, 1870.
41st	William Windom	July 15, 1870	Jan. 22, 1871	By gov., to fill vac.
Do	Ozora P. Stearns	Jan 18, 1871	Mar. 3, 1871	
42d–47th	William Windom	Mar. 4, 1871	Mar. 3, 1883	Res. Mar. 4, 1881.
47th	A. J. Edgerton	Mar.12, 1881	Oct. 26, 1881	By gov. to fill vac.
Do	William Windom	Oct. 27, 1881	Mar. 3, 1883	
48th–50th	Dwight M. Sabin	Mar. 4, 1883	Mar. 3, 1889	
51st–53d	William D. Washburn	Mar. 4, 1889	Mar. 3, 1895	
54th–68th	Knute Nelson	Mar. 4, 1895	Mar. 3, 1925	Died Apr. 28, 1923.
68th	Magnus Johnson	July 16, 1923	Do.	
69th–74th	Thomas D. Schall	Mar. 4, 1925	Jan. 2, 1937	Died Dec. 22, 1935.
74th	Elmer A. Benson	Dec. 27, 1935	Nov. 3, 1936	By gov., to fill vac.
Do	Guy V. Howard	Nov. 4, 1936	Jan. 2, 1937	
75th–77th	Ernest Lundeen	Jan. 3, 1937	Jan. 2, 1943	Died Aug. 31, 1940.
76th–77th	Joseph H. Ball	Oct. 14, 1940	Nov. 17, 1942	By gov., to fill vac.
77th	Arthur E. Nelson	Nov. 18, 1942	Jan. 2, 1943	
78th–80th	Joseph H. Ball	Jan. 3, 1943	Jan. 2, 1949	
81st–88th	Hubert H. Humphrey	Jan. 3, 1949	Jan. 2, 1967	(2)
89th–95th	Walter F. Mondale	Dec. 30, 1964	Jan. 2, 1979	(3)
95th–97th	Wendell R. Anderson	Dec. 30, 1976	Jan. 2, 1979	(4)
96th	Rudy Boschwitz	Dec. 30, 1978	Jan. 2, 1979	By gov., to fill vac.
96th–101st	.....do	Jan. 3, 1979	Jan. 2, 1991	
102d–107th	Paul D. Wellstone	Jan. 3, 1991	Jan. 2, 2003	Died Oct. 25, 2002.
107th	Dean Barkley	Nov. 12, 2002	Jan. 2, 2003	By gov., to fill vac.
108th–110th	Norm Coleman	Jan. 3, 2003	Jan. 2, 2009	

[1] Elected Nov. 7, 1978, to complete vacancy in term ending Jan. 2, 1983.
[2] Resigned Dec. 29, 1964, having been elected Vice President of the United States for the 45th term on Nov. 3, 1964.
[3] By governor, to fill vacancy in term ending Jan. 2, 1967. Resigned Dec. 30, 1976, having been elected Vice President of the United States on Nov. 2, 1976.
[4] By governor, to fill vacancy in term ending Jan. 2, 1979. Resigned Dec. 29, 1978.

MISSISSIPPI

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
15th–16th	Walter Leake	Dec. 10, 1817	Mar. 3, 1821	Res. May 15, 1820.
16th	David Holmes	Aug. 30, 1820	Do.	By gov., to fill vac.
17th–19th	.....do	Mar. 4, 1821	Mar. 3, 1827	Res. Sept. 25, 1825.
19th	Powhatan Ellis	Sept. 28, 1825	Jan. 28, 1826	By gov., to fill vac.
19th	Thomas B. Reed	Jan. 28, 1826	Mar. 3, 1827	
20th–22d	Powhatan Ellis	Mar. 4, 1827	Mar. 3, 1833	Res. July 10, 1832.
22d	John Black	Nov. 12, 1832	Do.	By gov., to fill vac.
23d–25th	.....do	Mar. 4, 1833	Mar. 3, 1839	Res. Jan. 22, 1838.
25th	James F. Trotter	Jan. 22, 1838	Do.	Res. July 10, 1838.
Do	Thomas Hickman Williams.	Nov. 12, 1838	Jan. 29, 1839	By gov., to fill vac.
Do	.....do	Jan. 30, 1839	Mar. 3, 1839	
26th–28th	John Henderson	Mar. 4, 1839	Mar. 3, 1845	
29th–31st	Jesse Speight	Mar. 4, 1845	Mar. 3, 1851.	Died May 1, 1847.
30th	Jefferson Davis	Aug. 10, 1847	Jan. 10, 1848	By gov., to fill vac.
30th–34th	.....do	Jan. 11, 1848	Mar. 3, 1857	Res. Sept. 23, 1851.

MISSISSIPPI—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
32d	John J. McRae	Dec. 1, 1851	Mar. 17, 1852	By gov., to fill vac.
32d–34th	Stephen Adams	Mar. 17, 1852	Mar. 3, 1857	
35th–37th	Jefferson Davis	Mar. 4, 1857	Mar. 3, 1863	(1)
41st–43d	Adelbert Ames	Apr. 1, 1870	Mar. 3, 1875	(2)
43d	Henry R. Pease	Feb. 3, 1874	Do.	
44th–46th	Blanche K. Bruce	Mar. 4, 1875	Mar. 3, 1881	
47th–55th	James Z. George	Mar. 4, 1881	Mar. 3, 1899	Died Aug. 14, 1897.
55th	Hernando D. Money	Oct. 8, 1897	Jan. 18, 1898	By gov., to fill vac.
55th–61st	.....do	Jan. 19, 1898	Mar. 3, 1911	
62d–67th	John Sharp Williams	Mar. 4, 1911	Mar. 3, 1923	
68th–73d	Hubert D. Stephens	Mar. 4, 1923	Jan. 2, 1935	
74th–82d	Theodore G. Bilbo	Jan. 3, 1935	Jan. 2, 1953	(3)
80th–100th	John C. Stennis	Nov. 5, 1947	Jan. 2, 1989	(4)
101st–112th	Trent Lott	Jan. 3, 1989	Jan. 2, 2013	Res. Dec. 18, 2007
110th–112th	Roger F. Wicker	Dec. 31, 2007	Do.	By gov., to fill vac.

CLASS 3

15th–20th	Thomas Hill Williams	Dec. 10, 1817	Mar. 3, 1829	
21st–23d	Thomas B. Reed	Mar. 4, 1829	Mar. 3, 1835	Died Nov. 26, 1829.
Do	Robert H. Adams	Jan. 6, 1830	Do.	Died July 2, 1830.
21st	George Poindexter	Oct. 15, 1830	Nov. 17, 1830	By gov., to fill vac.
21st–23d	.....do	Nov. 18, 1830	Mar. 3, 1835	
24th–29th	Robert J. Walker	Mar. 4, 1835	Mar. 3, 1847	Res. Mar. 5, 1845.
29th	Joseph W. Chalmers	Nov. 3, 1845	Jan. 9, 1846	By gov., to fill vac.
Do.	.....do	Jan. 10, 1846	Mar. 3, 1847	
30th–32d	Henry Stuart Foote	Mar. 4, 1847	Mar. 3, 1853	Res. Jan. 8, 1852.
32d	Walker Brooke	Feb. 18, 1852	Do.	
33d–38th	Albert G. Brown	Mar. 4, 1853	Mar. 3, 1865	(5)
41st	Hiram R. Revels	Feb. 23, 1870	Mar. 3, 1871	(6)
42d–44th	James L. Alcorn	Mar. 4, 1871	Mar. 3, 1877	(7)
45th–50th	Lucius Q. C. Lamar	Mar. 4, 1877	Mar. 3, 1889	Res. Mar. 6, 1885.
49th	Edward C. Walthall	Mar. 9, 1885	Jan. 20, 1886	By gov., to fill vac.
49th–53d	.....do	Jan. 20, 1886	Mar. 3, 1895	Res. Jan. 24, 1894.
53d	Anselm J. McLaurin	Feb. 7, 1894	Do.	
54th–56th	Edward C. Walthall	Mar. 4, 1885	Mar. 3, 1901	Died Apr. 21, 1898.
55th–56th	William V. Sullivan	May 31, 1898	Jan. 15, 1900	By gov., to fill vac.
56th	.....do	Jan. 16, 1900	Mar. 3, 1901	
57th–62d	Anselm J. McLaurin	Mar. 4, 1901	Mar. 3, 1913	Died Dec. 22, 1909.
61st	James Gordon	Dec. 27, 1909	Feb. 22, 1910	By gov., to fill vac.
61st–62d	Le Roy Percy	Feb. 23, 1910	Mar. 3, 1913	
63d–65th	James K. Vardaman	Mar. 4, 1913	Mar. 3, 1919	
66th–77th	Pat Harrison	Mar. 4, 1919	Jan. 2, 1943	Died June 22, 1941.
77th	James O. Eastland	June 30, 1941	Sept. 28, 1941	By gov., to fill vac.
Do	Wall Doxey	Sept. 29, 1941	Jan. 2, 1943	
78th–95th	James O. Eastland	Jan. 3, 1943	Jan. 2, 1979	Res. Dec. 27, 1978.
95th–110th	Thad Cochran	Dec. 27, 1978	Jan. 2, 2009	By gov., to fill vac.[8]

[1] Withdrew from the Senate Jan. 21, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Jan. 21, 1861, to Jan. 18, 1870, because of Civil War.
[2] By legislature, to fill vacancy in term beginning Mar. 4, 1869; resigned Jan. 10, 1874.
[3] Oath not administered for term beginning Jan. 3, 1947. Died Aug. 21, 1947.
[4] Elected Nov. 4, 1947, to fill vacancy in term ending Jan. 2, 1953.
[5] Withdrew from the Senate Jan. 12, 1861. Seat declared vacant Mar. 14, 1861. Vacancy from Jan. 14, 1861, to Jan. 20, 1870, because of Civil War.
[6] By legislature, to fill vacancy in term beginning Mar. 4, 1865.
[7] Elected Jan. 18, 1870. Took oath Dec. 4, 1871. Governor during interim.
[8] Elected to term commencing Jan. 3, 1979, and subsequently appointed to fill vacancy in term ending Jan. 2, 1979.

MISSOURI

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
17th–31st	Thomas H. Benton	Aug. 10, 1821	Mar. 3, 1851	
32d–34th	Henry S. Geyer	Mar. 4, 1851	Mar. 3, 1857	
35th–37th	Trusten Polk	Mar. 4, 1857	Mar. 3, 1863	Exp. Jan. 10, 1862.

MISSOURI—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
37th	John B. Henderson	Jan. 17, 1862	Jan. 5, 1863	By gov., to fill vac.
37th–40th	.....do	Jan. 6, 1863	Mar. 3, 1869	
41st–43d	Carl Schurz	Mar. 4, 1869	Mar. 3, 1875	
44th–58th	Francis M. Cockrell	Mar. 4, 1875	Mar. 3, 1905	
59th–61st	William Warner	Mar. 18, 1905	Mar. 3, 1911	(1)
62d–70th	James A. Reed	Mar. 4, 1911	Mar. 3, 1929	
71st–73d	Roscoe C. Patterson	Mar. 4, 1929	Jan. 2, 1935	
74th–79th	Harry S Truman	Jan. 3, 1935	Jan. 2, 1947	(2)
79th	Frank P. Briggs	Jan. 18, 1945	Do.	By gov., to fill vac.
80th–82d	James P. Kem	Jan. 3, 1947	Jan. 2, 1953	
83d–94th	Stuart Symington	Jan. 3, 1953	Jan. 2, 1977	Res. Dec. 27, 1976.
94th–103d	John C. Danforth	Dec. 27, 1976	Jan. 2, 1995	(3)
104th–106th	John Ashcroft	Jan. 3, 1995	Jan. 2, 2001	
107th	Jean Carnahan	Jan. 3, 2001	Nov. 24, 2002	By gov., to fill vac.[4]
107th–109th	Jim Talent	Nov. 25, 2002	Jan. 2, 2007	(5)
110th–112th	Claire McCaskill	Jan. 3, 2007	Jan. 2, 2013	

CLASS 3

17th–21st	David Barton	Aug. 10, 1821	Mar. 3, 1831	
22d–24th	Alexander Buckner	Mar. 4, 1831	Mar. 3, 1837	Died June 6, 1833.
23d	Lewis F. Linn	Oct. 25, 1833	Nov. 19, 1834	By gov., to fill vac.
23d–30th	.....do	Nov. 20, 1834	Mar. 3, 1849	Died Oct. 3, 1843.
28th	David R. Atchison	Oct. 14, 1843	Nov. 19, 1844	By gov., to fill vac.
28th–33d	.....do	Nov. 20, 1844	Mar. 3, 1855	
34th–36th	James S. Green	Jan. 12, 1857	Mar. 3, 1861	(6)
37th–39th	Waldo P. Johnson	Mar. 17, 1861	Mar. 3, 1867	Exp. Jan. 10, 1862.
37th–38th	Robert Wilson	Jan. 17, 1862	Nov. 13, 1863	Do.
38th–39th	B. Gratz Brown	Nov. 13, 1863	Mar. 3, 1867	
40th–42d	Charles D. Drake	Mar. 4, 1867	Mar. 3, 1873	Res. Dec. 19, 1870.
41st	Daniel T. Jewett	Dec. 19, 1870	Jan. 20, 1871	By gov., to fill vac.
41st–42d	Francis P. Blair	Jan. 20, 1871	Mar. 3, 1873	
43d–45th	Lewis V. Bogy	Mar. 4, 1873	Mar. 4, 1879	Died Sept. 20, 1877.
45th	David H. Armstrong	Sept. 29, 1877	Jan. 26, 1879	By gov., to fill vac.
Do	James Shields	Jan. 27, 1879	Mar. 3, 1879	
46th–57th	George G. Vest	Mar. 4, 1879	Mar. 3, 1903	
58th–66th	William J. Stone	Mar. 4, 1903	Mar. 3, 1921	Died Apr. 14, 1918.
65th	Xenophon P. Wilfley	Apr. 30, 1918	Nov. 5, 1918	By gov., to fill vac.
65th–69th	Selden P. Spencer	Nov. 6, 1918	Mar. 3, 1927	Died May 16, 1925.
69th	George H. Williams	May 25, 1925	Dec. 5, 1926	By gov., to fill vac.
69th–72d	Harry B. Hawes	Dec. 6, 1926	Mar. 3, 1933	Res. Feb. 3, 1933.
72d	Joel Bennett Clark	Feb. 3, 1933	Do.	Do.
73d–78th	.....do	Mar. 4, 1933	Jan. 2, 1945	
79th–81st	Forrest C. Donnell	Jan. 3, 1945	Jan. 2, 1951	
82d–87th	Thomas C. Hennings, Jr.	Jan. 3, 1951	Jan. 2, 1963	Died Sept. 13, 1960.
86th–90th	Edward V. Long	Sept. 23, 1960	Jan. 2, 1969	(7)
90th–99th	Thomas F. Eagleton	Dec. 28, 1968	Jan. 2, 1987	(8)
100th–111th	Christopher S. Bond	Jan. 3, 1987	Jan. 2, 2011	

[1] Vacancy from Mar. 4 to Mar. 17, 1905, because of failure of legislature to elect.
[2] Resigned Jan. 17, 1945, to become Vice President.
[3] Elected to term commencing Jan. 3, 1977, and subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1977.
[4] By governor, to fill vacancy in term ending Jan. 2, 2007, until election held on Nov. 5, 2002.
[5] Elected Nov. 5, 2002 to fill unexpired term ending Jan. 2, 2007.
[6] Vacancy from Mar. 4, 1855, to Jan. 12, 1857, and from Mar. 3 to Mar. 17, 1861.
[7] By governor, to fill vacancy. Elected Nov. 8, 1960, to fill unexpired term. Resigned Dec. 27, 1968.
[8] Elected to term commencing Jan. 3, 1969, and subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1969.

MONTANA

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st–52d	Wilbur F. Sanders	Jan. 1, 1890	Mar. 3, 1893	
53d–55th	Lee Mantle	Jan. 16, 1895	Mar. 3, 1899	(1)

See footnotes at end of Montana table.

MONTANA—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
56th–58th	William A. Clark	Mar. 4, 1899	Mar. 3, 1905	(2)
57th–58th	Paris Gibson	Mar. 7, 1901	Do.	
59th–61st	Thomas H. Carter	Mar. 4, 1905	Mar. 3, 1911	
62d–67th	Henry L. Myers	Mar. 4, 1911	Mar. 3, 1923	
68th–79th	Burton K. Wheeler	Mar. 4, 1923	Jan. 2, 1947	
80th–82d	Zales N. Ecton	Jan. 3, 1947	Jan. 2, 1953	
83d–94th	Mike Mansfield	Jan. 3, 1953	Jan. 2, 1977	
95th–100th	John Melcher	Jan. 3, 1977	Jan. 2, 1989	
101st–109th	Conrad Burns	Jan. 3, 1989	Jan. 2, 2007	
110th–112th	Jon Tester	Jan. 3, 2007	Jan. 2, 2013	

CLASS 3

51st–53d	Thomas C. Power	Jan. 2, 1890	Mar. 3, 1895	
54th–56th	Thomas H. Carter	Mar. 4, 1895	Mar. 3, 1901	
57th–59th	William A. Clark	Mar. 4, 1901	Mar. 3, 1907	
60th–62d	Joseph M. Dixon	Mar. 4, 1907	Mar. 3, 1913	
63d–74th	Thomas J. Walsh	Mar. 4, 1913	Jan. 2, 1937	Died Mar. 2, 1933.
73d	John E. Erickson	Mar. 13, 1933	Nov. 6, 1934	By gov., to fill vac.
73d–86th	James E. Murray	Nov. 7, 1934	Jan. 2, 1961	
87th–95th	Lee Metcalf	Jan. 3, 1961	Jan. 2, 1979	Died Jan. 12, 1978.
95th	Paul G. Hatfield	Jan. 22, 1978	Do.	(3)
95th–110th	Max Baucus	Dec. 15, 1978	Jan. 2, 2009	(4)

[1]Vacancy from Mar. 4, 1893, to Jan. 16, 1895, because of failure of legislature to elect.
[2]Resigned, to take effect May 15, 1900. Vacancy from May 15, 1900, to Mar. 7, 1901.
[3]By governor, to fill vacancy in term ending Jan. 2, 1979. Resigned Dec. 14, 1978.
[4]Elected to term commencing Jan. 3, 1979, and subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1979.

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
40th–43d	Thomas W. Tipton	Mar. 1, 1867	Mar. 3, 1875	
44th–46th	Algernon S. Paddock	Mar. 4, 1875	Mar. 3, 1881	
47th–49th	Charles H. Van Wyck	Mar. 4, 1881	Mar. 3, 1887	
50th–52d	Algernon S. Paddock	Mar. 4, 1887	Mar. 3, 1893	
53d–55th	William V. Allen	Mar. 4, 1893	Mar. 3, 1899	
56th–58th	Monroe L. Hayward	Mar. 8, 1899	Mar. 3, 1905	(1)
56th–57th	William V. Allen	Dec. 13, 1899	Mar. 28, 1901	By gov., to fill vac.
57th–58th	Charles H. Dietrich	Mar. 28, 1901	Mar. 3, 1905	
59th–61st	Elmer J. Burkett	Mar. 4, 1905	Mar. 3, 1911	
62d–67th	Gilbert M. Hitchcock	Mar. 4, 1911	Mar. 3, 1923	
68th–73d	Robert B. Howell	Mar. 4, 1923	Jan. 2, 1935	(2)
73d	William H. Thompson	May 24, 1933	Nov. 6, 1934	By gov., to fill vac.
Do	Richard C. Hunter	Nov. 7, 1934	Jan. 2, 1935	
74th–76th	Edward R. Burke	Jan. 3, 1935	Jan. 2, 1941	
77th–85th	Hugh Butler	Jan. 3, 1941	Jan. 2, 1959	Died July 1, 1954.
83d	Sam W. Reynolds	July 3, 1954	Nov. 7, 1954	By gov., to fill vac.
83d–94th	Roman L. Hruska	Nov. 8, 1954	Jan. 2, 1977	(3)
94th–100th	Edward Zorinsky	Dec. 28, 1976	Jan. 2, 1989	Died Mar. 6, 1987.[4]
100th	David K. Karnes	Mar. 11, 1987	Jan. 2, 1989	By gov., to fill vac.
101st–106th	J. Robert Kerrey	Jan. 3, 1989	Jan. 2, 2001	
107th–112th	Ben Nelson	Jan. 3, 2001	Jan. 2, 2013	

CLASS 2

40th–41st	John M. Thayer	Mar. 1, 1867	Mar. 3, 1871	
42d–44th	Phineas W. Hitchcock	Mar. 4, 1871	Mar. 3, 1877	
45th–47th	Alvin Saunders	Mar. 4, 1877	Mar. 3, 1883	
48th–53d	Charles F. Manderson	Mar. 4, 1883	Mar. 3, 1895	
54th–56th	John M. Thurston	Mar. 4, 1895	Mar. 3, 1901	
57th–59th	Joseph H. Millard	Mar. 28, 1901	Mar. 3, 1907	(5)
60th–62d	Norris Brown	Mar. 4, 1907	Mar. 3, 1913	

See footnotes at end of Nebraska table.

NEBRASKA—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
63d–77th	George W. Norris	Mar. 4, 1913	Jan. 2, 1943	
78th–83d	Kenneth S. Wherry	Jan. 3, 1943	Jan. 2, 1955	Died Nov. 29, 1951.
82d	Fred A. Seaton	Dec. 10, 1951	Nov. 4, 1952	By gov., to fill vac.
82d–83d	Dwight Griswold	Nov. 5, 1952	Jan. 2, 1955	Died Apr. 12, 1954.
83d	Eva Bowring	Apr. 16, 1954	Nov. 7, 1954	By gov., to fill vac.
Do	Hazel H. Abel	Nov. 8, 1954	Dec. 31, 1954	(6)
84th–95th	Carl T. Curtis	Jan. 1, 1955	Jan. 2, 1979	
96th–104th	J.J. Exon	Jan. 3, 1979	Jan. 2, 1997	
105th–110th	Chuck Hagel	Jan. 3, 1997	Jan. 2, 2009	

[1] Died Dec. 5, 1899, before qualifying.
[2] Died Mar. 11, 1933. Vacancy from Mar. 12 to May 23, 1933.
[3] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1959. Resigned Dec. 27, 1976.
[4] Elected to term commencing Jan. 3, 1977, and subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1977.
[5] Vacancy from Mar. 3 to Mar. 28, 1901, because of failure of legislature to elect.
[6] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1955. Resigned effective Dec. 31, 1954.

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NEVADA

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
38th–43d	William M. Stewart	Dec. 15, 1864	Mar. 3, 1875	
44th–46th	William Sharon	Mar. 4, 1875	Mar. 3, 1881	
47th–49th	James G. Fair	Mar. 4, 1881	Mar. 3, 1887	
50th–58th	William M. Stewart	Mar. 4, 1887	Mar. 3, 1905	
59th–64th	George S. Nixon	Mar. 4, 1905	Mar. 3, 1917	Died June 5, 1912.
62d	William A. Massey	July 1, 1912	Jan. 29, 1913	By gov., to fill vac.
62d–76th	Key Pittman	Jan. 29, 1913	Jan. 2, 1941	Died Nov. 10, 1940.
76th–77th	Berkeley L. Bunker	Nov. 27, 1940	Dec. 6, 1942	By gov., to fill vac.
77th–79th	James G. Scrugham	Dec. 7, 1942	Jan. 2, 1947	Died June 23, 1945.
79th	E.P. Carville	July 25, 1945	Do.	By gov., to fill vac.
80th–85th	George W. Malone	Jan. 3, 1947	Jan. 2, 1959	
86th–97th	Howard W. Cannon	Jan. 3, 1959	Jan. 2, 1983	
98th–100th	Chic Hecht	Jan. 3, 1983	Jan. 2, 1989	
101st–106th	Richard H. Bryan	Jan. 3, 1989	Jan. 2, 2001	
107th–112th	John Ensign	Jan. 3, 2001	Jan. 2, 2013	

CLASS 3

38th–42d	James W. Nye	Dec. 16, 1864	Mar. 3, 1873	
43d–57th	John P. Jones	Mar. 4, 1873	Mar. 3, 1903	
58th–66th	Francis G. Newlands	Mar. 4, 1903	Mar. 3, 1921	Died Dec. 24, 1917.
65th	Charles B. Henderson	Jan. 12, 1918	Nov. 5, 1918	By gov., to fill vac.
65th–66th	.....do	Nov. 6, 1918	Mar. 3, 1921	
67th–72d	Tasker L. Oddie	Mar. 4, 1921	Mar. 3, 1933	
73d–84th	Patrick A. McCarran	Mar. 4, 1933	Jan. 2, 1957	Died Sept. 28, 1954.
83d	Ernest S. Brown	Oct. 1, 1954	Dec. 1, 1954	By gov., to fill vac.
83d–93d	Alan Bible	Dec. 2, 1954	Jan. 2, 1975	Res. Dec. 17, 1974.[1]
93d–99th	Paul Laxalt	Dec. 18, 1974	Jan. 2, 1987	(2)
100th–111th	Harry M. Reid	Jan. 3, 1987	Jan. 2, 2011	

[1] Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957.
[2] Elected to term commencing Jan. 3, 1975, and subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1975.

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NEW HAMPSHIRE

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–2d	Paine Wingate	Mar. 4, 1789	Mar. 3, 1793	
3d–8th	Samuel Livermore	Mar. 4, 1793	Mar. 3, 1805	Res. June 12, 1801.
7th–8th	Simeon Olcott	June 17, 1801	Do.	

NEW HAMPSHIRE—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
9th–14th	Nicholas Gilman	Mar. 4, 1805	Mar. 3, 1817	Died May 2, 1814.
13th–14th	Thomas W. Thompson	June 24, 1814	Do.	
15th–17th	David L. Morrill	Mar. 4, 1817	Mar. 3, 1823	
18th–23d	Samuel Bell	Mar. 4, 1823	Mar. 3, 1835	
24th–26th	Henry Hubbard	Mar. 4, 1835	Mar. 3, 1841	
27th–29th	Levi Woodbury	Mar. 4, 1841	Mar. 3, 1847	Res. Nov. 20, 1845.
29th	Benning W. Jenness	Dec. 1, 1845	June 13, 1846	By gov., to fill vac.
Do	Joseph Cilley	June 13, 1846	Mar. 3, 1847	
30th–32d	John P. Hale	Mar. 4, 1847	Mar. 3, 1853	
33d–35th	Charles G. Atherton	Mar. 4, 1853	Mar. 3, 1859	Died Nov. 15, 1853.
33d	Jared W. Williams	Nov. 29, 1853	July 15, 1854	(1)
34th–38th	John P. Hale	July 30, 1855	Mar. 3, 1865	
39th–44th	Aaron H. Cragin	Mar. 4, 1865	Mar. 3, 1877	
45th–47th	Edward H. Rollins	Mar. 4, 1877	Mar. 3, 1883	
48th–50th	Austin F. Pike	Mar. 4, 1883	Mar. 3, 1889	Died Oct. 8, 1886.
49th–50th	Person C. Cheney	Nov. 24, 1886	June 14, 1887	By gov., to fill vac.
50th	William E. Chandler	June 14, 1887	Mar. 3, 1889	
51st	Gilman Marston	Mar. 4, 1889	June 18, 1889	By gov., to fill vac.
51st–56th	William E. Chandler	June 19, 1889	Mar. 3, 1901	
57th–62d	Henry E. Burnham	Mar. 4, 1901	Mar. 3, 1913	
63d–65th	Henry F. Hollis	Mar. 13, 1913	Mar. 3, 1919	(2)
66th–74th	Henry W. Keyes	Mar. 4, 1919	Jan. 2, 1937	
75th–89th	Styles Bridges	Jan. 3, 1937	Jan. 2, 1967	Died Nov. 26, 1961.
87th	Maurice J. Murphy, Jr.	Dec. 7, 1961	Nov. 6, 1962	By gov., to fill vac.
87th–95th	Thomas J. McIntyre	Nov. 7, 1962	Jan. 2, 1979	(3)
96th–101st	Gordon J. Humphrey	Jan. 3, 1979	Jan. 2, 1991	Res. Dec. 4, 1990.
101st	Robert C. Smith	Dec. 7, 1990	Do.	By gov., to fill vac.
101st–107th	.....do	Jan. 3, 1991	Jan. 2, 2003	
108th–110th	John E. Sununu	Jan. 3, 2003	Jan. 2, 2009	

CLASS 3

1st–6th	John Langdon	Mar. 4, 1789	Mar. 3, 1801	
7th–9th	James Sheafe	Mar. 4, 1801	Mar. 3, 1807	Res. June 14, 1802.
Do	William Plumer	June 17, 1802	Do.	
10th–12th	Nahum Parker	Mar. 4, 1807	Mar. 3, 1813	Res. June 1, 1810.
11th–12th	Charles Cutts	June 21, 1810	Do.	
13th	.....do	Apr. 2, 1813	June 10, 1813	By gov., to fill vac.
13th–15th	Jeremiah Mason	June 10, 1813	Mar. 3, 1819	Res. June 16, 1817.
15th	Clement Storer	June 27, 1817	Do.	
16th–18th	John F. Parrott	Mar. 4, 1819	Mar. 3, 1825	
19th–21st	Levi Woodbury	June 16, 1825	Mar. 3, 1831	
22d–24th	Isaac Hill	Mar. 4, 1831	Mar. 3, 1837	Res. May 30, 1836.
24th	John Page	June 8, 1836	Do.	
25th–27th	Franklin Pierce	Mar. 4, 1837	Mar. 3, 1834	Res. Feb. 28, 1842.
27th	Leonard Wilcox	Mar. 1, 1842	June 8, 1842	By gov., to fill vac.
Do	.....do	June 9, 1842	Mar. 3, 1843	
28th–30th	Charles G. Atherton	Mar. 4, 1843	Mar. 3, 1849	
31st–33d	Moses Norris, Jr.	Mar. 4, 1849	Mar. 3, 1855	Died Jan. 11, 1855.
33d	John S. Wells	Jan. 16, 1855	Do.	By gov., to fill vac.
34th–36th	James Bell	July 30, 1855	Mar. 3, 1861	Died May 26, 1857.[4]
35th–39th	Daniel Clark	June 27, 1857	Mar. 3, 1867	Res. July 27, 1866.
39th	George G. Fogg	Aug. 31, 1866	Do.	By gov., to fill vac.
40th–42d	James W. Patterson	Mar. 4, 1867	Mar. 3, 1873	
43d–45th	Bainbridge Wadleigh	Mar. 4, 1873	Mar. 3, 1879	
46th	Charles H. Bell	Mar. 13, 1879	June 16, 1879	Do.
46th–48th	Henry W. Blair	June 17, 1879	Mar. 3, 1885	
49th	.....do	Mar. 5, 1885	June 16, 1885	Do.
49th–51st	.....do	June 17, 1885	Mar. 3, 1891	
52d–66th	Jacob H. Gallinger	Mar. 4, 1891	Mar. 3, 1921	Died Aug. 17, 1918.
65th	Irving W. Drew	Sept. 2, 1918	Nov. 5, 1918	By gov., to fill vac.
65th–72d	George H. Moses	Nov. 6, 1918	Mar. 3, 1933	
73d–75th	Fred H. Brown	Mar. 4, 1933	Jan. 2, 1939	
76th–84th	Charles W. Tobey	Jan. 3, 1939	Jan. 2, 1957	Died July 24, 1953.
83d	Robert W. Upton	Aug. 14, 1953	Nov. 7, 1954	By gov., to fill vac.
83d–93d	Norris Cotton	Nov. 8, 1954	Jan. 2, 1975	Res. Dec. 31, 1974.[5]
93d	Louis C. Wyman	Jan. 1, 1975	Jan. 2, 1975	By gov., to fill vac.
94th	Norris Cotton	Aug. 8, 1975	Sept. 17, 1975	(6)
94th–96th	John A. Durkin	Sept. 18, 1975	Jan. 2, 1981	(7)

See footnotes at end of New Hampshire table.

NEW HAMPSHIRE—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
96th–102d	Warren Rudman	Dec. 29, 1980	Jan. 2, 1993	(8)
103d–111th	Judd Gregg	Jan. 3, 1993	Jan. 2, 2011	

[1]By governor, to fill vacancy. Senate resolution of Aug. 3, 1854, declared that representation under the appointment had expired. Vacancy from Aug. 4, 1854, to July 29, 1855.
[2]Vacancy from Mar. 3 to Mar. 13, because of failure of legislature to elect.
[3]Elected Nov. 7, 1962 to fill vacancy in term ending Jan. 2, 1969.
[4]Vacancy from Mar. 4 to July 29, 1855.
[5]Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957.
[6]By governor, to fill vacancy until new senatorial election. Vacancy Jan. 3, 1975, to Aug. 8, 1975, due to contested election.
[7]Elected Sept. 16, 1975, to fill vacancy in unexpired term ending Jan. 2, 1981, caused by the declaration of the Senate. Resigned Dec. 29, 1980.
[8]Elected to term commencing Jan. 3, 1981, and subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1981.

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NEW JERSEY

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	Jonathan Elmer	Mar. 4, 1789	Mar. 3, 1791	
2d–7th	John Rutherfurd	Mar. 4, 1791	Mar. 3, 1803	Res. Nov. 26, 1798.
5th	Franklin Davenport	Dec. 5, 1798	Mar. 3, 1799	By gov., to fill vac.
5th–7th	James Schureman	Mar. 4, 1799	Mar. 3, 1803	(1)
6th–7th	Aaron Ogden	Feb. 28, 1801	Do.	
8th	John Condit	Sept. 1, 1803	Nov. 2, 1803	(2)
8th–10th	.....do	Nov. 3, 1803	Mar. 3, 1809	
11th–13th	John Lambert	Mar. 4, 1809	Mar. 3, 1815	
14th–16th	James J. Wilson	Mar. 4, 1815	Mar. 3, 1821	Res. Jan. 8, 1821.
16th	Samuel L. Southard	Jan. 26, 1821	Do.	By gov., to fill vac.
17th–19th	.....do	Mar. 4, 1821	Mar. 3, 1827	Res. Mar. 3, 1823.
18th–19th	Joseph McIlvaine	Nov. 12, 1823	Do.	Died Aug. 19, 1826.
19th–22d	Ephraim Bateman	Nov. 10, 1826	Mar. 3, 1833	Res. Jan. 12, 1829.
20th–22d	Mahlon Dickerson	Jan. 30, 1829	Do.	
23d–28th	Samuel L. Southard	Mar. 4, 1833	Mar. 3, 1845	Died June 26, 1842.
27th	William L. Dayton	July 2, 1842	Oct. 27, 1842	By gov., to fill vac.
27th–31st	.....do	Oct. 28, 1842	Mar. 3, 1851	
32d–34th	Robert F. Stockton	Mar. 4, 1851	Mar. 3, 1857	Res. Jan. 10, 1853.
33d–37th	John R. Thomson	Mar. 4, 1853	Mar. 3, 1863	Died Sept. 12, 1862.
37th	Richard S. Field	Nov. 21, 1862	Jan. 14, 1863	By gov., to fill vac.
Do	James W. Wall	Jan. 14, 1863	Mar. 3, 1863	
38th–40th	William Wright	Mar. 4, 1863	Mar. 3, 1869	Died Nov. 1, 1866.
39th	Frederick T. Frelinghuysen.	Nov. 12, 1866	Jan. 22, 1867	By gov., to fill vac.
39th–40th	.....do	Jan. 23, 1867	Mar. 3, 1869	
41st–43d	John P. Stockton	Mar. 4, 1869	Mar. 3, 1875	
44th–46th	Theodore F. Randolph	Mar. 4, 1875	Mar. 3, 1881	
47th–49th	William J. Sewell	Mar. 4, 1881	Mar. 3, 1887	
50th–52d	Rufus Blodgett	Mar. 4, 1887	Mar. 3, 1893	
53d–55th	James Smith, Jr.	Mar. 4, 1893	Mar. 3, 1899	
56th–61st	John Kean	Mar. 4, 1899	Mar. 3, 1911	
62d–64th	James E. Martine	Mar. 4, 1911	Mar. 3, 1917	
65th–67th	Joseph S. Frelinghuysen	Mar. 4, 1917	Mar. 3, 1923	
68th–70th	Edward I. Edwards	Mar. 4, 1923	Mar. 3, 1929	
71st–73d	Hamilton F. Kean	Mar. 4, 1929	Jan. 2, 1935	
74th–76th	A. Harry Moore	Jan. 3, 1935	Jan. 2, 1941	Res. Jan. 18, 1938.
75th	John Milton	Jan. 18, 1938	Nov. 8, 1938	By gov., to fill vac.
75th–79th	W. Warren Barbour	Nov. 9, 1938	Jan. 2, 1947	Died Nov. 22, 1943.
78th	Arthur Walsh	Nov. 26, 1943	Dec. 6, 1944	By gov., to fill vac.
78th–85th	H. Alexander Smith	Dec. 7, 1944	Jan. 2, 1959	(3)
86th–97th	Harrison A. Williams, Jr.	Jan. 3, 1959	Jan. 2, 1983	Res. Mar. 11, 1982
97th	Nicholas F. Brady	Apr. 20, 1982	Jan. 2, 1983	By gov., to fill vac.[4]
97th–106th	Frank R. Lautenberg	Dec. 27, 1982	Jan. 2, 2001	(5)
107th–109th	John Corzine	Jan. 3, 2001	Jan. 2, 2007	Res. Jan. 17, 2006
109th	Robert Menendez	Jan. 18, 2006	Jan. 2, 2007	By gov., to fill vac.
110th–112th	.....do	Jan. 3, 2007	Jan. 2, 2013	

See footnotes at end of New Jersey table.

NEW JERSEY—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–2d	William Paterson	Mar. 4, 1789	Mar. 3, 1793	Res. Nov. 13, 1790.
Do	Philemon Dickinson	Nov. 23, 1790	Do.	
3d–5th	Frederick Frelinghuysen	Mar. 4, 1793	Mar. 3, 1799	Res. Nov. 12, 1796.
4th–5th	Richard Stockton	Nov. 12, 1796	Do.	
6th–8th	Jonathan Dayton	Mar. 4, 1799	Mar. 3, 1805	
9th–11th	Aaron Kitchell	Mar. 4, 1805	Mar. 3, 1811	Res. Mar. 12, 1809.
11th	John Condit	Mar. 21, 1809	Nov. 1, 1809	By gov., to fill vac.
11th–14th	.....do	Nov. 2, 1809	Mar. 3, 1817	
15th–20th	Mahlon Dickerson	Mar. 4, 1817	Mar. 3, 1829	Res. Jan. 30, 1829.
21st–23d	Theodore Frelinghuysen	Mar. 4, 1829	Mar. 3, 1835	
24th–26th	Garret D. Wall	Mar. 4, 1835	Mar. 3, 1841	
27th–32d	Jacob W. Miller	Mar. 4, 1841	Mar. 3, 1853	
33d–35th	William Wright	Mar. 4, 1853	Mar. 3, 1859	
36th–38th	John C. Ten Eyck	Mar. 4, 1859	Mar. 3, 1865	
39th–41st	John P. Stockton	Mar. 4, 1865	Mar. 3, 1871	(6)
Do	Alexander G. Cattell	Sept. 19, 1866	Do.	(7)
42d–44th	Frederick T. Frelinghuysen.	Mar. 4, 1871	Mar. 3, 1877	
45th–53d	John R. McPherson	Mar. 4, 1877	Mar. 3, 1895	
54th–59th	William J. Sewell	Mar. 4, 1895	Mar. 3, 1907	Died Dec. 27, 1901.
57th–59th	John F. Dryden	Jan. 29, 1902	Do.	
60th–62d	Frank O. Briggs	Mar. 4, 1907	Mar. 3, 1913	
63d–65th	William Hughes	Mar. 4, 1913	Mar. 3, 1919	Died Jan. 30, 1918.
65th	David Baird	Feb. 23, 1918	Nov. 5, 1918	By gov., to fill vac.
Do	.....do	Nov. 6, 1918	Mar. 3, 1919	
66th–71st	Walter E. Edge	Mar. 4, 1919	Mar. 3, 1931	Res. Nov. 21, 1929.
71st	David Baird, Jr.	Nov. 30, 1929	Dec. 2, 1930	By gov., to fill vac.
71st–74th	Dwight W. Morrow	Dec. 3, 1930	Jan. 2, 1937	Died Oct. 5, 1931.
72d	W. Warren Barbour	Dec. 1, 1931	Nov. 8, 1932	By gov., to fill vac.
72d–74th	.....do	Nov. 9, 1932	Jan. 2, 1937	
75th–77th	William H. Smathers	Jan. 3, 1937	Jan. 2, 1943	(8)
78th–80th	Albert W. Hawkes	Jan. 3, 1943	Jan. 2, 1949	
81st–83d	Robert C. Hendrickson	Jan. 3, 1949	Jan. 2, 1955	
84th–95th	Clifford P. Case	Jan. 3, 1955	Jan. 2, 1979	
96th–104th	Bill Bradley	Jan. 3, 1979	Jan. 2, 1997	
105th–107th	Robert G. Torricelli	Jan. 3, 1997	Jan. 2, 2003	
108th–110th	Frank Lautenberg	Jan. 3, 2003	Jan. 2, 2009	

[1] Elected Feb. 14, 1799. Served in the House during interim. Resigned Feb. 16, 1801.
[2] By governor, to fill vacancy. Vacancy from Mar. 3, to Sept. 1, 1803, because of failure of legislature to elect.
[3] Elected Nov. 7, 1944, to fill vacancy in term ending Jan. 2, 1947.
[4] Resigned Dec. 26, 1982.
[5] Elected to term commencing Jan. 3, 1983, and subsequently appointed by gov., Dec. 27, 1982, to complete the unexpired term of Nicholas F. Brady, ending Jan. 3, 1983.
[6] Seat declared vacant Mar. 27, 1866.
[7] Elected to fill unexpired term of John P. Stockton, unseated. Vacancy from Mar. 28 to Sept. 18, 1866.
[8] Elected Nov. 3, 1936. Took oath Apr. 15, 1937. Served as a State senator during interim.

NEW MEXICO

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
62d–64th	Thomas B. Catron	Mar. 27, 1912	Mar. 3, 1917	
65th–70th	Andrieus A. Jones	Mar. 4, 1917	Mar. 3, 1929	Died Dec. 20, 1927.
70th	Bronson Cutting	Dec. 29, 1927	Dec. 6, 1928	By gov., to fill vac.
Do	Octaviano A. Larrazolo	Dec. 7, 1928	Mar. 3, 1929	
71st–76th	Bronson Cutting	Mar. 4, 1929	Jan. 2, 1941	Died May 6, 1935.
74th	Dennis Chavez	May 11, 1935	Nov. 3, 1936	By gov., to fill vac.
74th–88th	.....do	Nov. 4, 1936	Jan. 2, 1965	Died Nov. 18, 1962.[1]
87th–88th	E. L. Mechem	Nov. 30, 1962	Nov. 3, 1964	By gov., to fill vac.
88th–94th	Joseph M. Montoya	Nov. 4, 1964	Jan. 2, 1977	
95th–97th	Harrison H. Schmitt	Jan. 3, 1977	Jan. 2, 1983	
98th–112th	Jeff Bingaman	Jan. 3, 1983	Jan. 2, 2013	

See footnotes at end of New Mexico table.

NEW MEXICO—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
62d–68th	Albert B. Fall	Mar. 27, 1912	Mar. 3, 1925	Res. Mar. 4, 1921.
67th	Holm O. Bursum	Mar. 11, 1921	Sept. 19, 1921	By gov., to fill vac.
67th–68th	.....do	Sept. 20, 1921	Mar. 3, 1925	
69th–74th	Sam G. Bratton	Mar. 4, 1925	Jan. 2, 1937	Res. June 24, 1933.
73d	Carl A. Hatch	Oct. 10, 1933	Nov. 6, 1934	Do.[2]
73d–80th	.....do	Nov. 7, 1934	Jan. 2, 1949	
81st–92d	Clinton P. Anderson	Jan. 3, 1949	Jan. 2, 1973	
93d–110th	Pete V. Domenici	Jan. 3, 1973	Jan. 2, 2009	

[1] Elected Nov. 3, 1936, to fill vacancy in term ending Jan. 2, 1941.
[2] Vacancy from June 25 to Oct. 9, 1933.

NEW YORK

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	Philip Schuyler	July 15, 1789	Mar. 3, 1791	
2d–4th	Aaron Burr	Mar. 4, 1791	Mar. 3, 1797	
5th–7th	Philip Schuyler	Mar. 4, 1797	Mar. 3, 1803	Res. Jan. 3, 1798.
Do	John S. Hobart	Jan. 11, 1798	Do.	Res. Apr. 16, 1798.
5th	William North	May 5, 1798	Aug. 17, 1798	By gov., to fill vac.
5th–7th	James Watson	Aug. 17, 1798	Mar. 3, 1803	Res. Mar. 19, 1800.
6th–7th	Gouverneur Morris	Apr. 3, 1800	Do.	
8th–10th	Theodorus Bailey	Mar. 4, 1803	Mar. 3, 1809	Res. Jan. 16, 1804.
Do	John Armstrong	Feb. 4, 1804	Do.	Res. June 30, 1804.
Do	Samuel L. Mitchill	Nov. 9, 1804	Do.	
11th–13th	Obadiah German	Mar. 4, 1809	Mar. 3, 1815	
14th–16th	Nathan Sanford	Mar. 4, 1815	Mar. 3, 1821	
17th–22d	Martin Van Buren	Mar. 4, 1821	Mar. 3, 1833	Res. Dec. 20, 1828.
20th–22d	Charles E. Dudley	Jan. 15, 1829	Mar. 3, 1833	
23d–28th	Nathaniel P. Tallmadge	Mar. 4, 1833	Mar. 3, 1845	Res. June 17, 1844.
28th	Daniel S. Dickinson	Nov. 30, 1844	Jan. 17, 1845	By gov., to fill vac.
28th–31st	.....do	Jan. 18, 1845	Mar. 3, 1851	
32d–34th	Hamilton Fish	Mar. 4, 1851	Mar. 3, 1857	
35th–37th	Preston King	Mar. 4, 1857	Mar. 3, 1863	
38th–40th	Edwin D. Morgan	Mar. 4, 1863	Mar. 3, 1869	
41st–43d	Reuben E. Fenton	Mar. 4, 1869	Mar. 3, 1875	
44th–46th	Francis Kernan	Mar. 4, 1875	Mar. 3, 1881	
47th–49th	Thomas C. Platt	Mar. 4, 1881	Mar. 3, 1887	Res. May 16, 1881.
Do	Warner Miller	July 16, 1881	Do.	
50th–52d	Frank Hiscock	Mar. 4, 1887	Mar. 3, 1893	
53d–55th	Edward Murphy, Jr.	Mar. 4, 1893	Mar. 3, 1890	
56th–61st	Chauncey M. Depew	Mar. 4, 1899	Mar. 3, 1911	
62d–64th	James A. O'Gorman	Mar. 31, 1911	Mar. 3, 1917	[1]
65th–67th	William M. Calder	Mar. 4, 1917	Mar. 3, 1923	
68th–76th	Royal S. Copeland	Mar. 4, 1923	Jan. 2, 1941	Died June 17, 1938.
75th–79th	James M. Mead	Dec. 3, 1938	Jan. 2, 1947	[2]
80th–85th	Irving M. Ives	Jan. 3, 1947	Jan. 2, 1959	
86th–88th	Kenneth B. Keating	Jan. 3, 1959	Jan. 2, 1965	
89th–91st	Robert F. Kennedy	Jan. 3, 1965	Jan. 2, 1971	Died June 6, 1968.
90th–91st	Charles E. Goodell	Sept. 10, 1968	Do.	By gov., to fill vac.
92d–94th	James L. Buckley	Jan. 3, 1971	Jan. 2, 1977	
95th–106th	Daniel P. Moynihan	Jan. 3, 1977	Jan. 2, 2001	
107th–112th	Hillary Clinton	Jan. 3, 2001	Jan. 2, 2013	

CLASS 3

1st–6th	Rufus King	July 16, 1789	Mar. 3, 1801	Res. May 23, 1796.
4th–6th	John Laurance	Nov. 9, 1796	Do.	Res. in Aug. 1800.
6th–9th	John Armstrong	Nov. 6, 1800	Mar. 3, 1807	Res. Feb. 5, 1802.
7th–9th	De Witt Clinton	Feb. 9, 1802	Do.	Res. Nov. 4, 1803.
8th	John Armstrong	Nov. 10, 1803	Feb. 4, 1804	By gov., to fill vac.
8th–12th	John Smith	Feb. 4, 1804	Mar. 3, 1813	
13th–18th	Rufus King	Mar. 4, 1813	Mar. 3, 1825	
19th–21st	Nathan Sanford	Jan. 14, 1826	Mar. 3, 1831	[3]

See footnotes at end of New York table.

NEW YORK—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
22d–24th	William L. Marcy	Mar. 4, 1831	Mar. 3, 1837	Res. Jan. 1, 1833.
22d–30th	Silas Wright, Jr.	Jan. 4, 1833	Mar. 3, 1849	Res. Nov. 26, 1844.
28th	Henry A. Foster	Nov. 30, 1844	Jan. 18, 1845	By gov., to fill vac.
28th–30th	John A. Dix	Jan. 18, 1845	Jan. 3, 1849	
31st–36th	William H. Seward	Mar. 4, 1849	Mar. 3, 1861	
37th–39th	Ira Harris	Mar. 4, 1861	Mar. 3, 1867	
40th–48th	Roscoe Conkling	Mar. 4, 1867	Mar. 3, 1885	Res. May 16, 1881.
47th–48th	Elbridge G. Lapham	July 22, 1881	Do.	
49th–51st	William M. Evarts	Mar. 4, 1885	Mar. 3, 1891	
52d–54th	David B. Hill	Mar. 4, 1891	Mar. 3, 1897	(4)
55th–60th	Thomas C. Platt	Mar. 4, 1897	Mar. 3, 1909	
61st–63d	Elihu Root	Mar. 4, 1909	Mar. 3, 1915	
64th–69th	James W. Wadsworth, Jr.	Mar. 4, 1915	Mar. 3, 1927	
70th–81st	Robert F. Wagner	Mar. 4, 1927	Jan. 2, 1951	Res. June 28, 1949.
81st	John Foster Dulles	July 7, 1949	Nov. 8, 1949	By gov., to fill vac.
81st–84th	Herbert H. Lehman	Nov. 9, 1949	Jan. 2, 1957	(5)
85th–96th	Jacob K. Javits	Jan. 9, 1957	Jan. 2, 1981	(6)
97th–105th	Alfonse M. D'Amato	Jan. 3, 1981	Jan. 2, 1999	
106th–111th	Charles E. Schumer	Jan. 3, 1999	Jan. 2, 2011	

[1] Vacancy from Mar. 4 to Mar. 30, 1911, because of failure of legislature to elect.
[2] Elected Nov. 8, 1938. Served in the House during interim. Vacancy from June 18 to Dec. 2, 1938.
[3] Vacancy from Mar. 4, 1825, to Jan. 13, 1826.
[4] Elected Jan. 21, 1891. Took oath Jan. 7, 1892. Governor during interim.
[5] Elected Nov. 8, 1949, to fill vacancy in term ending Jan. 2, 1951.
[6] Waived compensation Jan. 3–8, 1957, while Attorney-General of State.

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CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–2d	Samuel Johnston	Nov. 27, 1789	Mar. 3, 1793	
3d–5th	Alexander Martin	Mar. 4, 1793	Mar. 3, 1799	
6th–8th	Jesse Franklin	Mar. 4, 1799	Mar. 3, 1805	
9th–14th	James Turner	Mar. 4, 1805	Mar. 3, 1817	Res. Nov. 21, 1816.
14th–17th	Montfort Stokes	Dec. 4, 1816	Mar. 3, 1823	
18th–23d	John Branch	Mar. 4, 1823	Mar. 3, 1835	Res. Mar. 9, 1829.
21st–26th	Bedford Brown	Dec. 9, 1829	Mar. 3, 1841	Res. Nov. 11, 1840.
26th–32d	Willie P. Mangum	Nov. 25, 1840	Mar. 3, 1853	
33d–35th	David S. Reid	Dec. 6, 1854	Mar. 3, 1859	(1)
36th–38th	Thomas Bragg	Mar. 4, 1859	Mar. 3, 1865	(2)
40th–41st	Joseph C. Abbott	July 14, 1868	Mar. 3, 1871	(3)
42d–53d	Matt W. Ransom	Jan. 30, 1872	Mar. 3, 1895	(4)
54th–56th	Marion Butler	Mar. 4, 1895	Mar. 3, 1901	
57th–71st	Furnifold M. Simmons	Mar. 4, 1901	Mar. 3, 1931	
72d–80th	Josiah W. Bailey	Mar. 4, 1931	Jan. 2, 1949	Died Dec. 15, 1946.
80th	Wm. B. Umstead	Dec. 18, 1946	Dec. 30, 1948	By gov., to fill vac.
80th	J. Melville Broughton	Dec. 31, 1948	Jan. 2, 1949	
81st–83d	.....do	Jan. 3, 1949	Jan. 2, 1955	Died Mar. 6, 1949.
81st	Frank P. Graham	Mar. 29, 1949	Nov. 26, 1950	By gov., to fill vac.
81st–83d	Willis Smith	Nov. 27, 1950	Jan. 2, 1955	Died June 26, 1953.
83d	Alton A. Lennon	July 10, 1953	Nov. 28, 1954	By gov., to fill vac.
83d–86th	W. Kerr Scott	Nov. 29, 1954	Jan. 2, 1961	Died Apr. 16, 1958.[5]
85th–92d	B. Everett Jordan	Apr. 19, 1958	Jan. 2, 1973	By gov., to fill vac.[6]
93d–107th	Jesse Helms	Jan. 3, 1973	Jan. 2, 2003	
108th–110th	Elizabeth Dole	Jan. 3, 2003	Jan. 2, 2009	

CLASS 3

1st–3d	Benjamin Hawkins	Nov. 27, 1789	Mar. 3, 1795	
4th–6th	Timothy Bloodworth	Mar. 4, 1795	Mar. 3, 1801	
7th–9th	David Stone	Mar. 4, 1801	Mar. 3, 1807	Res. Feb. 17, 1807.
10th–12th	Jesse Franklin	Mar. 4, 1807	Mar. 3, 1813	
13th–15th	David Stone	Mar. 4, 1813	Mar. 3, 1819	Res. Dec. 24, 1814.
Do	Francis Locke	.....	Do.	(7)

See footnotes at end of North Carolina table.

NORTH CAROLINA—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
14th–21st	Nathaniel Macon	Dec. 5, 1815	Mar. 3, 1831	Res. Nov. 14, 1828.
20th–21st	James Iredell	Dec. 15, 1828	Do.	
22d–24th	Willie P. Mangum	Mar. 4, 1831	Mar. 3, 1837	Res. Nov. 26, 1836.
24th–27th	Robert Strange	Dec. 5, 1836	Mar. 3, 1843	Res. Nov. 16, 1840.
26th–27th	William A. Graham	Nov. 25, 1840	Do.	
28th–30th	William H. Haywood, Jr.	Mar. 4, 1843	Mar. 3, 1849	Res. July 25, 1846.
29th–33d	George E. Badger	Nov. 25, 1846	Mar. 3, 1855	
34th–36th	Asa Biggs	Mar. 4, 1855	Mar. 3, 1861	Res. May 5, 1858.
35th	Thomas L. Clingman	May 6, 1858	Nov. 22, 1858	By gov., to fill vac.
35th–39th	.....do	Nov. 23, 1858	Mar. 3, 1867	(8)
40th–42d	John Pool	June 25, 1868	Mar. 3, 1873	(9)
43d–45th	Augustus S. Merrimon	Mar. 4, 1873	Mar. 3, 1879	
46th–54th	Zebulon B. Vance	Mar. 4, 1879	Mar. 3, 1897	Died Apr. 14, 1894.
53d	Thomas J. Jarvis	Apr. 19, 1894	Jan. 23, 1895	By gov., to fill vac.
53d–58th	Jeter C. Pritchard	Jan. 23, 1895	Mar. 3, 1903	
58th–72d	Lee S. Overman	Mar. 4, 1903	Mar. 3, 1933	Died Dec. 12, 1930.
71st–72d	Cameron Morrison	Dec. 13, 1930	Dec. 4, 1932	By gov., to fill vac.
72d–78th	Robert R. Reynolds	Dec. 5, 1932	Jan. 2, 1945	
79th–84th	Clyde R. Hoey	Jan. 3, 1945	Jan. 2, 1957	Died May 12, 1954.
83d–93d	Sam J. Ervin, Jr.	June 5, 1954	Jan. 2, 1975	By gov., to fill vac.[10]
94th–96th	Robert Morgan	Jan. 3, 1975	Jan. 2, 1981	Res. Dec. 31, 1974.
97th–99th	John P. East	Jan. 3, 1981	Jan. 2, 1987	Died June 29, 1986.
99th	James T. Broyhill	July 14, 1986	Nov. 4, 1986	By gov., to fill vac.
99th–102d	Terry Sanford	Nov. 5, 1986	Jan. 2, 1993	(11)
103d–105th	Lauch Faircloth	Jan. 3, 1993	Jan. 2, 1999	
106th–108th	John Edwards	Jan. 3, 1999	Jan. 2, 2005	
109th–111th	Richard Burr	Jan. 3, 2005	Jan. 2, 2011	

[1]Vacancy from Mar. 4, 1853, to Dec. 6, 1854.
[2]Expelled July 11, 1861. Vacancy from July 11, 1861, to July 14, 1868, because of Civil War.
[3]By legislature, to fill vacancy in term beginning Mar. 4, 1865.
[4]Vacancy from Mar. 4, 1871, to Jan. 29, 1872. Zebulon B. Vance was elected but not admitted.
[5]Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1955, and to full term ending Jan. 2, 1961.
[6]Elected Nov. 4, 1958, to fill vacancy in term ending Jan. 2, 1961.
[7]Did not qualify. Resigned Dec. 5, 1815.
[8]Expelled July 11, 1861. Vacancy from July 11, 1861, to June 25, 1868, because of Civil War.
[9]By legislature, to fill vacancy in term beginning Mar. 4, 1867.
[10]Subsequently elected, Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957.
[11]Elected Nov. 5, 1986, to fill vacancy in term ending Jan. 3, 1987, and to full term ending Jan. 3, 1993.

NORTH DAKOTA

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st–52d	Lyman R. Casey	Nov. 25, 1889	Mar. 3, 1893	
53d–55th	William N. Roach	Mar. 4, 1893	Mar. 3, 1899	
56th–67th	Porter J. McCumber	Mar. 4, 1899	Mar. 3, 1923	
68th–76th	Lynn J. Frazier	Mar. 4, 1923	Jan. 2, 1941	
77th–86th	William Langer	Jan. 3, 1941	Jan. 2, 1965	Died Nov. 8, 1959.
86th	C. Norman Brunsdale	Nov. 19, 1959	Aug. 7, 1960	By gov., to fill vac.
86th–103d	Quentin N. Burdick	Aug. 8, 1960	Jan. 2, 1995	Died Sept. 8, 1992.[1]
102d	Jocelyn Birch Burdick	Sept. 12, 1992	Dec. 14, 1992	By gov., to fill vac.
102d–112th	Kent Conrad	Dec. 15, 1992	Jan. 2, 2013	(2)

CLASS 3

51st	Gilbert A. Pierce	Nov. 21, 1889	Mar. 3, 1891	
52d–60th	Henry C. Hansbrough	Mar. 4, 1891	Mar. 3, 1909	
61st–63d	Martin N. Johnson	Mar. 4, 1909	Mar. 3, 1915	Died Oct. 21, 1909.
61st	Fountain L. Thompson	Nov. 10, 1909	Jan. 31, 1910	By gov., to fill vac.[3]
Do	William E. Purcell	Feb. 1, 1910	Feb. 1, 1911	Do.
61st–66th	Asle J. Gronna	Feb. 2, 1911	Mar. 3, 1921	
67th–69th	Edwin F. Ladd	Mar. 4, 1921	Mar. 3, 1927	Died June 22, 1925.
69th	Gerald P. Nye	Nov. 14, 1925	June 29, 1926	By gov., to fill vac.
69th–78th	.....do	June 30, 1926	Jan. 2, 1945	

See footnotes at end of North Dakota table.

NORTH DAKOTA—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
79th–81st	John Moses	Jan. 3, 1945	Jan. 2, 1951	Died Mar. 3, 1945.
79th	Milton R. Young	Mar. 12, 1945	June 24, 1946	By gov., to fill vac.
79th–96th	.....do	June 25, 1946	Jan. 2, 1981	
97th–99th	Mark Andrews	Jan. 3, 1981	Jan. 2, 1987	
100th–102d	Kent Conrad	Jan. 3, 1987	Jan. 2, 1993	Res. Dec. 14, 1992.[2]
102d–111th	Byron L. Dorgan	Dec. 15, 1992	Jan. 2, 2011	([4])

[1]Elected June 28, 1960, to fill unexpired term.
[2]Having been elected Dec. 4, 1992 to fill the vacancy in class 1, Sen. Conrad resigned his class 3 seat, and assumed the class 1 seat on Dec. 15, 1992.
[3]Resigned Jan. 31, 1910.
[4]Elected to term commencing Jan. 3, 1993, and was subsequently appointed by the governor on Dec. 14, 1992 to fill the vacancy created by the resignation of Sen. Conrad to fill the vacancy in class 1.

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
8th–10th	John Smith	Apr. 1, 1803	Mar. 3, 1809	Res. Apr. 25, 1808.
10th–13th	Return J. Meigs, Jr.	Dec. 12, 1808	Mar. 3, 1815	Res. May 10, 1810.
11th–13th	Thomas Worthington	Dec. 15, 1810	Do.	Res. Dec. 1, 1814.
13th	Joseph Kerr	Dec. 10, 1814	Do.	
14th–22d	Benjamin Ruggles	Mar. 4, 1815	Mar. 3, 1833	
23d–25th	Thomas Morris	Mar. 4, 1833	Mar. 3, 1839	
26th–28th	Benjamin Tappan	Mar. 4, 1839	Mar. 3, 1845	
29th–31st	Thomas Corwin	Mar. 4, 1845	Mar. 3, 1851	Res. July 20, 1850.
31st	Thomas Ewing	July 20, 1850	Do.	By gov., to fill vac.
32d–40th	Benjamin F. Wade	Mar. 15, 1851	Mar. 3, 1869	([1])
41st–46th	Allen G. Thurman	Mar. 4, 1869	Mar. 3, 1881	
47th–55th	John Sherman	Mar. 4, 1881	Mar. 3, 1899	Res. Mar. 5, 1897.
55th	Marcus A. Hanna	Mar. 5, 1897	Jan. 11, 1898	By gov., to fill vac.
55th–58th	.....do	Jan. 12, 1898	Mar. 3, 1905	Died Feb. 15, 1904.
58th–61st	Charles W. F. Dick	Mar. 2, 1904	Mar. 3, 1911	
62d–67th	Atlee Pomerene	Mar. 4, 1911	Mar. 3, 1923	
68th–73d	Simeon D. Fess	Mar. 4, 1923	Jan. 2, 1935	
74th–76th	Vic Donahey	Jan. 3, 1935	Jan. 2, 1941	
77th–79th	Harold H. Burton	Jan. 3, 1941	Jan. 2, 1947	([2])
79th	James W. Huffman	Oct. 8, 1945	Nov. 5, 1946	By gov., to fill vac.
Do	Kingsley A. Taft	Nov. 6, 1946	Jan. 2, 1947	
80th–85th	John W. Bricker	Jan. 3, 1947	Jan. 2, 1959	
86th–91st	Stephen M. Young	Jan. 3, 1959	Jan. 2, 1971	
92d–94th	Robert Taft, Jr.	Jan. 3, 1971	Jan. 2, 1977	Res. Dec. 28, 1976.
93d–103d	Howard M. Metzenbaum	Dec. 29, 1976	Jan. 2, 1995	
104th–109th	Mike DeWine	Jan. 3, 1995	Jan. 2, 2007	
110th–112th	Sherrod Brown	Jan. 3, 2007	Jan. 2, 2013	

CLASS 3

8th–9th	Thomas Worthington	Apr. 1, 1803	Mar. 3, 1807	
10th–12th	Edward Tiffin	Mar. 4, 1807	Mar. 3, 1813	Res. Mar. 3, 1809.
11th	Stanley Griswold	May 18, 1809	Dec. 11, 1809	By gov., to fill vac.
11th–12th	Alexander Campbell	Dec. 11, 1809	Mar. 3, 1813	
13th–15th	Jeremiah Morrow	Mar. 4, 1813	Mar. 3, 1819	
16th–18th	William A. Trimble	Mar. 4, 1819	Mar. 3, 1825	Died Dec. 13, 1821.
17th–18th	Ethan Allen Brown	Jan. 3, 1822	Do.	
19th–21st	William H. Harrison	Mar. 4, 1825	Mar. 3, 1831	Res. May 20, 1828.
20th–21st	Jacob Burnet	Dec. 10, 1828	Do.	
22d–24th	Thomas Ewing	Mar. 4, 1831	Mar. 3, 1837	
25th–30th	William Allen	Mar. 4, 1837	Mar. 3, 1849	
31st–33d	Salmon P. Chase	Mar. 4, 1849	Mar. 3, 1855	
34th–36th	George E. Pugh	Mar. 4, 1855	Mar. 3, 1861	
37th–39th	Salmon P. Chase	Mar. 4, 1861	Mar. 3, 1867	Res. Mar. 6, 1861.
37th–45th	John Sherman	Mar. 21, 1861	Mar. 3, 1879	Res. Mar. 8, 1877.
45th	Stanley Matthews	Mar. 21, 1877	Do.	
46th–48th	George H. Pendleton	Mar. 4, 1879	Mar. 3, 1885	

See footnotes at end of Ohio table.

OHIO—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
49th–51st	Henry B. Payne	Mar. 4, 1885	Mar. 3, 1891	
52d–54th	Calvin S. Brice	Mar. 4, 1891	Mar. 3, 1897	
55th–60th	Joseph B. Foraker	Mar. 4, 1897	Mar. 3, 1909	
61st–63d	Theodore E. Burton	Mar. 4, 1909	Mar. 3, 1915	
64th–66th	Warren G. Harding	Mar. 4, 1915	Mar. 3, 1921	Res. Jan. 13, 1921
66th	Frank B. Willis	Jan. 14, 1921	Mar. 3, 1921	By gov., to fill vac.
67th–72d	.....do	Mar. 4, 1921	Mar. 3, 1933	Died Mar. 30, 1928.
70th	Cyrus Locher	Apr. 4, 1928	Dec. 14, 1928	By gov., to fill vac.
70th–72d	Theodore E. Burton	Dec. 15, 1928	Mar. 3, 1933	Died Oct. 28, 1929.
71st	Roscoe C. McCulloch	Nov. 5, 1929	Nov. 30, 1930	By gov., to fill vac.
71st–75th	Robert J. Bulkley	Dec. 1, 1930	Jan. 2, 1939	
76th–84th	Robert A. Taft	Jan. 3, 1939	Jan. 2, 1957	Died July 31, 1953.
83d	Thomas A. Burke	Nov. 10, 1953	Dec. 2, 1954	By gov., to fill vac.
83d–84th	George H. Bender	Dec. 16, 1954	Jan. 2, 1957	(3)
85th–90th	Frank J. Lausche	Jan. 3, 1957	Jan. 2, 1969	
91st–93d	William B. Saxbe	Jan. 3, 1969	Jan. 2, 1975	Res. Jan. 3, 1974.
93d	Howard M. Metzenbaum	Jan. 4, 1974	Jan. 2, 1975	Res. Dec. 23, 1974.[4]
93d–105th	John H. Glenn	Dec. 24, 1974	Jan. 2, 1999	(5)
106th–111th	George V. Voinovich	Jan. 3, 1999	Jan. 2, 2011	

[1]Vacancy from Mar. 4 to Mar. 14, 1851, because of failure of legislature to elect.
[2]Resigned Sept. 30, 1945, to accept appointment on Supreme Court.
[3]Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1957. Chose to continue as a Member of the House of Representatives until Dec. 15, 1954, waiving right to commence service in the Senate on Dec. 3, 1954.
[4]By governor, to fill vacancy in term ending Jan. 2, 1975; resigned to fill vacancy in class 1.
[5]Elected to term commencing Jan. 3, 1975, and was subsequently appointed by governor, to fill vacancy in term ending Jan. 2, 1975.

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OKLAHOMA

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
60th–68th	Robert L. Owen	Dec. 11, 1907	Mar. 3. 1925	
69th–71st	William B. Pine	Mar. 4, 1925	Mar. 3, 1931	
72d–74th	Thomas P. Gore	Mar. 4, 1931	Jan. 2, 1937	
75th–77th	Josh Lee	Jan. 3, 1937	Jan. 2, 1943	
78th–80th	Edward H. Moore	Jan. 3, 1943	Jan. 2, 1949	
81st–87th	Robert S. Kerr	Jan. 3, 1949	Jan. 2, 1967	Died Jan. 1, 1963.
88th	J. Howard Edmondson	Jan. 7, 1963	Nov. 3, 1964	By gov., to fill vac.
88th–92d	Fred R. Harris	Nov. 4, 1964	Jan. 2, 1973	
93d–95th	Dewey F. Bartlett	Jan. 3, 1973	Jan. 2, 1979	
96th–104th	David L. Boren	Jan. 3, 1979	Jan. 2, 1997	Res. Nov. 15, 1994.
103d–110th	James M. Inhofe	Nov. 16, 1994	Jan. 2, 2009	

CLASS 3

60th–66th	Thomas P. Gore	Dec. 11, 1907	Mar. 3, 1921	
67th–69th	John W. Harreld	Mar. 4, 1921	Mar. 3, 1927	
70th–81st	Elmer Thomas	Mar. 4, 1927	Jan. 2, 1951	
82d–90th	A. S. Mike Monroney	Jan. 3, 1951	Jan. 2, 1969	
91st–96th	Henry Bellmon	Jan. 3, 1969	Jan. 2, 1981	
97th–108th	Don Nickles	Jan. 3, 1981	Jan. 2, 2005	
109th–111th	Tom Coburn	Jan. 3, 2005	Jan. 3, 2011	

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OREGON

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
35th	Delazon Smith	Feb. 14, 1859	Mar. 3, 1859	
36th–38th	Edward D. Baker	Oct. 2, 1860	Mar. 3, 1865	(1)
37th	Benjamin Stark	Oct. 29, 1861	Sept. 12, 1862	By gov., to fill vac.

See footnotes at end of Oregon table.

OREGON—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
37th–38th	Benjamin F. Harding	Sept. 12, 1862	Mar. 3, 1865	
39th–41st	George Henry Williams	Mar. 4, 1865	Mar. 3, 1871	
42d–44th	James K. Kelly	Mar. 4, 1871	Mar. 3, 1877	
45th–47th	La Fayette Grover	Mar. 4, 1877	Mar. 3, 1883	
48th–53d	Joseph N. Dolph	Mar. 4, 1883	Mar. 3, 1895	
54th–56th	George W. McBride	Mar. 4, 1895	Mar. 3, 1901	
57th–59th	John H. Mitchell	Mar. 4, 1901	Mar. 3, 1907	Died Dec. 8, 1905.
59th	John M. Gearin	Dec. 13, 1905	Jan. 23, 1907	By gov., to fill vac.
Do	Frederick W. Mulkey	Jan. 23, 1907	Mar. 3, 1907	
60th–62d	Jonathan Bourne, Jr.	Mar. 4, 1907	Mar. 3, 1913	
63d–65th	Harry Lane	Mar. 4, 1913	Mar. 3, 1919	Died May 23, 1917.
65th	Charles L. McNary	May 29, 1917	Nov. 5, 1918	By gov., to fill vac.
Do	Frederick W. Mulkey	Nov. 6, 1918	Mar. 3, 1919	(2)
Do	Charles L. McNary	Dec. 18, 1918	Do.	Do.
66th–80th	.....do	Mar. 4, 1919	Jan. 2, 1949	Died Feb. 25, 1944.
78th	Guy Cordon	Mar. 4, 1944	Nov. 7, 1944	By gov., to fill vac.
78th–83d	.....do	Nov. 8, 1944	Jan. 2, 1955	
84th–86th	Richard L. Neuberger	Jan. 3, 1955	Jan. 2, 1961	Died Mar. 9, 1960.
86th	Hall S. Lusk	Mar. 16, 1960	Nov. 8, 1960	By gov., to fill vac.
86th–89th	Maurine B. Neuberger	Nov. 9, 1960	Jan. 2, 1967	(3)
90th–104th	Mark O. Hatfield	Jan. 10, 1967	Jan. 2, 1997	(4)
105th–110th	Gordon H. Smith	Jan. 3, 1997	Jan. 2, 2009	

CLASS 3

35th–36th	Joseph Lane	Feb. 14, 1859	Mar. 3, 1861	
37th–39th	James W. Nesmith	Mar. 4, 1861	Mar. 3, 1867	
40th–42d	Henry W. Corbett	Mar. 4, 1867	Mar. 3, 1873	
43d–45th	John H. Mitchell	Mar. 4, 1873	Mar. 3, 1879	
46th–48th	James H. Slater	Mar. 4, 1879	Mar. 3, 1885	
49th–54th	John H. Mitchell	Nov. 18, 1885	Mar. 3, 1897	(5)
55th–57th	Joseph Simon	Oct. 8, 1898	Mar. 3, 1903	(6)
58th–60th	Charles W. Fulton	Mar. 4, 1903	Mar. 3, 1909	
61st–66th	George E. Chamberlain	Mar. 4, 1909	Mar. 3, 1921	
67th–69th	Robert N. Stanfield	Mar. 4, 1921	Mar. 3, 1927	
70th–75th	Frederick Steiwer	Mar. 4, 1927	Jan. 2, 1939	Res. Jan. 31, 1938.
75th	Alfred Evan Reames	Feb. 1, 1938	Nov. 8, 1938	By gov., to fill vac.
Do	Alexander G. Barry	Nov. 9, 1938	Jan. 2, 1939	
76th–78th	Rufus C. Holman	Jan. 3, 1939	Jan. 2, 1945	
79th–90th	Wayne L. Morse	Jan. 3, 1945	Jan. 2, 1969	
91st–105th	Robert W. Packwood	Jan. 3, 1969	Jan. 2, 1999	Res. Oct. 1, 1995.
104th–111th	Ron Wyden	Feb. 6, 1996	Jan. 2, 2011	

[1]Vacancy from Mar. 4, 1859, to Oct. 2, 1860. Killed in the battle of Balls Bluff, Va., Oct. 21, 1861.
[2]Resigned effective Dec. 17, 1918.
[3]Elected Nov. 8, 1960, to fill unexpired term (Nov. 9, 1960–Jan. 2, 1961) and to full term (Jan. 3, 1961–Jan. 2, 1967).
[4]Waived compensation Jan. 3–9, 1967, to complete term as governor.
[5]Vacancy from Mar. 4 to Nov. 18, 1885, because of failure of legislature to elect.
[6]Vacancy from Mar. 4, 1897, to Oct. 7, 1898, because of failure of legislature to elect.

PENNSYLVANIA

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	William Maclay	Mar. 4, 1789	Mar. 3, 1791	
2d–4th	Albert Gallatin	Feb. 28, 1793	Mar. 3, 1797	(1)
3d–7th	James Ross	Apr. 1, 1794	Mar. 3, 1803	
8th–10th	Samuel Maclay	Mar. 4, 1803	Mar. 3, 1809	Res. Jan. 4, 1809.
10th–13th	Michael Leib	Jan. 9, 1809	Mar. 3, 1815	Res. Feb. 14, 1814.
13th–16th	Jonathan Roberts	Feb. 24, 1814	Mar. 3, 1821	

See footnotes at end of Pennsylvania table.

PENNSYLVANIA—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
17th–19th	William Findlay	Dec. 10, 1821	Mar. 3, 1827	(2)
20th–22d	Isaac D. Barnard	Mar. 4, 1827	Mar. 3, 1833	Res. Dec. 6, 1831.
22d	George M. Dallas	Dec. 13, 1831	Do.	
23d–25th	Samuel McKean	Dec. 7, 1833	Mar. 3, 1839	(3)
26th–31st	Daniel Sturgeon	Jan. 14, 1840	Mar. 3, 1851	(4)
32d–34th	Richard Brodhead	Mar. 4, 1851	Mar. 3, 1857	
35th–37th	Simon Cameron	Mar. 4, 1857	Mar. 3, 1863	Res. Mar. 4, 1861.
37th	David Wilmot	Mar. 14, 1861	Do.	
38th–40th	Charles R. Buckalew	Mar. 4, 1863	Mar. 3, 1869	
41st–43d	John Scott	Mar. 4, 1869	Mar. 3, 1875	
44th–46th	William A. Wallace	Mar. 4, 1875	Mar. 3, 1881	
47th–49th	John I. Mitchell	Mar. 4, 1881	Mar. 3, 1887	
50th–58th	Matthew S. Quay	Mar. 4, 1887	Mar. 3, 1905	(5)
58th	Philander C. Knox	June 10, 1904	Jan. 17, 1905	By gov., to fill vac.
59th–61st	.....do	Jan. 18, 1905	Mar. 3, 1911	Res. Mar. 4, 1909.
61st–64th	George T. Oliver	Mar. 17, 1909	Mar. 3, 1917	
65th–67th	Philander C. Knox	Mar. 4, 1917	Mar. 3, 1923	Died Oct. 12, 1921.
67th	William E. Crow	Oct. 24, 1921	Do.	(6)
Do	David A. Reed	Aug. 8, 1922	Nov. 7, 1922	By gov., to fill vac.
67th–73d	.....do	Nov. 8, 1922	Jan. 2, 1935	
74th–79th	Joseph F. Guffey	Jan. 3, 1935	Jan. 2, 1947	
80th–85th	Edward Martin	Jan. 3, 1947	Jan. 2, 1959	
86th–94th	Hugh Scott	Jan. 3, 1959	Jan. 2, 1977	
95th–102d	H. John Heinz III	Jan. 3, 1977	Jan. 2, 1995	Died Apr. 4, 1991.
102d	Harris Wofford	May 9, 1991	Nov. 5, 1991	By gov. to fill vac.
102d–103d	.....do	Nov. 5, 1991	Jan. 2, 1995	
104th–109th	Rick Santorum	Jan. 3, 1995	Jan. 2, 2007	
110th–112th	Robert P. Casey, Jr.	Jan. 3, 2007	Jan. 2, 2013	

CLASS 3

1st–3d	Robert Morris	Mar. 4, 1789	Mar. 3, 1795	
4th–6th	William Bingham	Mar. 4, 1795	Mar. 3, 1801	
7th–9th	John Peter G. Muhlenberg.	Mar. 4, 1801	Mar. 3, 1807	Res. June 30, 1801.
7th	George Logan	July 13, 1801	Dec. 15, 1801	By gov., to fill vac.
7th–9th	.....do	Dec. 16, 1801	Mar. 3, 1807	
10th–12th	Andrew Gregg	Mar. 4, 1807	Mar. 3, 1813	
13th–15th	Abner Lacock	Mar. 4, 1813	Mar. 3, 1819	
16th–18th	Walter Lowrie	Mar. 4, 1819	Mar. 3, 1825	
19th–21st	William Marks	Mar. 4, 1825	Mar. 3, 1831	
22d–24th	William Wilkins	Mar. 4, 1831	Mar. 3, 1837	Res. June 30, 1834.
23d–30th	James Buchanan	Dec. 6, 1834	Mar. 3, 1849	Res. Mar. 5, 1845.
29th–30th	Simon Cameron	Mar. 13, 1845	Do.	
31st–33d	James Cooper	Mar. 4, 1849	Mar. 3, 1855	
34th–36th	William Bigler	Jan. 14, 1856	Mar. 3, 1861	(7)
37th–39th	Edgar Cowan	Mar. 4, 1861	Mar. 3, 1867	
40th–45th	Simon Cameron	Mar. 4, 1867	Mar. 3, 1879	Res. Mar. 3, 1877.
45th–54th	James Donald Cameron	Mar. 20, 1877	Mar. 3, 1897	
55th–69th	Boies Penrose	Mar. 4, 1897	Mar. 3, 1927	Died Dec. 31, 1921.
67th	George Wharton Pepper	Jan. 9, 1922	Nov. 6, 1922	By gov., to fill vac.
67th–69th	.....do	Nov. 7, 1922	Mar. 3, 1927	
70th–72d	William S. Vare	Mar. 4, 1927	Mar. 3, 1933	(8)
71st	Joseph R. Grundy	Dec. 11, 1929	Dec. 1, 1930	Do.
71st–78th	James J. Davis	Dec. 2, 1930	Jan. 2, 1945	
79th–81st	Francis J. Myers	Jan. 3, 1945	Jan. 2, 1951	
82d–84th	James H. Duff	Jan. 16, 1951	Jan. 2, 1957	
85th–90th	Joseph S. Clark	Jan. 3, 1957	Jan. 2, 1969	
91st–96th	Richard S. Schweiker	Jan. 3, 1969	Jan. 2, 1981	
97th–111th	Arlen Specter	Jan. 3, 1981	Jan. 2, 2011	

[1] Vacancy from Feb. 28 to Apr. 1, 1794. Senate resolution of Feb. 28, 1794, declared that Mr. Gallatin had not been a citizen the term of years required by law.
[2] Vacancy from Mar. 4, to Dec. 10, 1821.
[3] Vacancy from Mar. 4, to Dec. 7, 1833, because of failure of legislature to elect.
[4] Vacancy from Mar. 4, 1839, to Jan. 13, 1840, because of failure of legislature to elect.
[5] Appointed by governor Apr. 21, 1899, to fill vacancy caused by legislature's failure to elect. By Senate resolution of Apr. 24, 1900, was declared not entitled to seat, but was subsequently elected. Vacancy from Apr. 24, 1900, to Jan. 16, 1901. Died May 28, 1904.
[6] By governor, to fill vacancy. Died Aug. 2, 1922.

Footnotes continued on next page.

[7] Vacancy from Mar. 4, 1855, to Jan. 14, 1856, because of failure of legislature to elect.
[8] Credentials as Senator elect were presented and referred to the Committee on Privileges and Elections for report; meanwhile Mr. Vare was not permitted to qualify and by S. Res. No. 111 of Dec. 6, 1929, was declared not entitled to a seat.

RHODE ISLAND

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–7th	Theodore Foster	June 7, 1790	Mar. 3, 1803	
8th–10th	Samuel J. Potter	Mar. 4, 1803	Mar. 3, 1809	Died Oct. 14, 1804.
Do	Benjamin Howland	Oct. 29, 1804	Do.	
11th–13th	Francis Malbone	Mar. 4, 1809	Mar. 3, 1815	Died June 4, 1809.
Do	Christopher G. Champlin	June 26, 1809	Do.	Res. Oct. 2, 1811.
12th–16th	William Hunter	Oct. 28, 1811	Mar. 3, 1821	
17th–19th	James De Wolf	Mar. 4, 1821	Mar. 3, 1827	Res. Oct. 31, 1825.
19th–25th	Asher Robbins	Oct. 31, 1825	Mar. 3, 1839	
26th–28th	Nathan F. Dixon 1st	Mar. 4, 1839	Mar. 3, 1845	Died Jan. 29, 1842.
27th–28th	William Sprague	Feb. 5, 1842	Do.	Res. Jan. 17, 1844.
28th	John B. Francis	Jan. 25, 1844	Do.	
29th–31st	Albert C. Greene	Mar. 4, 1845	Mar. 3, 1851	
32d–34th	Charles T. James	Mar. 4, 1851	Mar. 3, 1857	
35th–37th	James F. Simmons	Mar. 4, 1857	Mar. 3, 1863	Res. Aug. 15, 1862.
37th	Samuel G. Arnold	Sept. 5, 1862	Do.	
38th–43d	William Sprague	Mar. 4, 1863	Mar. 3, 1875	(1)
44th–49th	Ambrose E. Burnside	Mar. 4, 1875	Mar. 3, 1887	Died Sept. 13, 1881.
47th–61st	Nelson W. Aldrich	Oct. 5, 1881	Mar. 3, 1911	
62d–64th	Henry F. Lippitt	Mar. 4, 1911	Mar. 3, 1917	
65th–70th	Peter G. Gerry	Mar. 4, 1917	Mar. 3, 1929	
71st–73d	Felix Hebert	Mar. 4, 1929	Jan. 2, 1935	
74th–79th	Peter G. Gerry	Jan. 3, 1935	Jan. 2, 1947	
80th–82d	J. Howard McGrath	Jan. 3, 1947	Jan. 2, 1953	Res. Aug. 23, 1949.
80th–81st	Edward L. Leahy	Aug. 24, 1949	Nov. 7, 1950	By gov., to fill vac.
81st–94th	John O. Pastore	Dec. 19, 1950	Jan. 2, 1977	Res. Dec. 28, 1976.
94th–106th	John H. Chafee	Dec. 29, 1976	Jan. 2, 2001	Died Oct. 24, 1999.[2]
106th	Lincoln D. Chafee	Nov. 4, 1999	Jan. 2, 2001	By gov., to fill vac.
107th–109th	.....do	Jan. 3, 2001	Jan. 2, 2007	
110th–112th	Sheldon Whitehouse	Jan. 3, 2007	Jan. 2, 2013	

CLASS 2

1st–2d	Joseph Stanton, Jr.	June 7, 1790	Mar. 3, 1793	
3d–5th	William Bradford	Mar. 4, 1793	Mar. 3, 1799	Res. in Oct. 1797.
5th–8th	Ray Greene	Nov. 13, 1797	Mar. 3, 1805	Res. Mar. 5, 1801.
7th–8th	Christopher Ellery	May 6, 1801	Do.	
9th–11th	James Fenner	Mar. 4, 1805	Mar. 3, 1811	Res. in Sept. 1807.
10th–11th	Elisha Mathewson	Oct. 26, 1807	Do.	
12th–14th	Jeremiah B. Howell	Mar. 4, 1811	Mar. 3, 1817	
15th–17th	James Burrill, Jr.	Mar. 4, 1817	Mar. 3, 1823	Died Dec. 25, 1820.
16th–26th	Nehemiah R. Knight	Jan. 9, 1821	Mar. 3, 1841	
27th–29th	James F. Simmons	Mar. 4, 1841	Mar. 3, 1847	
30th–32d	John H. Clarke	Mar. 4, 1847	Mar. 3, 1853	
33d–35th	Philip Allen	July 20, 1853	Mar. 3, 1859	(3)
36th–50th	Henry B. Anthony	Mar. 4, 1859	Mar. 3, 1889	Died Sept. 2, 1884.
48th	William P. Sheffield	Nov. 19, 1884	Jan. 20, 1885	By gov., to fill vac.
48th–53d	Jonathan Chace	Jan. 20, 1885	Mar. 3, 1895	Res. Apr. 9, 1889.
51st–53d	Nathan F. Dixon 3d	Apr. 10, 1889	Do.	
54th–59th	George Peabody Wetmore	Mar. 4, 1895	Mar. 3, 1907	
60th–62d	George Peabody Wetmore	Jan. 22, 1908	Mar. 3, 1913	(4)
63d–68th	LeBaron B. Colt	Mar. 4, 1913	Mar. 3, 1925	Died Aug. 18, 1924.
68th–74th	Jesse H. Metcalf	Nov. 5, 1924	Jan. 2, 1937	(5)
75th–86th	Theodore Francis Green	Jan. 3, 1937	Jan. 2, 1961	
87th–104th	Claiborne Pell	Jan. 3, 1961	Jan. 2, 1997	
105th–110th	Jack Reed	Jan. 3, 1997	Jan. 2, 2009	

[1] Nephew of William Sprague, above, who served Feb. 5, 1842–Jan. 17, 1844.
[2] Elected to full term commencing Jan. 3, 1977, and subsequently appointed by governor to fill vacancy in term ending Jan. 2, 1977; died Oct. 24, 1999. Lincoln Chafee appointed by governor to fill vacancy.
[3] Elected May 4, 1853. Served as governor until July 20, 1853. Vacancy from Mar. 4 to July 20, 1853.
[4] Vacancy from Mar. 4, 1907, to Jan. 21, 1908, because of failure of legislature to elect.
[5] Vacancy from Aug. 19 to Nov. 4, 1924.

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SOUTH CAROLINA

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st–5th	Pierce Butler	Mar. 4, 1789	Mar. 3, 1799	Res. Oct. 25, 1796.
4th–5th	John Hunter	Dec. 8, 1796	Do.	Res. Nov. 26, 1798.
5th–8th	Charles Pinckney	Dec. 6, 1798	Mar. 3, 1805	Res. in 1801.
7th–11th	Thomas Sumter	Dec. 15, 1801	Mar. 3, 1811	Res. Dec. 16, 1810.
11th–14th	John Taylor	Dec. 31, 1810	Mar. 3, 1817	Res. in Nov. 1816.
14th–17th	William Smith	Dec. 4, 1816	Mar. 3, 1823	
18th–23d	Robert Young Hayne	Mar. 4, 1823	Mar. 3, 1835	Res. Dec. 13, 1832.
22d–29th	John C. Calhoun	Dec. 29, 1832	Mar. 3, 1847	(1)
28th–29th	Daniel Elliott Huger	Mar. 4, 1843	Do.	(2)
29th–32d	John C. Calhoun	Nov. 26, 1845	Mar. 3, 1853	Died Mar. 31, 1850.
31st	Franklin H. Elmore	Apr. 11, 1850	Dec. 18, 1850	(3)
Do	Robert W. Barnwell	June 4, 1850	Do.	By gov., to fill vac.
31st–32d	R. Barnwell Rhett	Dec. 18, 1850	Mar. 3, 1853	Res. May 7, 1852.
32d	William F. De Saussure	May 10, 1852	Nov. 28, 1852	By gov., to fill vac.
Do	.....do	Nov. 29, 1852	Mar. 3, 1853	
33d–35th	Josiah J. Evans	Mar. 4, 1853	Mar. 3, 1859	Died May 6, 1858.
35th	Arthur P. Hayne	May 11, 1858	Dec. 2, 1858	By gov., to fill vac.
35th–36th	James Chesnut, Jr.	Dec. 3, 1858	Mar. 3, 1865	(4)
40th–44th	Thomas J. Robertson	July 15, 1868	Mar. 3, 1877	(5)
45th–53d	Matthew C. Butler	Mar. 4, 1877	Mar. 3, 1895	
54th–65th	Benjamin R. Tillman	Mar. 4, 1895	Mar. 3, 1919	Died July 3, 1918.
65th	Christie Benet	July 6, 1918	Nov. 5, 1918	By gov., to fill vac.
Do	William P. Pollock	Nov. 6, 1918	Mar. 3, 1919	
66th–68th	Nathaniel B. Dial	Mar. 4, 1919	Mar. 3, 1925	
69th–71st	Coleman L. Blease	Mar. 4, 1925	Mar. 3, 1931	
72d–77th	James F. Byrnes	Mar. 4, 1931	Jan. 2, 1943	Res. July 8, 1941.
77th	Alva M. Lumpkin	July 17, 1941	Nov. 4, 1941	(6)
Do	Roger C. Peace	Aug. 5, 1941	Nov. 4, 1941	By gov., to fill vac.
77th–83d	Burnet R. Maybank	Nov. 5, 1941	Jan. 2, 1955	Died Sept. 1, 1954.[7]
83d	Charles E. Daniel	Sept. 6, 1954	Jan. 2, 1955	By gov., to fill vac.[8]
83d–86th	Strom Thurmond	Dec. 24, 1954	Jan. 2, 1961	Res. Apr. 4, 1956.[9]
84th	Thomas A. Wofford	Apr. 5, 1956	Nov. 6, 1956	By gov., to fill vac.
85th–107th	Strom Thurmond	Nov. 7, 1956	Jan. 2, 2003	(10)
108th–110th	Lindsey Graham	Jan. 3, 2003	Jan. 2, 2009	

CLASS 3

1st–3d	Ralph Izard	Mar. 4, 1789	Mar. 3, 1795	
4th–6th	Jacob Read	Mar. 4, 1795	Mar. 3, 1801	
7th–9th	John Ewing Colhoun	Mar. 4, 1801	Mar. 3, 1807	Died Oct. 26, 1802.
Do	Pierce Butler	Nov. 4, 1802	Do.	Res. Nov. 21, 1804.
8th–21st	John Gaillard	Dec. 6, 1804	Mar. 3, 1831	Died Feb. 26, 1826.
19th	William Harper	Mar. 8, 1826	Nov. 29, 1826	By gov., to fill vac.
19th–21st	William Smith	Nov. 29, 1826	Mar. 3, 1831	
22d–24th	Stephen D. Miller	Mar. 4, 1831	Mar. 3, 1837	Res. Mar. 2, 1833.
23d–27th	William C. Preston	Nov. 26, 1833	Mar. 3, 1843	Res. Nov. 29, 1842.
27th–30th	George McDuffie	Dec. 2, 1842	Mar. 3, 1849	Res. Aug. 17, 1846.
29th–36th	Andrew P. Butler	Dec. 4, 1846	Mar. 3, 1861	Died May 25, 1857.[11]
35th–36th	James H. Hammond	Dec. 7, 1857	Do.	(12)
40th–42d	Frederick A. Sawyer	July 16, 1868	Mar. 3, 1873	(13)
43d–45th	John J. Patterson	Mar. 4, 1873	Mar. 3, 1879	
46th–51st	Wade Hampton	Mar. 4, 1879	Mar. 3, 1891	
52d–54th	John L. M. Irby	Mar. 4, 1891	Mar. 3, 1897	
55th–57th	Joseph H. Earle	Mar. 4, 1897	Mar. 3, 1903	Died May 20, 1897.
55th	John L. McLaurin	May 27, 1897	Jan. 25, 1898	By gov., to fill vac.
55th–57th	.....do	Jan. 26, 1898	Mar. 3, 1903	
58th–60th	Asbury C. Latimer	Mar. 4, 1903	Mar. 3, 1909	Died Feb. 20, 1908.
60th	Frank B. Gary	Mar. 6, 1908	Do.	
61st–78th	Ellison D. Smith	Mar. 4, 1909	Jan. 2, 1945	Died Nov. 17, 1944.
78th	Wilton E. Hall	Nov. 20, 1944	Do.	By gov., to fill vac.
79th–90th	Olin D. Johnston	Jan. 3, 1945	Jan. 2, 1969	Died Apr. 18, 1965.
89th–90th	Donald Russell	Apr. 22, 1965	Do.	By gov., to fill vac.
89th–108th	Ernest F. Hollings	Nov. 9, 1966	Jan. 2, 2005	(14)
109th–111th	James DeMint	Jan. 3, 2005	Jan. 2, 2011	

[1] Elected Dec. 12, 1832. Took oath Jan. 4, 1833. Vice President during interim. Resigned Mar. 3, 1843.

Footnotes continued on next page.

[2] Resigned Mar. 3, 1845. Vacancy from Mar. 4 to Nov. 26, 1845.
[3] By governor, to fill vacancy. Died May 29, 1850.
[4] Withdrew from the Senate Nov. 10, 1860. Expelled July 11, 1861. Vacancy from Nov. 10, 1860, to July 15, 1868, because of Civil War.
[5] By legislature, to fill vacancy in term beginning Mar. 4, 1865.
[6] By governor, to fill vacancy. Died Aug. 1, 1941.
[7] Elected Nov. 4, 1941, to fill vacancy in term ending Jan. 2, 1943.
[8] Resigned effective Dec. 23, 1954.
[9] Appointed by governor to fill vacancy in term ending Jan. 2, 1955, having previously, on Nov. 2, 1954, been elected to full term ending Jan. 2, 1961.
[10] Elected Nov. 6, 1956, to fill vacancy in term ending Jan. 2, 1961.
[11] Vacancy from Aug. 17 to Dec. 3, 1846.
[12] Withdrew from Senate Nov. 11, 1860. Vacancy from Nov. 11, 1860, to July 16, 1868, because of Civil War.
[13] By legislature, to fill vacancy in term beginning Mar. 4, 1867.
[14] Elected Nov. 8, 1966, to fill vacancy in term ending Jan. 2, 1969.

SOUTH DAKOTA 1485 1486

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st–56th	Richard F. Pettigrew	Nov. 2, 1889	Mar. 3, 1901	
57th–62d	Robert J. Gamble	Mar. 4, 1901	Mar. 3, 1913	
63d–68th	Thomas Sterling	Mar. 4, 1913	Mar. 3, 1925	
69th–71st	William H. McMaster	Mar. 4, 1925	Mar. 3, 1931	
72d–77th	William J. Bulow	Mar. 4, 1931	Jan. 2, 1943	
78th–80th	Harlan J. Bushfield	Jan. 3, 1943	Jan. 2, 1949	Died Sept. 27, 1948.
80th	Vera C. Bushfield	Oct. 6, 1948	Jan. 2, 1949	By gov., to fill vac.[1]
80th	Karl E. Mundt	Dec. 31, 1948	Jan. 2, 1949	(2)
81st–92d	.....do	Jan. 3, 1949	Jan. 2, 1973	
93d–95th	James Abourezk	Jan. 3, 1973	Jan. 2, 1979	
96th–104th	Larry Pressler	Jan. 3, 1979	Jan. 2, 1997	
105th–110th	Tim Johnson	Jan. 3, 1997	Jan. 2, 2009	

CLASS 3

51st	Gideon C. Moody	Nov. 2, 1889	Mar. 3, 1891	
52d–57th	James H. Kyle	Mar. 4, 1891	Mar. 3, 1903	Died July 1, 1901.
57th	Alfred B. Kittredge	July 11, 1901	Jan. 20, 1903	By gov., to fill vac.
57th–60th	.....do	Jan. 21, 1903	Mar. 3, 1909	
61st–63d	Coe I. Crawford	Mar. 4, 1909	Mar. 3, 1915	
64th–66th	Edwin S. Johnson	Mar. 4, 1915	Mar. 3, 1921	
67th–75th	Peter Norbeck	Mar. 4, 1921	Jan. 2, 1939	Died Dec. 20, 1936.
74th–75th	Herbert E. Hitchcock	Dec. 29, 1936	Nov. 8, 1938	By gov., to fill vac.
75th	Miss Gladys Pyle	Nov. 9, 1938	Jan. 2, 1939	
76th–81st	J. Chandler Gurney	Jan. 3, 1939	Jan. 2, 1951	
82d–87th	Francis Case	Jan 3, 1951	Jan. 2, 1963	Died June 22, 1962.
87th	Joe H. Bottum	July 9, 1962	Do.	By gov., to fill vac.
88th–96th	George McGovern	Jan. 3, 1963	Jan. 2, 1981	
97th–99th	James Abdnor	Jan. 3, 1981	Jan. 2, 1987	
100th–108th	Thomas A. Daschle	Jan. 3, 1987	Jan. 2, 2005	
109th–111th	John Thune	Jan. 3, 2005	Jan. 2, 2011	

[1] Resigned Dec. 26, 1948.
[2] Appointed by governor Dec. 27, 1948, to fill vacancy in term ending Jan. 2, 1949. Oath administered Dec. 31, 1948. Continued to serve as Member of House of Representatives during interim.

TENNESSEE 1487 1488

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
4th	William Cocke	Aug. 2, 1796	Mar. 3, 1797	
5th	.....do	Apr. 22, 1797	Sept. 26, 1797	(1)
5th–7th	Andrew Jackson	Sept. 26, 1797	Mar. 3, 1803	Res. in April 1798.
5th	Daniel Smith	Oct. 6, 1798	Dec. 12, 1798	By gov., to fill vac.
5th–10th	Joseph Anderson	Dec. 12, 1798	Mar. 3, 1809	
11th	.....do	Mar. 4, 1809	Apr. 10, 1809	Do.
11th–13th	.....do	Apr. 11, 1809	Mar. 3, 1815	
14th–16th	George W. Campbell	Oct. 10, 1815	Mar. 3, 1821	(2)
15th–16th	John H. Eaton	Sept. 5, 1818	Oct. 8, 1819	By gov., to fill vac.

See footnotes at end of Tennessee table.

TENNESSEE—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
16th–22d	.....do	Oct. 9, 1819	Mar. 3, 1833	Res. Mar. 9, 1829.
21st–25th	Felix Grundy	Oct. 19, 1829	Mar. 3, 1839	Res. July 4, 1838.
25th	Ephraim H. Foster	Sept. 17, 1838	Do.	(3)
26th–28th	Felix Grundy	Dec. 14, 1839	Mar. 3, 1845	Died Dec. 19, 1840.
26th–27th	Alfred O. P. Nicholson	Dec. 25, 1840	Oct. 16, 1843	By gov., to fill vac.
28th	Ephraim H. Foster	Oct. 17, 1843	Mar. 3, 1845	
29th–31st	Hopkins L. Turney	Mar. 4, 1845	Mar. 3, 1851	
32d–34th	James C. Jones	Mar. 4, 1851	Mar. 3, 1857	
35th–37th	Andrew Johnson	Oct. 8, 1857	Mar. 3, 1863	(4)
39th–40th	David T. Patterson	May 4, 1865	Mar. 3, 1869	(5)
41st–43d	William G. Brownlow	Mar. 4, 1869	Mar. 3, 1875	
44th–46th	Andrew Johnson	Mar. 4, 1875	Mar. 3, 1881	Died July 31, 1875.
44th	David M. Key	Aug. 18, 1875	Jan. 19, 1877	By gov., to fill vac.
44th–46th	James E. Bailey	Jan. 19, 1877	Mar. 3, 1881	
47th–49th	Howell E. Jackson	Mar. 4, 1881	Mar. 3, 1887	Res. Apr. 14, 1886.
49th	Washington C. Whitthorne.	Apr. 16, 1886	Do.	By gov., to fill vac.
50th–61st	William B. Bate	Mar. 4, 1887	Mar. 3, 1911	Died Mar. 9, 1905.
59th–61st	James B. Frazier	Mar. 21, 1905	Do.	
62d–64th	Luke Lea	Mar. 4, 1911	Mar. 3, 1917	
65th–82d	Kenneth D. McKellar	Mar. 4, 1917	Jan. 2, 1953	
83d–91st	Albert Gore	Jan. 3, 1953	Jan. 2, 1971	
92d–94th	William E. Brock III	Jan. 3, 1971	Jan. 2, 1977	
95th–103d	James R. Sasser	Jan. 3, 1977	Jan. 2, 1995	
104th–109th	Bill Frist	Jan. 3, 1995	Jan. 2, 2007	
110th–112th	Bob Corker	Jan. 3, 2007	Jan. 2, 2013	

CLASS 2

4th–5th	William Blount	Aug. 2, 1796	Mar. 3, 1799	Exp. July 8, 1797.
5th	Joseph Anderson	Sept. 26, 1797	Do.	
6th–8th	William Cocke	Mar. 4, 1799	Mar. 3, 1805	
9th–11th	Daniel Smith	Mar. 4, 1805	Mar. 3, 1811	Res. Mar. 31, 1809.
11th–14th	Jenkin Whiteside	Apr. 11, 1809	Mar. 3, 1817	Res. Oct. 8, 1811.
12th–14th	George W. Campbell	Oct. 8, 1811	Do.	Res. Feb. 11, 1814.
13th–14th	Jesse Wharton	Mar. 17, 1814	Oct. 10, 1815	By gov., to fill vac.
14th	John Williams	Oct. 10, 1815	Mar. 3, 1817	
15th	.....do	Mar. 4, 1817	Oct. 1, 1817	(6)
15th–17th	.....do	Oct. 2, 1817	Mar. 3, 1823	
18th–20th	Andrew Jackson	Mar. 4, 1823	Mar. 3, 1829	Res. Oct. 14, 1825.
19th–23d	Hugh Lawson White	Oct. 28, 1825	Mar. 3, 1835	
24th–26th	.....do	Oct. 6, 1835	Mar. 3, 1841	Res. Jan. 13, 1840.[7]
26th	Alexander Anderson	Jan. 27, 1840	Do.	
28th–29th	Spencer Jarnagin	Oct. 17, 1843	Mar. 3, 1847	(8)
30th–32d	John Bell	Nov. 22, 1847	Mar. 3, 1853	
33d–35th	.....do	Oct. 29, 1853	Mar. 3, 1859	(9)
36th–38th	Alfred O. P. Nicholson	Mar. 4, 1859	Mar. 3, 1865	(10)
39th–41st	Joseph S. Fowler	May 4, 1865	Mar. 3, 1871	(11)
42d–44th	Henry Cooper	Mar. 4, 1871	Mar. 3, 1877	
45th–56th	Isham G. Harris	Mar. 4, 1877	Mar. 3, 1901	Died July 8, 1897.
55th	Thomas B. Turley	July 20, 1897	Feb. 1, 1898	By gov., to fill vac.
55th–56th	.....do	Feb. 2, 1898	Mar. 3, 1901	
57th–59th	Edward W. Carmack	Mar. 4, 1901	Mar. 3, 1907	
60th–62d	Robert L. Taylor	Mar. 4, 1907	Mar. 3, 1913	Died Mar. 31, 1912.
62d	Newell Sanders	Apr. 8, 1912	Jan. 24, 1913	By gov., to fill vac.
Do	William R. Webb	Jan. 24, 1913	Mar. 3, 1913	
63d–68th	John K. Shields	Mar. 4, 1913	Mar. 3, 1925	
69th–71st	Lawrence D. Tyson	Mar. 4, 1925	Mar. 3, 1931	Died Aug. 24, 1929.
71st	William E. Brock	Sept. 2, 1929	Nov. 3, 1930	By gov., to fill vac.
Do	.....do	Nov. 4, 1930	Mar. 3, 1931	
72d–74th	Cordell Hull	Mar. 4, 1931	Jan. 2, 1937	Res. Mar. 3, 1933.
73d	Nathan L. Bachman	Mar. 4, 1933	Nov. 6, 1934	By gov., to fill vac.
73d–77th	.....do	Nov. 7, 1934	Jan. 2, 1943	Died Apr. 23, 1937.
75th	George L. Berry	May 6, 1937	Nov. 8, 1938	By gov., to fill vac.
75th–80th	Tom Stewart	Jan. 16, 1939	Jan. 2, 1949	(12)
81st–89st	Estes Kefauver	Jan. 3, 1949	Jan. 2, 1967	Died Aug. 10, 1963.
88th	Herbert S. Walters	Aug. 20, 1963	Nov. 3, 1964	By gov., to fill vac.
88th–89th	Ross Bass	Nov. 4, 1964	Jan. 2, 1967	(13)

TENNESSEE—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
90th–98th ..	Howard H. Baker, Jr.	Jan. 3, 1967	Jan. 2, 1985	
99th–104th	Albert Gore, Jr.	Jan. 3, 1985	Jan. 2, 1997	Res. Jan. 1, 1993.[14]
102d–103d	Harlan Mathews	Jan. 2, 1993	Nov. 8, 1994	By gov., to fill vac.
103d–107th	Fred Thompson	Dec. 2, 1994	Jan. 2, 2003	([15])
108th–110th	Lamar Alexander	Jan. 3, 2003	Jan. 2, 2009	

[1] By governor, to fill vacancy by reason of no election.
[2] Resigned effective Apr. 20, 1818. Vacancy from Mar. 1 to Oct. 10, 1815.
[3] By governor, to fill vacancy; subsequently elected for term beginning Mar. 4, 1839; resigned Mar. 3, 1839. Vacancy from Mar. 4 to Dec. 14, 1839.
[4] Vacancy from Mar. 4 to Oct. 7, 1857. Resigned Mar. 4, 1862, to become military governor of Tennessee. Vacancy from Mar. 4, 1862, to May 4, 1865, because of Civil War.
[5] By legislature, to fill vacancy in term beginning Mar. 4, 1863.
[6] By governor, during recess of legislature.
[7] Vacancy from Mar. 4 to Oct. 5, 1835.
[8] Vacancy from Mar. 4, 1841, to Oct. 16, 1843.
[9] Vacancy from Mar. 4 to Oct. 28, 1853.
[10] Withdrew Mar. 3, 1861. Expelled July 11, 1861. Vacancy from Mar. 3, 1861 to May 4, 1865, because of Civil War.
[11] By legislature to fill vacancy in term beginning Mar. 4, 1865. Seated July 25, 1866.
[12] Elected Nov. 8, 1938. Took oath Jan. 16, 1939. Vacancy from Nov. 9, 1938 to Jan. 15, 1939.
[13] Elected Nov. 4, 1964, to fill vacancy in term ending Jan. 2, 1967.
[14] Resigned Jan. 1, 1993, having been elected Vice President of the United States for the 52d term.
[15] Elected Nov. 8, 1994, to fill unexpired term ending Jan. 2, 1997.

TEXAS

1489 1490

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
29th–37th ...	Thomas J. Rusk	Feb. 21, 1846	Mar. 3, 1863	Died July 29, 1857.
35th–37th ...	J. Pinckney Henderson ...	Nov. 9, 1857	Do.	Died June 4, 1858.
35th–36th ...	Matthias Ward	Sept. 27, 1858	Dec. 5, 1859	By gov., to fill vac.
36th–37th ...	Louis T. Wigfall	Dec. 5, 1859	Mar. 3, 1863	([1])
41st–43d	J. W. Flanagan	Feb. 22, 1870	Mar. 3, 1875	([2])
44th–49th ...	Samuel B. Maxey	Mar. 4, 1875	Mar. 3, 1887	
50th–52d	John H. Reagan	Mar. 4, 1887	Mar. 3, 1893	Res. June 10, 1891.
52d	Horace Chilton	June 10, 1891	Mar. 22, 1892	By gov., to fill vac.
52d–55th	Roger Q. Mills	Mar. 23, 1892	Mar. 3, 1899	
56th–67th ...	Charles A. Culberson	Mar. 4, 1899	Mar. 3, 1923	
68th–70th ...	Earle B. Mayfield	Mar. 4, 1923	Mar. 3, 1929	
71st–82d	Tom Connally	Mar. 4, 1929	Jan. 2, 1953	
83d–85th	Price Daniel	Jan. 3, 1953	Jan. 2, 1959	Res. Jan. 14, 1957.
85th	Wm. A. Blakley	Jan. 15, 1957	Apr. 28, 1957	By gov., to fill vac.
85th–91st	Ralph Yarborough	Apr. 29, 1957	Jan. 2, 1971	([3])
92d–103d	Lloyd M. Bentsen, Jr.	Jan. 3, 1971	Jan. 2, 1995	Res. Jan. 20, 1993.
103d	Bob Krueger	Jan. 21, 1993	June 13, 1993	By gov., to fill vac.
103d–112th	Kay Bailey Hutchison	June 14, 1993	Jan. 2, 2013	

CLASS 2

29th–35th ...	Sam Houston	Feb. 21, 1846	Mar. 3, 1859	
36th–38th ...	John Hemphill	Mar. 4, 1859	Mar. 3, 1865	([4])
41st–44th	Morgan C. Hamilton	Feb. 22, 1870	Mar. 3, 1877	([5])
45th–53d	Richard Coke	Mar. 4, 1877	Mar. 3, 1895	
54th–56th ...	Horace Chilton	Mar. 4, 1895	Mar. 3, 1901	
57th–62d	Joseph W. Bailey	Mar. 4, 1901	Mar. 3, 1913	Res. Jan. 3, 1913.
62d	Rienzi M. Johnston	Jan. 4, 1913	Jan. 29, 1913	By gov., to fill vac.
62d–77th	Morris Sheppard	Jan. 29, 1913	Jan. 2, 1943	Died Apr. 9, 1941.
77th	Andrew Jackson Houston	Apr. 21, 1941	June 26, 1941	([6])
77th–80th ...	W. Lee O'Daniel	Aug. 4, 1941	Jan. 2, 1949	([7])
81st–87th	Lyndon B. Johnson	Jan. 3, 1949	Jan. 2, 1967	([8])
87th	Wm. A. Blakley	Jan. 3, 1961	June 14, 1961	By gov., to fill vac.

See footnotes at end of Texas table.

TEXAS—Continued

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
87th–98th ..	John G. Tower	June 15, 1961	Jan. 2, 1985	(9)
99th–107th	Phil Gramm	Jan. 3, 1985	Jan. 2, 2003	Res. Nov. 30, 2002
107th–110th	John Cornyn	Dec. 1, 2003	Jan. 2, 2009	By gov., to fill vac.[10]

[1]Expelled July 11, 1861. Vacancy from July 11, 1861, to Feb. 22, 1870, because of Civil War.
[2]By legislature, to fill vacancy in term beginning Mar. 4, 1869.
[3]Elected Apr. 2, 1957, to fill vacancy in term ending Jan. 2, 1959. Took oath Apr. 29, 1957.
[4]Expelled July 11, 1861. Vacancy from July 11, 1861, to Feb. 22, 1870, because of Civil War.
[5]By legislature, to fill vacancy in term beginning Mar. 4, 1865.
[6]By governor, to fill vacancy. Died June 26, 1941.
[7]Elected June 28, 1941. Took oath Aug. 4, 1941, Governor during interim.
[8]Elected Nov. 8, 1960, to full term Jan. 3, 1961, to Jan 2, 1967, but resigned Jan. 3, 1961, immediately after taking oath of office, having been elected Vice President of the United States for the 44th term on Nov. 8, 1960.
[9]Elected May 27, 1961, to serve unexpired term. *See* S. Jour. 547, 87–1, July 17, 1961.
[10]Elected to full term commencing Jan. 3, 2003, and was subsequently appointed by governor to fill vacancy in term ending Jan. 2, 2003.

1491 1492

UTAH

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
54th–55th ..	Frank J. Cannon	Jan. 22, 1896	Mar. 3, 1899	
56th–58th ..	Thomas Kearns	Jan. 23, 1901	Mar. 3, 1905	(1)
59th–65th ..	George Sutherland	Mar. 4, 1905	Mar. 3, 1917	
65th–76th ..	William H. King	Mar. 4, 1917	Jan. 2, 1941	
77th–79th ..	Abe Murdock	Jan. 3, 1941	Jan. 2, 1947	
80th–85th ..	Arthur V. Watkins	Jan. 3, 1947	Jan. 2, 1959	
86th–94th ..	Frank E. Moss	Jan. 3, 1959	Jan. 2, 1977	
95th–112th	Orrin G. Hatch	Jan. 3, 1977	Jan. 2, 2013	

CLASS 3

54th	Arthur Brown	Jan. 22, 1896	Mar. 3, 1897	
55th–57th ..	Joseph L. Rawlins	Mar. 4, 1897	Mar. 3, 1903	
58th–72d	Reed Smoot	Mar. 4, 1903	Mar. 3, 1933	
73d–81st	Elbert D. Thomas	Mar. 4, 1933	Jan. 2, 1951	
82d–93d	Wallace F. Bennett	Jan. 3, 1951	Jan. 2, 1975	Res. Dec. 20, 1974.
93d	E. J. "Jake" Garn	Dec. 21, 1974	Jan. 2, 1975	By gov., to fill vac.
94th–102d ..	.....do	Jan. 3, 1975	Jan. 2, 1993	
103d–111th	Robert F. Bennett	Jan. 3, 1993	Jan. 2, 2011	

[1]Vacancy from Mar. 4, 1899 to Jan. 22, 1901, because of failure of legislature to elect.

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VERMONT

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
2d–4th	Moses Robinson	Oct. 17, 1791	Mar. 3, 1797	Res. Oct. 15, 1796.
4th–7th	Isaac Tichenor	Oct. 18, 1796	Mar. 3, 1803	Res. Oct. 17, 1797.
5th–7th	Nathaniel Chipman	Oct. 17, 1797	Do.	
8th–10th	Israel Smith	Mar. 4, 1803	Mar. 3, 1809	Res. Oct. 1, 1807.
10th–13th ..	Jonathan Robinson	Oct. 10, 1807	Mar. 3, 1815	
14th–16th ..	Issac Tichenor	Mar. 4, 1815	Mar. 3, 1821	
17th–22d	Horatio Seymour	Mar. 4, 1821	Mar. 3, 1833	
23d–25th	Benjamin Swift	Mar. 4, 1833	Mar. 3, 1839	
26th–31st ...	Samuel S. Phelps	Mar. 4, 1839	Mar. 3, 1851	
32d–40th	Solomon Foot	Mar. 4, 1851	Mar. 3, 1869	Died Mar. 28, 1866.
39th	George F. Edmunds	Apr. 3, 1866	Oct. 23, 1866	By gov., to fill vac.

VERMONT—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
39th–52d	.....do	Oct. 24, 1866	Mar. 3, 1893	Res. Nov. 1, 1891.
52d	Redfield Proctor	Nov. 2, 1891	Oct. 18, 1892	By gov., to fill vac.
52d–61st	.....do	Oct. 19, 1892	Mar. 3, 1911	Died Mar. 4, 1908.
60th	John W. Stewart	Mar. 24, 1908	Oct. 20, 1908	By gov., to fill vac.
60th–67th	Carroll S. Page	Oct. 21, 1908	Mar. 3, 1923	
68th–73d	Frank L. Greene	Mar. 4, 1923	Mar. 3, 1935	Died Dec. 17, 1930.
71st–72d	Frank C. Partridge	Dec. 23, 1930	Mar. 31, 1931	By gov., to fill vac.
72d–79th	Warren R. Austin	Apr. 1, 1931	Jan. 2, 1947	Res. Aug. 2, 1946.
79th	Ralph E. Flanders	Nov. 1, 1946	Do.	By gov., to fill vac.
80th–85th	.....do	Jan. 3, 1947	Jan. 2, 1959	
86th–94th	Winston L. Prouty	Jan. 3, 1959	Jan. 2, 1977	Died Sept. 10, 1971.
92d	Robert T. Stafford	Sept. 16, 1971	Jan. 7, 1972	By gov., to fill vac.
92d–100th	.....do	Jan. 7, 1972	Jan. 2, 1989	
101st–109th	James M. Jeffords	Jan. 3, 1989	Jan. 2, 2007	
110th–112th	Bernard Sanders	Jan. 3, 2007	Jan. 2, 2013	

CLASS 3

2d–3d	Stephen R. Bradley	Oct. 17, 1791	Mar. 3, 1795	
4th–6th	Elijah Paine	Mar. 4, 1795	Mar. 3, 1801	Res. Sept. 1, 1801.
7th–12th	Stephen R. Bradley	Oct. 15, 1801	Mar. 3, 1813	
13th–15th	Dudley Chase	Mar. 4, 1813	Mar. 3, 1819	Res. Nov. 3, 1817.
15th	James Fisk	Nov. 4, 1817	Do.	Res. Jan. 8, 1818.
15th–18th	William A. Palmer	Oct. 20, 1818	Mar. 3, 1825	
19th–21st	Dudley Chase	Mar. 4, 1825	Mar. 3, 1831	
22d–27th	Samuel Prentiss	Mar. 4, 1831	Mar. 3, 1843	Res. Apr. 11, 1842.
27th	Samuel C. Crafts	Apr. 23, 1842	Oct. 25, 1842	By gov., to fill vac.
Do	.....do	Oct. 26, 1842	Mar. 3, 1843	
28th–33d	William Upham	Mar. 4, 1843	Mar. 3, 1855	Died Jan. 14, 1853.
32d–33d	Samuel S. Phelps	Jan. 17, 1853	Mar. 16, 1854	(1)
33d	Lawrence Brainerd	Oct. 14, 1854	Mar. 3, 1855	
34th–39th	Jacob Collamer	Mar. 4, 1855	Mar. 3, 1867	Died Nov. 9, 1865.
39th	Luke P. Poland	Nov. 21, 1865	Oct. 23, 1866	By gov., to fill vac.
Do	.....do	Oct. 24, 1866	Mar. 3, 1867	
40th–57th	Justin S. Morrill	Mar. 4, 1867	Mar. 3, 1903	Died Dec. 28, 1898.
55th–56th	Jonathan Ross	Jan. 11, 1899	Oct. 17, 1900	By gov., to fill vac.
56th–69th	William P. Dillingham	Oct. 18, 1900	Mar. 3, 1927	Died July 12, 1923.
68th–75th	Porter H. Dale	Nov. 6, 1923	Jan. 2, 1939	Died Oct. 6, 1933.[2]
73d	Ernest W. Gibson	Nov. 21, 1933	Jan. 16, 1934	By gov., to fill vac.[3]
73d–78th	.....do	Jan. 17, 1934	Jan. 2, 1945	Died June 20, 1940.
76th	Ernest W. Gibson, Jr.	June 24, 1940	Jan. 2, 1941	By gov., to fill vac.
77th–93d	George D. Aiken	Jan. 10, 1941	Jan. 2, 1975	(4)
94th–111th	Patrick J. Leahy	Jan. 3, 1975	Jan. 2, 2011	

[1] By governor, to fill vacancy. By resolution of Senate, Mar. 16, 1854, declared not entitled to retain his seat. Vacancy from Mar. 16 to Oct. 13, 1854.
[2] Vacancy from July 13 to Nov. 5, 1923.
[3] Died Oct. 6, 1933. Vacancy from Oct. 7 to Nov. 20, 1933.
[4] Elected Nov. 5, 1940, to fill vacancy in term ending Jan. 2, 1945. Took oath Jan. 10, 1941. Governor during interim.

VIRGINIA

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
1st	William Grayson	Mar. 4, 1789	Mar. 3, 1791	Died Mar. 12, 1790.
Do	John Walker	Mar. 31, 1790	Nov. 9, 1790	By gov., to fill vac.
1st–4th	James Monroe	Nov. 9, 1790	Mar. 3, 1797	Res. May 27, 1794.
3d–10th	Stevens T. Mason	Nov. 18, 1794	Mar. 3, 1809	Died May 10, 1803.
8th	John Taylor	June 4, 1803	Dec. 7, 1803	By gov., to fill vac.
8th–10th	Abraham B. Venable	Dec. 7, 1803	Mar. 3, 1809	Res. June 7, 1804.
8th	William B. Giles	Aug. 11, 1804	Dec. 4, 1804	By gov., to fill vac.
8th–10th	Andrew Moore	Dec. 4, 1804	Mar. 3, 1809	
11th–13th	Richard Brent	Mar. 4, 1809	Mar. 3, 1815	Died Dec. 30, 1814.
13th–19th	James C. Barbour	Jan. 2, 1815	Mar. 3, 1827	Res. Mar. 27, 1825.

VIRGINIA—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
19th	John Randolph	Dec. 9, 1825	Do.	
20th–25th	John Tyler	Mar. 4, 1827	Mar. 3, 1839	Res. Feb. 29, 1836.
24th–25th	William C. Rives	Mar. 4, 1836	Do.	
26th–28th	.....do	Jan. 18, 1841	Mar. 3, 1845	(1)
29th–31st	Isaac S. Pennybacker	Dec. 3, 1845	Mar. 3, 1851	Died Jan. 12, 1847.
29th–37th	James M. Mason	Jan. 21, 1847	Mar. 3, 1863	(2)
37th	Waitman T. Willey	July 9, 1861	Do.	(3)
38th–40th	Lemuel J. Bowden	Mar. 4, 1863	Mar. 3, 1869	(4)
41st–43d	John F. Lewis	Oct. 20, 1869	Mar. 3, 1875	(5)
44th–46th	Robert E. Withers	Mar. 4, 1875	Mar. 3, 1881	
47th–49th	William Mahone	Mar. 4, 1881	Mar. 3, 1887	
50th–64th	John W. Daniel	Mar. 4, 1887	Mar. 3, 1917	Died June 29, 1910.
61st	Claude A. Swanson	Aug. 1, 1910	Mar. 3, 1911	By gov., to fill vac.
62d	.....do	Mar. 4, 1911	Jan. 23, 1912	Do.
62d–73d	.....do	Jan. 24, 1912	Jan. 2, 1935	Res. Mar. 3, 1933.
73d	Harry Flood Byrd	Mar. 4, 1933	Nov. 7, 1933	By gov., to fill vac.
74th–91st	.....do	Nov. 7, 1933	Jan. 2, 1971	Res. Nov. 10, 1965.
89th	Harry Flood Byrd, Jr.	Nov. 12, 1965	Nov. 8, 1966	Do.
89th–97th	.....do	Nov. 8, 1966	Jan. 2, 1983	
98th–100th	Paul S. Trible, Jr.	Jan. 3, 1983	Jan. 2, 1989	
101st–106th	Charles S. Robb	Jan. 3, 1989	Jan. 2, 2001	
107th–109th	George Allen	Jan. 3, 2001	Jan. 2, 2007	
110th–112th	Jim Webb	Jan. 3, 2007	Jan. 2, 2013	

CLASS 2

1st–2d	Richard Henry Lee	Mar. 4, 1789	Mar. 3, 1793	Res. Oct. 8, 1792.
2d–5th	John Taylor	Oct. 18, 1792	Mar. 3, 1799	Res. May 11, 1794.
3d–5th	Henry Tazewell	Nov. 18, 1794	Do.	Died Jan. 24, 1799.
6th–8th	Wilson C. Nicholas	Dec. 5, 1799	Mar. 3, 1805	Res. May 22, 1804.
8th	Andrew Moore	Aug. 11, 1804	Dec. 4, 1804	By gov., to fill vac.
8th–14th	William B. Giles	Dec. 4, 1804	Mar. 3, 1817	Res. Mar. 3, 1815.
14th	Armistead T. Mason	Jan. 3, 1816	Do.	
15th–17th	John W. Eppes	Mar. 4, 1817	Mar. 3, 1823	Res. Dec. 4, 1819.
16th–17th	James Pleasants	Dec. 10, 1819	Do.	Res. Dec. 15, 1822.
17th–20th	John Taylor	Dec. 18, 1822	Mar. 3, 1829	Died Aug. 20, 1824.
18th–23d	Littleton W. Tazewell	Dec. 7, 1824	Mar. 3, 1835	Res. July 16, 1832.
22d–23d	William C. Rives	Dec. 10, 1832	Do.	Res. Feb. 22, 1834.
23d–26th	Benjamin W. Leigh	Feb. 26, 1834	Mar. 3, 1841	Res. July 4, 1836.
24th–26th	Richard E. Parker	Dec. 12, 1836	Do.	Res. Mar. 13, 1837.
25th–26th	William H. Roane	Mar. 14, 1837	Do.	
27th–29th	William S. Archer	Mar. 4, 1841	Mar. 3, 1847	
30th–38th	Robert M. T. Hunter	Mar. 4, 1847	Mar. 3, 1865	(6)
37th–38th	John S. Carlile	July 9, 1861	Do.	(7)
41st	John W. Johnston	Oct. 20, 1869	Mar. 3, 1871	(8)
42d–47th	.....do	Mar. 15, 1871	Mar. 3, 1883	
48th–50th	Harrison H. Riddleberger	Mar. 4, 1883	Mar. 3, 1889	
51st–53d	John S. Barbour, Jr.	Mar. 4, 1889	Mar. 3, 1895	Died May 14, 1892.
52d–53d	Eppa Hunton	May 28, 1892	Dec. 19, 1893	By gov., to fill vac.
53d	.....do	Dec. 20, 1893	Mar. 3, 1895	
54th–66th	Thomas S. Martin	Mar. 4, 1895	Mar. 3, 1925	(9)
66th	Carter Glass	Nov. 18, 1919	Nov. 2, 1920	(10)
66th–80th	.....do	Nov. 3, 1920	Jan. 2, 1949	Died May 28, 1946.
79th	Thomas G. Burch	May 31, 1946	Nov. 5, 1946	By gov., to fill vac.
79th–89th	A. Willis Robertson	Nov. 6, 1946	Jan. 2, 1967	Res. Dec. 30, 1966.[11]
89th	William B. Spong, Jr.	Dec. 31, 1966	Jan. 2, 1967	By gov., to fill vac.
90th–92d	.....do	Jan. 3, 1967	Jan. 2, 1973	
93d–95th	William L. Scott	Jan. 3, 1973	Jan. 2, 1979	Res. Jan. 1, 1979.
96th–110th	John W. Warner	Jan. 2, 1979	Jan. 2, 2009	(12)

[1]Vacancy in this class from Mar. 4, 1839, to Jan. 17, 1841.
[2]Retired from Senate Mar. 28, 1861. Expelled July 11, 1861. Vacancy from Mar. 28 to July 8, 1861, because of Civil War.
[3]By legislature, to fill vacancy.
[4]Died Jan. 2, 1864. Vacancy from Jan. 2, 1864, to Oct. 20, 1869, because of Civil War.
[5]By legislature, to fill vacancy in term beginning Mar. 4, 1869.
[6]Withdrew from Senate Mar. 28, 1861. Expelled July 11, 1861. Vacancy from Mar. 28 to July 8, 1861, because of Civil War.
[7]By legislature to fill vacancy. Vacancy from Mar. 4, 1865, to Oct. 20, 1869, because of Civil War.

Footnotes continued on next page.

[8]By legislature to fill vacancy in term beginning Mar. 4, 1865.
[9]Died Nov. 12, 1919. Vacancy from Nov. 12, 1919 to Feb. 21 1920.
[10]Appointed by governor. Took oath Feb. 2, 1920; Secretary of Treasury during interim.
[11]Elected Nov. 5, 1946, to fill vacancy in term ending Jan. 2, 1949.
[12]Elected to full term commencing Jan. 3, 1979, and was subsequently appointed by governor to fill vacancy in term ending Jan. 2, 1979.

WASHINGTON 1497 1498

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st–52d	John B. Allen	Nov. 20, 1889	Mar. 3, 1893	
53d–55th	John L. Wilson	Feb. 1, 1895	Mar. 3, 1899	(1)
56th–58th	Addison G. Foster	Mar. 4, 1899	Mar. 3, 1905	
59th–61st	Samuel H. Piles	Mar. 4, 1905	Mar. 3, 1911	
62d–67th	Miles Poindexter	Mar. 4, 1911	Mar. 3, 1923	
68th–73d	Clarence C. Dill	Mar. 4, 1923	Jan. 2, 1935	
74th–76th	Lewis B. Schwellenbach	Jan. 3, 1935	Jan. 2, 1941	Res. Dec. 16, 1940.
76th	Mon C. Wallgren	Dec. 19, 1940	Do.	By gov., to fill vac.
77th–79th	.....do	Jan. 3, 1941	Jan. 2, 1947	(2)
79th	Hugh B. Mitchell	Jan. 10, 1945	Do.	(3)
Do	Harry P. Cain	Dec. 26, 1946	Do.	Do.
80th–82d	.....do	Jan. 2, 1947	Jan. 2, 1953	
83d–98th	Henry M. Jackson	Jan. 3, 1953	Jan. 2, 1989	Died Sept. 1, 1983.
98th	Daniel J. Evans	Sept. 12, 1983	Nov. 8, 1983	By gov., to fill vac.
98th–100th	.....do	Nov. 8, 1983	Jan. 2, 1989	
101st–106th	Slade Gorton	Jan. 3, 1989	Jan. 2, 2001	
107th–112th	Maria Cantwell	Jan. 3, 2001	Jan. 2, 2013	

CLASS 3

51st–54th	Watson C. Squire	Nov. 20, 1889	Mar. 3, 1897	
55th–57th	George Turner	Mar. 4, 1897	Mar. 3, 1903	
58th–60th	Levi Ankeny	Mar. 4, 1903	Mar. 3, 1909	
61st–72d	Wesley L. Jones	Mar. 4, 1909	Mar. 3, 1933	Died Nov. 19, 1932.
72d	Elijah S. Grammer	Nov. 22, 1932	Do.	By gov., to fill vac.
73d–78th	Homer T. Bone	Mar. 4, 1933	Jan. 2, 1945	Res. Nov. 13, 1944.
78th	Warren G. Magnuson	Dec. 14, 1944	Do.	By gov., to fill vac.[4]
79th–96th	.....do	Jan. 3, 1945	Jan. 2, 1981	
97th–99th	Slade Gorton	Jan. 3, 1981	Jan. 2, 1987	
100th–102d	Brock Adams	Jan 3, 1987	Jan. 2, 1993	
103d–111th	Patty Murray	Jan. 3, 1993	Jan. 2, 2011	

[1]Vacancy from Mar. 4, 1893, to Feb. 1, 1895, because of failure of legislature to elect. John B. Allen was appointed by governor Mar. 10, 1893, to fill vacancy, but by Senate resolution of Aug. 28, 1893, was declared not entitled to a seat.
[2]Resigned to become governor, Jan. 10, 1945.
[3]By governor, to fill vacancy. Resigned Dec. 25, 1946.
[4]By governor, to fill vacancy in term ending Jan. 2, 1945.

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
38th–40th	Peter G. Van Winkle	Aug. 4, 1863	Mar. 3, 1869	
41st–43d	Arthur I. Boreman	Mar. 4, 1869	Mar. 3, 1875	
44th–46th	Allen T. Caperton	Mar. 4, 1875	Mar. 3, 1881	Died July 26, 1876.
44th	Samuel Price	Aug. 26, 1876	Jan. 26, 1877	By gov., to fill vac.
44th–46th	Frank Hereford	Jan. 26, 1877	Mar. 3, 1881	
47th–49th	Johnson N. Camden	Mar. 4, 1881	Mar. 3, 1887	
50th–55th	Charles J. Faulkner	Mar. 4, 1887	Mar. 3, 1899	
56th–61st	Nathan B. Scott	Mar. 4, 1899	Mar. 3, 1911	
62d–64th	William E. Chilton	Mar. 4, 1911	Mar. 3, 1917	
65th–67th	Howard Sutherland	Mar. 4, 1917	Mar. 3, 1923	
68th–70th	Matthew M. Neely	Mar. 4, 1923	Mar. 3, 1929	
71st–73d	Henry D. Hatfield	Mar. 4, 1929	Jan. 2, 1935	
74th–76th	Rush D. Holt	Jan. 3, 1935	Jan. 2, 1941	(1)
77th–85th	Harley M. Kilgore	Jan. 3, 1941	Jan. 2, 1959	Died Feb. 28, 1956.
84th	William R. Laird III	Mar. 13, 1956	Nov. 6, 1956	By gov., to fill vac.

See footnotes at end of West Virginia table.

WEST VIRGINIA—Continued

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
85th	Chapman Revercomb	Nov. 7, 1956	Jan. 2, 1959	
86th–112th	Robert C. Byrd	Jan. 3, 1959	Jan. 2, 2013	

CLASS 2

38th–41st	Waitman T. Willey	Aug. 4, 1863	Mar. 3, 1871	
42d–47th	Henry G. Davis	Mar. 4, 1871	Mar. 3, 1883	
48th–53d	John E. Kenna	Mar. 4, 1883	Mar. 3, 1895	Died Jan 11, 1893.
52d–53d	Johnson N. Camden	Jan. 25, 1893	Do.	
54th–62d	Stephen B. Elkins	Mar. 4, 1895	Mar. 3, 1913	Died Jan. 4, 1911.
61st	Davis Elkins	Jan. 9, 1911	Jan. 31, 1911	By gov., to fill vac.
61st–62d	Clarence W. Watson	Feb. 1, 1911	Mar. 3, 1913	
63d–65th	Nathan Goff	Mar. 4, 1913	Mar. 3, 1919	
66th–68th	Davis Elkins	Mar. 4, 1919	Mar. 3, 1925	
69th–71st	Guy D. Goff	Mar. 4, 1925	Mar. 3, 1931	
72d–77th	Matthew M. Neely	Mar. 4, 1931	Jan. 2, 1943	Res. Jan. 12, 1941.
77th	Joseph Rosier	Jan. 13, 1941	Nov. 17, 1942	By gov., to fill vac.
Do	Hugh Ike Shott	Nov. 18, 1942	Jan. 2, 1943	
78th–80th	Chapman Revercomb	Jan. 3, 1943	Jan. 2, 1949	
81st–86th	Matthew M. Neely	Jan. 3, 1949	Jan. 2, 1961	Died Jan. 18, 1958.
85th	John D. Hoblitzell, Jr.	Jan. 25, 1958	Nov. 4, 1958	By gov., to fill vac.
85th–98th	Jennings Randolph	Nov. 5, 1958	Jan. 2, 1985	(2)
99th–110th	John D. Rockefeller IV	Jan. 15, 1985	Jan. 2, 2009	

[1] Elected Nov. 6, 1934, but not having reached the age required by the Constitution, did not take his seat until June 21, 1935.
[2] Elected Nov. 4, 1958, to fill vacancy in term ending Jan. 2, 1961.

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WISCONSIN

CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
30th–34th	Henry Dodge	June 8, 1848	Mar. 3, 1857	
35th–40th	James R. Doolittle	Mar. 4, 1857	Mar. 3, 1869	
41st–43d	Matthew H. Carpenter	Mar. 4, 1869	Mar. 3, 1875	
44th–46th	Angus Cameron	Mar. 4, 1875	Mar. 3, 1881	
47th–52d	Philetus Sawyer	Mar. 4, 1881	Mar. 3, 1893	
53d–55th	John L. Mitchell	Mar. 4, 1893	Mar. 3, 1899	
56th–58th	Joseph V. Quarles	Mar. 4, 1899	Mar. 3, 1905	
59th–70th	Robert M. La Follette	Mar. 4, 1905	Mar. 3, 1929	(1)
69th–79th	Robert M. La Follette, Jr.	Sept. 30, 1925	Jan. 2, 1947	Elec. Sept. 29, 1925.
80th–85th	Joseph R. McCarthy	Jan. 3, 1947	Jan. 2, 1959	Died May 2, 1957.
85th–100th	William Proxmire	Aug. 28, 1957	Jan. 2, 1989	(2)
101st–112th	Herbert Kohl	Jan. 3, 1989	Jan. 2, 2013	

CLASS 3

30th–33d	Isaac P. Walker	June 8, 1848	Mar. 3, 1855	
34th–36th	Charles Durkee	Mar. 4, 1855	Mar. 3, 1861	
37th–45th	Timothy O. Howe	Mar. 4, 1861	Mar. 3, 1879	
46th–48th	Matthew H. Carpenter	Mar. 4, 1879	Mar. 3, 1885	Died Feb. 24, 1881.
47th–48th	Angus Cameron	Mar. 10, 1881	Do.	
49th–51st	John Coit Spooner	Mar. 4, 1885	Mar. 3, 1891	
52d–54th	William F. Vilas	Mar. 4, 1891	Mar. 3, 1897	
55th–60th	John Coit Spooner	Mar. 4, 1897	Mar. 3, 1909	(3)
60th–63d	Isaac Stephenson	May 17, 1907	Mar. 3, 1915	
64th–66th	Paul O. Husting	Mar. 4, 1915	Mar. 3, 1921	(4)
65th–69th	Irvine L. Lenroot	Apr. 18, 1918	Mar. 3, 1927	(5)
70th–72d	John J. Blaine	Mar. 4, 1927	Mar. 3, 1933	
73d–75th	F. Ryan Duffy	Mar. 4, 1933	Jan. 2, 1939	
76th–87th	Alexander Wiley	Jan. 3, 1939	Jan. 2, 1963	
88th–96th	Gaylord Nelson	Jan. 8, 1963	Jan. 2, 1981	(6)
97th–102d	Robert W. Kasten, Jr.	Jan. 3, 1981	Jan. 2, 1993	

See footnotes at end of Wisconsin table.

WISCONSIN—Continued

CLASS 3

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
103d–108th	Russell D. Feingold	Jan. 3, 1993	Jan. 2, 2005	

[1]Elected Jan. 25, 1905. Took oath Jan. 4, 1906. Governor during interim. Died June 18, 1925. Vacancy from June 19 to Sept. 29, 1925.
[2]Elected Aug. 27, 1957, to fill vacancy in term ending Jan. 2, 1959.
[3]Resigned Mar. 2, 1907, to take effect May 1, 1907.
[4]Died Oct. 21, 1917. Vacancy from Oct. 22, 1917 to Apr. 1, 1918.
[5]Was Representative from Apr. 2 to 17, 1918, inclusive.
[6]Waived compensation Jan. 3–7, 1963, while governor of State.

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CLASS 1

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st–52d	Francis E. Warren	Nov. 18, 1890	Mar. 3. 1893	
53d				(1)
53d–64th	Clarence D. Clark	Jan. 23, 1895	Mar. 3, 1917	(2)
65th–73d	John B. Kendrick	Mar. 4, 1917	Jan. 2, 1935	Died Nov. 3, 1933.
73d	Joseph C. O'Mahoney	Jan. 1, 1934	Nov. 6, 1934	By gov., to fill vac.[3]
73d–82d	.....do	Nov. 7, 1934	Jan. 2, 1953	
83d–85th	Frank A. Barrett	Jan. 3, 1953	Jan. 2, 1959	
86th–94th	Gale W. McGee	Jan. 3, 1959	Jan. 2, 1977	
95th–103d	Malcolm Wallop	Jan. 3, 1977	Jan. 2, 1995	
104th–112th	Craig Thomas	Jan. 3, 1995	Jan. 2, 2013	Died June 4, 2007.
110th	John Barrasso	June 25, 2007	Nov. 4, 2008	By gov., to fill vac.

CLASS 2

Congress	Name of Senator	Commencement of term	Expiration of term	Remarks
51st–53d	Joseph M. Carey	Nov. 15, 1890	Mar. 3, 1895	
54th–71st	Francis E. Warren	Mar. 4, 1895	Mar. 3, 1931	Died Nov. 24, 1929.
71st	Patrick J. Sullivan	Dec. 5, 1929	Nov. 30, 1930	By gov., to fill vac.
71st–74th	Robert D. Carey	Dec. 1, 1930	Jan. 2, 1937	
75th–77th	Henry H. Schwartz	Jan. 3, 1937	Jan. 2, 1943	
78th–80th	E. V. Robertson	Jan. 3, 1943	Jan. 2, 1949	
81st–83d	Lester C. Hunt	Jan. 3, 1949	Jan. 2, 1955	Died June 19, 1954.
83d	Edward D. Crippa	June 24, 1954	Nov. 28, 1954	By gov., to fill vac.
83d–86th	Joseph C. O'Mahoney	Nov. 29, 1954	Jan. 2, 1961	(4)
87th–89th	John Joseph Hickey	Jan. 3, 1961	Nov. 6, 1962	Do.[5]
87th–89th	Milward L. Simpson	Nov. 7, 1962	Jan. 2, 1967	
90th–95th	Clifford P. Hansen	Jan. 3, 1967	Jan. 2, 1979	Res. Dec. 31, 1978.
96th–104th	Alan K. Simpson	Jan. 1, 1979	Jan. 2, 1997	By gov., to fill vac.
105th–110th	Michael B. Enzi	Jan. 3, 1997	Jan. 2, 2009	

[1]Asahel C. Beckwith appointed by governor. Credentials presented to Senate Mar. 15, 1893, but did not qualify. On July 11, 1893, Mr. Beckwith resigned.
[2]Vacancy from Mar. 4, 1893 to Jan. 23, 1895, because of failure of legislature to elect.
[3]Appointed Dec. 18, 1933, but continued to serve as First Assistant Postmaster General through Dec. 31, 1933. Vacancy from Nov. 4 to Dec. 31, 1933.
[4]Elected Nov. 2, 1954, to fill vacancy in term ending Jan. 2, 1955, and to full term ending Jan. 2, 1961.
[5]Keith Thomson, who had been elected Nov. 8, 1960, to full term Jan. 3, 1961 to Jan. 2, 1967, died Dec. 9, 1960, prior to taking the oath of office.

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[1] Appointed by governor, but did not qualify.

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Wall, Garret D.; NJ 1464
Wall, James W.; NJ 1463

[1] Elected, but was not seated.

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Wallace, William A.; PA 1479
Wallgren, Mon C.; WA 1497
Wallop, Malcolm; WY 1503
Walsh, Arthur; NJ 1463
Walsh, David I.;
MA 1445, 1446
Walsh, Patrick; GA 1423
Walsh, Thomas J.; MT 1456
Walters, Herbert S.; TN 1488
Walthall, Edward C.; MS 1452
Walton, George; GA 1423
Ward, Matthias; TX 1489
Ware, Nicholas; GA 1423
Warner, John W.; VA 1496
Warner, Willard; AL 1405
Warner, William; MO 1453
Warren, Francis E.;
WY 1503, 1504
Washburn, William B.; MA 1445
Washburn, William D.; MN ...1450
Waterman, Charles W.; CO ...1416
Watkins, Arthur V.; UT 1491
Watson, Clarence W.; WV 1500
Watson, James; NY 1467
Watson, James E.; IN 1432
Watson, Thomas E.; GA 1424
Webb, Jim; VA 1495
Webb, William R.; TN 1488
Webster, Daniel; MA 1445
Weeks, John W.; MA 1446
Weeks, Sinclair; MA 1446
Weicker, Lowell P., Jr.; CT 1417
Welch, Adonijah S.; FL 1421
Welker, Herman; ID 1428
Weller, John B.; CA 1413
Weller, Ovington E.; MD 1444
Wellington, George L.; MD 1444
Wells, John S.; NH 1462
Wells, William H.; DE 1420
Wellstone, Paul J.; MN 1450
West, J. Rodman; LA 1439
West, William S.; GA 1423
Westcott, James D., Jr.; FL ...1422
Wetmore, George P.; RI 1482
Wharton, Jesse; TN 1488
Wheeler, Burton K.; MT 1455
Wherry, Kenneth S.; NE 1458
Whitcomb, James; IN 1432
White, Albert S.; IN 1431
White, Edward D.; LA 1440
White, Francis S.; AL 1406
White, Hugh L.; TN 1488
White, Samuel; DE 1419
White, Stephen M.; CA 1413
White, Wallace H., Jr.; ME 1442
Whiteside, Jenkin; TN 1488
Whitthorne, Washington C.;
TN 1487

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Whitehouse, Sheldon; RI 1481
Whyte, William P.;
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Wicker, Roger; MS 1451
Wigfall, Louis T.; TX 1489
Wilcox, Leonard; NH 1462
Wiley, Alexander; WI 1502
Wilfley, Xenophon P.; MO 1454
Wilkins, William; PA 1480
Wilkinson, Morton S.; MN 1450
Willey, Calvin; CT 1418
Willey, Waitman T.; VA 1495
WV 1500
Williams, Abram P.; CA 1413
Williams, George H.; MO 1454
Williams, George H.; OR 1477
Williams, Harrison A., Jr.;
NJ 1463
Williams, Jared W.; NH 1461
Williams, John; TN 1488
Williams, John J.; DE 1419
Williams, John S.; KY 1438
Williams, John S.; MS 1451
Williams, Reuel; ME 1441
Williams, Thomas Hickman;
MS 1451
Williams, Thomas Hill; MS 1452
Williamson, Ben M.; KY 1437
Willis, Frank B.; OH 1474
Willis, Raymond E.; IN 1431
Wilmot, David; PA 1479
Wilson, Ephraim K.; MD 1444
Wilson, George A.; IA 1433
Wilson, Henry; MA 1446
Wilson, James F.; IA 1433
Wilson, James J.; NJ 1463
Wilson, John L.; WA 1497
Wilson, Pete; CA 1413
Wilson, Robert; MO 1454
Windom, William; MN 1450
Wingate, Paine; NH 1461
Winthrop, Robert C.; MA 1445
Wirth, Timothy E.; CO 1416
Withers, Garrett L.; KY 1438
Withers, Robert E.; VA 1495
Wofford, Harris; PA 1479
Wofford, Thomas A.; SC 1483
Wolcott, Edward O.; CO 1414
Wolcott, Josiah O.; DE 1419
Woodbridge, William; MI 1448
Woodbury, Levi; NH 1461, 1462
Works, John D.; CA 1413
Worthington, Thomas;
OH 1473, 1474
Wright, George G.; IA 1433
Wright, Joseph A.; IN 1431
Wright, Robert; MD 1444

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Wright, Silas, Jr.; NY 1468
Wright, William; NJ..... 1463, 1464
Wyden, Ron; OR 1478
Wyman, Louis C.; NH 1462

Y

Yarborough, Ralph; TX 1489
Yates, Richard; IL 1429

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Young, Lafayette; IA 1433
Young, Milton R.; ND 1472
Young, Richard M.; IL 1430
Young, Stephen M.; OH 1473
Yulee, David L.; FL..... 1421, 1422

Z

Zorinsky, Edward; NE 1457

[1506]

ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT

1506

ELECTION FOR THE FIRST TERM, 1789–1793

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President

Name of candidate	Conn.	Del.	Ga.	Md.	Mass.	N.H.	N.J.	Pa.	S.C.	Va.	Total
George Washington, Esq	7	3	5	6	10	5	6	10	7	10	69
John Adams, Esq	5	.....	.....	.....	10	5	1	8	.....	5	34
Samuel Huntington, Esq	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
John Jay, Esq	.....	3	.....	.....	.....	.....	5	.....	.....	1	9
John Hancock, Esq	.....	.....	.....	.....	.....	.....	.....	2	1	1	4
Robert H. Harrison, Esq	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	6
George Clinton, Esq	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	3
John Rutledge, Esq	.....	.....	.....	.....	.....	.....	.....	.....	6	.....	6
John Milton, Esq	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	2
James Armstrong, Esq	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Edward Telfair, Esq	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Benjamin Lincoln, Esq	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Total electoral vote	7	3	5	6	10	5	6	10	7	10	69

1507

ELECTION FOR THE SECOND TERM, 1793–1797

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Pa.	R.I.	S.C.	Vt.	Va.	Total
George Washington, of Virginia	9	3	4	4	8	16	6	7	12	12	15	4	8	3	21	132
John Adams, of Massachusetts	9	3	.....	.....	8	16	6	7	.....	.....	14	4	7	3	.....	77
George Clinton, of New York	.....	.....	4	.....	.....	.....	.....	.....	12	12	1	.....	.....	.....	21	50
Thomas Jefferson, of Virginia	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4
Aaron Burr, of New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
Total electoral vote	9	3	4	4	8	16	6	7	12	12	15	4	8	3	21	132

1508 ELECTION FOR THE THIRD TERM, 1797–1801

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
John Adams, of Massachusetts	9	3			7	16	6	7	12	1	1	4			4	1	71
Thomas Jefferson, of Virginia			4	4	4					11	14		8	3		20	68
Thomas Pinckney, of South Carolina	4	3			4	13		7	12	1	2		8		4	1	59
Aaron Burr, of New York				4	3					6	13			3		1	30
Samuel Adams, of Massachusetts																15	15
O. Ellsworth, of Connecticut						1	6					4					11
John Jay, of New York	5																5
George Clinton, of New York			4													3	7
S. Johnston, of North Carolina						2											2
James Iredell, of North Carolina										3							3
George Washington, of Virginia										1						1	2
C. C. Pinckney, of South Carolina										1							1
John Henry, of Maryland					2												2
Total electoral vote	9	3	4	4	10	16	6	7	12	12	15	4	8	3	4	21	138

1509 ELECTION FOR THE FOURTH TERM, 1801–1805

THOMAS JEFFERSON, President; AARON BURR, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
Thomas Jefferson, of Virginia			4	4	5				12	8	8		8	3		21	*73
Aaron Burr, of New York			4	4	5				12	8	8		8	3		21	*73
John Adams, of Massachusetts	9	3			5	16	6	7		4	7	4			4		65
Charles C. Pinckney, of South Carolina	9	3			5	16	6	7		4	7	3			4		64
John Jay, of New York												1					1
Total electoral vote	9	3	4	4	10	16	6	7	12	12	15	4	8	3	4	21	138

* There being no choice for President by the people, the election devolved upon the House of Representatives, and February 17, 1801, Thomas Jefferson was chosen by the votes of ten States, to four for Aaron Burr, and two blank.

1510 ELECTION FOR THE FIFTH TERM, 1805–1809

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																		
Thomas Jefferson, of Virginia	.....	.....	6	8	9	19	7	8	19	14	3	20	4	10	5	6	24	162
Charles C. Pinckney, of South Carolina	9	3	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	14
For Vice President:																		
George Clinton, of New York	.....	.....	6	8	9	19	7	8	19	14	3	20	4	10	5	6	24	162
Rufus King, of New York	9	3	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	14
Total electoral vote	9	3	6	8	11	19	7	8	19	14	3	20	4	10	5	6	24	176

1511 ELECTION FOR THE SIXTH TERM, 1809–1813

JAMES MADISON, President; GEORGE CLINTON, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																		
James Madison, of Virginia	.....	.....	6	7	9	.....	.....	8	13	11	3	20	.....	10	5	6	24	122
George Clinton, of New York	.....	.....	.....	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	.....	.....	6
Charles C. Pinckney, of South Carolina	9	3	.....	.....	2	19	7	.....	.....	3	.....	.....	4	.....	.....	.....	.....	47
For Vice President:																		
George Clinton, of New York	.....	.....	6	7	9	.....	.....	8	13	11	.....	20	.....	10	5	.....	24	113
James Madison, of Virginia	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	3
James Monroe, of Virginia	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	3
John Langdon, of New Hampshire	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	6	.....	9
Rufus King, of New York	9	3	.....	.....	2	19	7	.....	.....	3	.....	.....	4	.....	.....	.....	.....	47
Total electoral vote	9	3	6	7	11	19	7	8	19	14	3	20	4	10	5	6	24	175

1512 ELECTION FOR THE SEVENTH TERM, 1813–1817

JAMES MADISON, President; ELBRIDGE GERRY, Vice President

Name of candidate	Conn.	Del.	Ga.	Ky.	La.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																			
James Madison, of Virginia	.....	.....	8	12	3	6	.....	.....	.....	.....	15	7	25	.....	11	8	8	25	128
De Witt Clinton, of New York	9	4	.....	.....	.....	5	22	8	8	29	.....	.....	.....	4	.....	.....	.....	.....	89
For Vice President:																			
Elbridge Gerry, of Massachusetts	.....	.....	8	12	3	6	2	1	.....	.....	15	7	25	.....	11	8	8	25	131
Jared Ingersoll, of Pennsylvania	9	4	.....	.....	.....	5	20	7	8	29	.....	.....	.....	4	.....	.....	.....	.....	86
Total electoral vote	9	4	8	12	3	11	22	8	8	29	15	7	25	4	11	8	8	25	217

1513 ELECTION FOR THE EIGHTH TERM, 1817–1821

JAMES MONROE, President; DANIEL D. TOMPKINS, Vice President

Name of candidate	Conn.	Del.	Ga.	Ind.	Ky.	La.	Md.	Mass.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																				
James Monroe, of Virginia	.....	.....	8	3	12	3	8	.....	8	8	29	15	8	25	4	11	8	8	25	183
Rufus King, of New York	9	3	.....	.....	.....	.....	.....	22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	34
For Vice President:																				
Daniel D. Tompkins, of New York	.....	.....	8	3	12	3	8	.....	8	8	29	15	8	25	4	11	8	8	25	183
John E. Howard, of Maryland	.....	.....	.....	.....	.....	.....	.....	22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22
James Ross, of Pennsylvania	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
John Marshall, of Virginia	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4
Robert G. Harper, of Maryland	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Total electoral vote	9	3	8	3	12	3	8	22	8	8	29	15	8	25	4	11	8	8	25	217

1514 ELECTION FOR THE NINTH TERM, 1821–1825

JAMES MONROE, President; DANIEL D. TOMPKINS, Vice President

Name of candidate	Ala.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																									
James Monroe, of Virginia	3	9	4	8	3	3	12	3	9	11	15	2	3	7	8	29	15	8	24	4	11	7	8	25	231
John Quincy Adams, of Massachusetts														1											1
For Vice President:																									
Daniel D. Tompkins, of New York	3	9		8	3	3	12	3	9	10	7	2	3	7	8	29	15	8	24	4	11	7	8	25	218
Richard Stockton, of New Jersey											8														8
Robert G. Harper, of Maryland										1															1
Richard Rush, of Pennsylvania														1											1
Daniel Rodney, of Delaware			4																						4
Total electoral vote	3	9	4	8	3	3	12	3	9	11	15	3	3	8	8	29	15	8	25	4	11	8	8	25	*235

*The whole number of electors appointed was 235, but one elector from each of the States of Pennsylvania, Tennessee, and Mississippi, having died, the number of votes actually cast was 232.

1515 ELECTION FOR THE TENTH TERM, 1825–1829

JOHN QUINCY ADAMS, President; JOHN C. CALHOUN, Vice President

Name of candidate	Ala.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																									
Andrew Jackson, of Tennessee	5				2	5		3		7		3			8	1	15		28		11	11			*99
John Quincy Adams, of Massachusetts		8	1		1			2	9	3	15			8		26				4			7		*84
William H. Crawford, of Georgia			2	9						1						5								24	41
Henry Clay, of Kentucky							14						3			4		16							37
For Vice President:																									
John C. Calhoun, of South Carolina	5		1		3	5	7	5	9	10	15	3		7	8	29	15		28	3	11	11	7		182
Nathan Sanford, of New York							7									7		16							30
Nathaniel Macon, of North Carolina																								24	24
Andrew Jackson, of Tennessee		8								1			3	1											13
Martin Van Buren, of New York				9																					9
Henry Clay, of Kentucky			2																						2
Total electoral vote	5	8	3	9	3	5	14	5	9	11	15	3	3	8	8	36	15	16	28	4	11	11	7	24	261

*No choice for President having been made by the people, the election devolved upon the House of Representatives, and John Quincy Adams was elected, receiving the votes of thirteen States to seven for Andrew Jackson and four for William H. Crawford.

1516

ELECTION FOR THE ELEVENTH TERM, 1829–1833

ANDREW JACKSON, President; JOHN C. CALHOUN, Vice President

Name of candidate	Ala.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																									
Andrew Jackson, of Tennessee	5	.....	.....	9	3	5	14	5	1	5	.....	3	3	.....	.....	20	15	16	28	.....	11	11	.....	24	178
John Quincy Adams, of Massachusetts	.....	8	3	.....	.....	.....	.....	.....	8	6	15	.....	.....	8	8	16	.....	.....	.....	4	.....	.....	7	.....	83
For Vice President:																									
John C. Calhoun, of South Carolina	5	.....	.....	2	3	5	14	5	1	5	.....	3	3	.....	.....	20	15	16	28	.....	11	11	.....	24	171
Richard Rush, of Pennsylvania	.....	8	3	.....	.....	.....	.....	.....	8	6	15	.....	.....	8	8	16	.....	.....	.....	4	.....	.....	7	.....	83
William Smith, of South Carolina	.....	.....	.....	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
Total electoral vote	5	8	3	9	3	5	14	5	9	11	15	3	3	8	8	36	15	16	28	4	11	11	7	24	261

1517

ELECTION FOR THE TWELFTH TERM, 1833–1837

ANDREW JACKSON, President; MARTIN VAN BUREN, Vice President

Name of candidate	Ala.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																									
Andrew Jackson, of Tennessee	7	.....	.....	11	5	9	.....	5	10	3	.....	4	4	7	8	42	15	21	30	.....	.....	15	.....	23	219
Henry Clay, of Kentucky	.....	8	3	.....	.....	.....	15	.....	.....	5	14	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	49
John Floyd, of Virginia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	11	.....	.....	.....	11
William Wirt, of Maryland	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	.....	7
For Vice President:																									
Martin Van Buren, of New York	7	.....	.....	11	5	9	.....	5	10	3	.....	4	4	7	8	42	15	21	.....	.....	.....	15	.....	23	189
John Sergeant, of Pennsylvania	.....	8	3	.....	.....	.....	15	.....	.....	5	14	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	49
William Wilkins, of Pennsylvania	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	30	.....	.....	.....	.....	.....	30
Henry Lee, of Massachusetts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	11	.....	.....	.....	11
Amos Ellmaker, of Pennsylvania	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	.....	7
Total electoral vote	7	8	3	11	5	9	15	5	10	*8	14	4	4	7	8	42	15	21	30	4	11	15	7	23	286

*Two votes were not given in Maryland.

ELECTION FOR THE THIRTEENTH TERM, 1837–1841

MARTIN VAN BUREN, President; RICHARD M. JOHNSON, Vice President

Name of candidate	Ala.	Ark.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Mich.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																											
Martin Van Buren, of New York	7	3	8			5			5	10			3	4	4	7		42	15		30	4				23	170
William H. Harrison, of Ohio				3			9	15			10						8			21					7		73
Hugh L. White, of Tennessee					11																			15			26
Daniel Webster, of Massachusetts												14															14
Willie P. Mangum, of North Carolina																							11				11
For Vice President:																											
Richard M. Johnson, of Kentucky	7	3	8			5			5	10			3	4	4	7		42	15		30	4					*147
Francis Granger, of New York				3			9	15				14					8			21					7		*77
John Tyler, of Virginia					11						10												11	15			47
William Smith, of Alabama																										23	23
Total electoral vote	7	3	8	3	11	5	9	15	5	10	10	14	3	4	4	7	8	42	15	21	30	4	11	15	7	23	294

*There being no choice for Vice President by the people, the election devolved upon the Senate of the United States. Richard M. Johnson received 33 votes and Francis Granger 16 votes. Richard M. Johnson was thereupon declared elected Vice President.

1519 ELECTION FOR THE FOURTEENTH TERM, 1841–1845

WILLIAM HENRY HARRISON,* President; JOHN TYLER, Vice President

Name of candidate	Ala.	Ark.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Mich.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Vt.	Va.	Total
For President:																											
William H. Harrison, of Ohio	.....	.....	8	3	11	.....	9	15	5	10	10	14	3	4	.....	.....	8	42	15	21	30	4	.....	15	7	.....	234
Martin Van Buren, of New York	7	3	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....	.....	4	7	.....	.....	.....	.....	.....	.....	11	.....	.....	23	60
For Vice President:																											
John Tyler, of Virginia	.....	.....	8	3	11	.....	9	15	5	10	10	14	3	4	.....	.....	8	42	15	21	30	4	.....	15	7	.....	234
R. M. Johnson, of Kentucky	7	3	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....	.....	4	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	22	48
L. W. Tazewell, of Virginia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	11	.....	.....	.....	11
James K. Polk, of Tennessee	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
Total electoral vote	7	3	8	3	11	5	9	15	5	10	10	14	3	4	4	7	8	42	15	21	30	4	11	15	7	23	294

*William Henry Harrison, ninth President of the United States, died at Washington, April 4, 1841. The duties of the Presidential office devolving, in this event, upon John Tyler, Vice President, he accordingly took the oath of office April 6, 1841.

1520 ELECTION FOR THE FIFTEENTH TERM, 1845–1849

JAMES K. POLK, President; GEORGE M. DALLAS, Vice President

Name of candidate	Ala.	Ark.	Conn.	Del.	Ga.	Ill.	Ind.	Ky.	La.	Maine	Md.	Mass.	Mich.	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.*	S.C.	Tenn.	Vt.	Va.	Total
For President:																											
James K. Polk, of Tennessee	9	3	.....	.....	10	9	12	.....	6	9	.....	.....	5	6	7	6	.....	36	.....	.....	26	.....	9	.....	.....	17	170
Henry Clay, of Kentucky	.....	.....	6	3	.....	.....	.....	12	.....	.....	8	12	.....	.....	.....	.....	7	.....	11	23	.....	4	.....	13	6	.....	105
For Vice President:																											
George M. Dallas, of Pennsylvania	9	3	.....	.....	10	9	12	.....	6	9	.....	.....	5	6	7	6	.....	36	.....	.....	26	.....	9	.....	.....	17	170
Theodore Frelinghuysen, of New Jersey	.....	.....	6	3	.....	.....	.....	12	.....	.....	8	12	.....	.....	.....	.....	7	.....	11	23	.....	4	.....	13	6	.....	105
Total electoral vote	9	3	6	3	10	9	12	12	6	9	8	12	5	6	7	6	7	36	11	23	26	4	9	13	6	17	275

*And Providence Plantations.

ELECTION FOR THE SIXTEENTH TERM, 1849–1853

ZACHARY TAYLOR,* President; MILLARD FILLMORE, Vice President

Name of candidate	Ala.	Ark.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Ky.	La.	Maine	Md.	Mass.	Mich.	Miss.
For President:																
Zachary Taylor, of Louisiana	.....	.....	6	3	3	10	.....	.....	.....	12	6	.....	8	12	.....	.....
Lewis Cass, of Michigan	9	3	.....	.....	.....	.....	9	12	4	.....	.....	9	.....	.....	5	6
For Vice President:																
Millard Fillmore, of New York	.....	.....	6	3	3	10	.....	.....	.....	12	6	.....	8	12	.....	.....
W. O. Butler, of Kentucky	9	3	.....	.....	.....	.....	9	12	4	.....	.....	9	.....	.....	5	6
Total electoral vote	9	3	6	3	3	10	9	12	4	12	6	9	8	12	5	6

Name of candidate	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	Wis.	Total
For President:															
Zachary Taylor, of Louisiana	.....	.....	7	36	11	.....	26	4	.....	13	.....	6	.....	.....	163
Lewis Cass, of Michigan	7	6	.....	.....	.....	23	.....	.....	9	.....	4	.....	17	4	127
For Vice President:															
Millard Fillmore, of New York	.....	.....	7	36	11	.....	26	4	.....	13	.....	6	.....	.....	163
W. O. Butler, of Kentucky	7	6	.....	.....	.....	23	.....	.....	9	.....	4	.....	17	4	127
Total electoral vote	7	6	7	36	11	23	26	4	9	13	4	6	17	4	290

*Zachary Taylor, twelfth President of the United States, died at Washington, July 9, 1850. The duties of the Presidential office devolving, in this event, upon the Vice President, Millard Fillmore, he accordingly took the oath of office July 10, 1850.

ELECTION FOR THE SEVENTEENTH TERM, 1853–1857

FRANKLIN PIERCE, President; WILLIAM R. KING, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Ky.	La.	Maine	Md.	Mass.	Mich.
For President:																
Franklin Pierce, of New Hampshire	9	4	4	6	3	3	10	11	13	4	.....	6	8	8	.....	6
Winfield Scott, of New Jersey	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	.....	13	.....
For Vice President:																
William R. King, of Alabama	9	4	4	6	3	3	10	11	13	4	.....	6	8	8	.....	6
William A. Graham, of North Carolina	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	.....	13	.....
Total electoral vote	9	4	4	6	3	3	10	11	13	4	12	6	8	8	13	6

Name of candidate	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	Wis.	Total
For President:																
Franklin Pierce, of New Hampshire	7	9	5	7	35	10	23	27	4	8	.....	4	.....	15	5	254
Winfield Scott, of New Jersey	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	5	.....	.....	42
For Vice President:																
William R. King, of Alabama	7	9	5	7	35	10	23	27	4	8	.....	4	.....	15	5	254
William A. Graham, of North Carolina	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	5	.....	.....	42
Total electoral vote	7	9	5	7	35	10	23	27	4	8	12	4	5	15	5	296

ELECTION FOR THE EIGHTEENTH TERM, 1857–1861

JAMES BUCHANAN, President; JOHN C. BRECKINRIDGE, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Ky.	La.	Maine	Md.	Mass.	Mich.
For President:																
James Buchanan, of Pennsylvania	9	4	4	.....	3	3	10	11	13	.....	12	6	.....	.....	.....	.....
John C. Frémont, of California	.....	.....	.....	6	.....	.....	.....	.....	.....	4	.....	.....	8	.....	13	6
Millard Fillmore, of New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	.....
For Vice President:																
John C. Breckinridge, of Kentucky	9	4	4	.....	3	3	10	11	13	.....	12	6	.....	.....	.....	.....
William L. Dayton, of New Jersey	.....	.....	.....	6	.....	.....	.....	.....	.....	4	.....	.....	8	.....	13	6
Andrew J. Donelson, of Tennessee	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	.....
Total electoral vote	9	4	4	6	3	3	10	11	13	4	12	6	8	8	13	6

Name of candidate	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Pa.	R.I.	S.C.	Tenn	Tex.	Vt.	Va.	Wis.	Total
For President:																
James Buchanan, of Pennsylvania	7	9	.....	7	.....	10	.....	27	.....	8	12	4	.....	15	.....	174
John C. Frémont, of California	.....	.....	5	.....	35	.....	23	.....	4	.....	.....	.....	5	.....	5	114
Millard Fillmore, of New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8
For Vice President:																
John C. Breckinridge, of Kentucky	7	9	.....	7	.....	10	.....	27	.....	8	12	4	.....	15	.....	174
William L. Dayton, of New Jersey	.....	.....	5	.....	35	.....	23	.....	4	.....	.....	.....	5	.....	5	114
Andrew J. Donelson, of Tennessee	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8
Total electoral vote	7	9	5	7	35	10	23	27	4	8	12	4	5	15	5	296

ELECTION FOR THE NINETEENTH TERM, 1861–1865

ABRAHAM LINCOLN, President; HANNIBAL HAMLIN, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.
For President:																	
Abraham Lincoln, of Illinois	.....	.....	4	6	.....	.....	.....	11	13	4	.....	.....	8	.....	13	6	4
John C. Breckinridge, of Kentucky	9	4	.....	.....	3	3	10	.....	.....	.....	.....	6	.....	8	.....	.....	.....
John Bell, of Tennessee	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	.....
Stephen A. Douglas, of Illinois	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
For Vice President:																	
Hannibal Hamlin, of Maine	.....	.....	4	6	.....	.....	.....	11	13	4	.....	.....	8	.....	13	6	4
Joseph Lane, of Oregon	9	4	.....	.....	3	3	10	.....	.....	.....	.....	6	.....	8	.....	.....	.....
Edward Everett, of Massachusetts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	.....
Herschel V. Johnson, of Georgia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	9	4	4	6	3	3	10	11	13	4	12	6	8	8	13	6	4

Name of candidate	Miss.	Mo.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Texas	Vt.	Va.	Wis.	Total
For President:																	
Abraham Lincoln, of Illinois	.....	.....	5	4	35	.....	23	3	27	4	.....	.....	.....	5	.....	5	180
John C. Breckinridge, of Kentucky	7	.....	.....	.....	.....	10	.....	.....	.....	.....	8	.....	4	.....	.....	.....	72
John Bell, of Tennessee	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	15	.....	39
Stephen A. Douglas, of Illinois	.....	9	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12
For Vice President:																	
Hannibal Hamlin, of Maine	.....	.....	5	4	35	.....	23	3	27	4	.....	.....	.....	5	.....	5	180
Joseph Lane, of Oregon	7	.....	.....	.....	.....	10	.....	.....	.....	.....	8	.....	4	.....	.....	.....	72
Edward Everett, of Massachusetts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	.....	.....	15	.....	39
Herschel V. Johnson, of Georgia	.....	9	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12
Total electoral vote	7	9	5	7	35	10	23	3	27	4	8	12	4	5	15	5	303

ELECTION FOR THE TWENTIETH TERM, 1865–1869

ABRAHAM LINCOLN,* President; ANDREW JOHNSON, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																			
Abraham Lincoln, of Illinois	.....	.....	5	6	.....	.....	.....	16	13	8	3	.....	.....	7	7	12	8	4	.....
George B. McClellan, of New Jersey	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	11	.....	.....	.....	.....	.....	.....	.....
For Vice President:																			
Andrew Johnson, of Tennessee	.....	.....	5	6	.....	.....	.....	16	13	8	3	.....	.....	7	7	12	8	4	.....
George H. Pendleton, of Ohio	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	11	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	.....	.....	5	6	3	.....	.....	16	13	8	3	11	.....	7	7	12	8	4	.....

Name of candidate	Mo.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																		
Abraham Lincoln, of Illinois	11	2	5	.....	33	.....	21	3	26	4	.....	.....	.....	5	.....	5	8	212
George B. McClellan, of New Jersey	.....	.....	.....	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21
For Vice President:																		
Andrew Johnson, of Tennessee	11	2	5	.....	33	.....	21	3	26	4	.....	.....	.....	5	.....	5	8	212
George H. Pendleton, of Ohio	.....	.....	.....	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21
Total electoral vote	11	2	5	7	33	.....	21	3	26	4	.....	.....	.....	5	.....	5	8	233

*Abraham Lincoln, the sixteenth President of the United States, was shot by an assassin on the night of April 14, 1865, and died the following morning. The duties of the Presidential office devolving, in this event, upon the Vice President, Andrew Johnson, he accordingly took the oath of office April 15, 1865.

ELECTION FOR THE TWENTY-FIRST TERM, 1869–1873

ULYSSES S. GRANT, President; SCHUYLER COLFAX, Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.
For President:																				
Ulysses S. Grant, of Illinois	8	5	5	6	.....	3	.....	16	13	8	3	.....	.....	7	.....	12	8	4	.....	11
Horatio Seymour, of New York	.....	.....	.....	.....	3	.....	9	.....	.....	.....	.....	11	7	.....	7	.....	.....	.....	.....	.....
For Vice President:																				
Schuyler Colfax, of Indiana	8	5	5	6	.....	3	.....	16	13	8	3	.....	.....	7	.....	12	8	4	.....	11
Francis P. Blair, Jr., of Missouri	.....	.....	.....	.....	3	.....	9	.....	.....	.....	.....	11	7	.....	7	.....	.....	.....	.....	.....
Total electoral vote	8	5	5	6	3	3	9	16	13	8	3	11	7	7	7	12	8	4	.....	11

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total, excluding vote of Georgia	Total, including vote of Georgia
For President:																			
Ulysses S. Grant, of Illinois	3	3	5	.....	.....	9	21	.....	26	4	6	10	.....	5	.....	5	8	214	214
Horatio Seymour, of New York	.....	.....	.....	7	33	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	71	80
For Vice President:																			
Schuyler Colfax, of Indiana	3	3	5	.....	.....	9	21	.....	26	4	6	10	.....	5	.....	5	8	214	214
Francis P. Blair, Jr., of Missouri	.....	.....	.....	7	33	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	71	80
Total electoral vote	3	3	5	7	33	9	21	3	26	4	6	10	.....	5	.....	5	8	285	29

ELECTION FOR THE TWENTY-SECOND TERM, 1873–1877

ULYSSES S. GRANT, President; HENRY WILSON,* Vice President

Name of candidate	Ala.	Ark.	Calif.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																			
Ulysses S. Grant, of Illinois	10	.....	6	6	3	4	.....	21	15	11	5	.....	.....	7	.....	13	11	5	8
Horace Greeley, of New York	.....	.....	.....	.....	.....	.....	(†)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
B. Gratz Brown, of Missouri	.....	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	.....
Thomas A. Hendricks, of Indiana	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	.....	8	.....	.....	.....	.....
Charles J. Jenkins, of Georgia	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
David Davis, of Illinois	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
For Vice President:																			
Henry Wilson, of Massachusetts	10	.....	6	6	3	4	.....	21	15	11	5	.....	.....	7	.....	13	11	5	8
B. Gratz Brown, of Missouri	.....	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	8	.....	.....	8	.....	.....	.....	.....
N. P. Banks, of Massachusetts	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
George W. Julian, of Indiana	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Alfred H. Colquitt, of Georgia	.....	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
John M. Palmer, of Illinois	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Thomas E. Bramlette, of Kentucky	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....
William S. Groesbeck, of Ohio	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Willis B. Machen, of Kentucky	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	10	.....	6	6	3	4	11	21	15	11	5	12	.....	7	8	13	11	5	8

*Died in the Capitol, Washington, D.C., November 22, 1875, aged 68 years.
†By resolution of the House, 3 votes cast for Horace Greeley were not counted.

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
Ulysses S. Grant, of Illinois	.....	3	3	5	9	35	10	22	3	29	4	7	.....	.....	5	11	5	10	286
Horace Greeley, of New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
B. Gratz Brown, of Missouri	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18
Thomas A. Hendricks, of Indiana	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	8	.....	.....	.....	.....	42
Charles J. Jenkins, of Georgia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
David Davis, of Illinois	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
For Vice President:																			
Henry Wilson, of Massachusetts	.....	3	3	5	9	35	10	22	3	29	4	7	.....	.....	5	11	5	10	286
B. Gratz Brown, of Missouri	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12	8	.....	.....	.....	.....	47
N. P. Banks, of Massachusetts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
George W. Julian, of Indiana	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
Alfred H. Colquitt, of Georgia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
John M. Palmer, of Illinois	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Thomas E. Bramlette, of Kentucky	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
William S. Groesbeck, of Ohio	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Willis B. Machen, of Kentucky	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Total electoral vote	15	3	3	5	9	35	10	22	3	29	4	7	12	8	5	11	5	10	352

ELECTION FOR THE TWENTY-THIRD TERM, 1877–1881

RUTHERFORD B. HAYES, President; WILLIAM A. WHEELER, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																				
Rutherford B. Hayes, of Ohio	.....	.....	6	3	.....	.....	4	.....	21	.....	11	5	.....	8	7	.....	13	11	5	.....
Samuel J. Tilden, of New York	10	6	.....	.....	6	3	.....	11	.....	15	.....	.....	12	.....	.....	8	.....	.....	.....	8
For Vice President:																				
William A. Wheeler, of New York	.....	.....	6	3	.....	.....	4	.....	21	.....	11	5	.....	8	7	.....	13	11	5	.....
Thomas A. Hendricks, of Indiana	10	6	.....	.....	6	3	.....	11	.....	15	.....	.....	12	.....	.....	8	.....	.....	.....	8
Total electoral vote	10	6	6	3	6	3	4	11	21	15	11	5	12	8	7	8	13	11	5	8

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
Rutherford B. Hayes, of Ohio	.....	3	3	5	.....	.....	.....	22	3	29	4	7	.....	.....	5	.....	.....	10	185
Samuel J. Tilden, of New York	15	.....	.....	.....	9	35	10	.....	.....	.....	.....	.....	12	8	.....	11	5	.....	184
For Vice President:																			
William A. Wheeler, of New York	.....	3	3	5	.....	.....	.....	22	3	29	4	7	.....	.....	5	.....	.....	10	185
Thomas A. Hendricks, of Indiana	15	.....	.....	.....	9	35	10	.....	.....	.....	.....	.....	12	8	.....	11	5	.....	184
Total electoral vote	15	3	3	5	9	35	10	22	3	29	4	7	12	8	5	11	5	10	369

ELECTION FOR THE TWENTY-FOURTH TERM, 1881–1885

JAMES A. GARFIELD,* President; CHESTER A. ARTHUR, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																				
James A. Garfield, of Ohio	.....	.....	1	3	6	.....	.....	.....	21	15	11	5	.....	.....	7	.....	13	11	5	.....
Winfield S. Hancock, of Pennsylvania	10	6	5	.....	.....	3	4	11	.....	.....	.....	.....	12	8	.....	8	.....	.....	.....	8
For Vice President:																				
Chester A. Arthur, of New York	.....	.....	1	3	6	.....	.....	.....	21	15	11	5	.....	.....	7	.....	13	11	5	.....
William H. English, of Indiana	10	6	5	.....	.....	3	4	11	.....	.....	.....	.....	12	8	.....	8	.....	.....	.....	8
Total electoral vote	10	6	6	3	6	3	4	11	21	15	11	5	12	8	7	8	13	11	5	8

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
James A. Garfield, of Ohio	.....	3	.....	5	.....	35	.....	22	3	29	4	.....	.....	.....	5	.....	.....	10	214
Winfield S. Hancock, of Pennsylvania	15	.....	3	.....	9	.....	10	.....	.....	.....	.....	7	12	8	.....	11	5	.....	†155
For Vice President:																			
Chester A. Arthur, of New York	.....	3	.....	5	.....	35	.....	22	3	29	4	.....	.....	.....	5	.....	.....	10	214
William H. English, of Indiana	15	.....	3	.....	9	.....	10	.....	.....	.....	.....	7	12	8	.....	11	5	.....	†155
Total electoral vote	15	3	3	5	9	35	10	22	3	29	4	7	12	8	5	11	5	10	369

*James A. Garfield, the twentieth President of the United States, was shot by an assassin July 2, 1881, and died from the effects of his wounds September 19, 1881. The duties of the Presidential office devolving, in this event, upon the Vice President, Chester A. Arthur, he accordingly took the oath of office in New York City, September 20, 1881, and again formally took the oath of office at Washington, September 22, 1881.

†The vote of Georgia, cast on the 8th of December, second Wednesday of the month, if not counted would reduce this total to 144.

ELECTION FOR THE TWENTY-FIFTH TERM, 1885–1889

GROVER CLEVELAND, President; THOMAS A. HENDRICKS,* Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																				
Grover Cleveland, of New York	10	7	.....	.....	6	3	4	12	.....	15	.....	.....	13	8	.....	8	.....	.....	.....	9
James G. Blaine, of Maine	.....	.....	8	3	.....	.....	.....	.....	22	.....	13	9	.....	.....	6	.....	14	13	7	.....
For Vice President:																				
Thomas A. Hendricks, of Indiana	10	7	.....	.....	6	3	4	12	.....	15	.....	.....	13	8	.....	8	.....	.....	.....	9
John A. Logan, of Illinois	.....	.....	8	3	.....	.....	.....	.....	22	.....	13	9	.....	.....	6	.....	14	13	7	.....
Total electoral vote	10	7	8	3	6	3	4	12	22	15	13	9	13	8	6	8	14	13	7	9

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
Grover Cleveland, of New York	16	.....	.....	.....	9	36	11	.....	.....	.....	.....	9	12	13	.....	12	6	.....	219
James G. Blaine, of Maine	.....	5	3	4	.....	.....	.....	23	3	30	4	.....	.....	.....	4	.....	.....	11	182
For Vice President:																			
Thomas A. Hendricks, of Indiana	16	.....	.....	.....	9	36	11	.....	.....	.....	.....	9	12	13	.....	12	6	.....	219
John A. Logan, of Illinois	.....	5	3	4	.....	.....	.....	23	3	30	4	.....	.....	.....	4	.....	.....	11	182
Total electoral vote	16	5	3	4	9	36	11	23	3	30	4	9	12	13	4	12	6	11	401

*Thomas A. Hendricks died at Indianapolis, Ind., Nov. 25, 1885, aged 66 years.

ELECTION FOR THE TWENTY-SIXTH TERM, 1889–1893

BENJAMIN HARRISON, President; LEVI P. MORTON, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
For President:																				
Benjamin Harrison, of Indiana	.....	.....	8	3	.....	.....	.....	.....	22	15	13	9	.....	.....	6	.....	14	13	7	.....
Grover Cleveland, of New York	10	7	.....	.....	6	3	4	12	.....	.....	.....	.....	13	8	.....	8	.....	.....	.....	9
For Vice President:																				
Levi P. Morton, of New York	.....	.....	8	3	.....	.....	.....	.....	22	15	13	9	.....	.....	6	.....	14	13	7	.....
Allen G. Thurman, of Ohio	10	7	.....	.....	6	3	4	12	.....	.....	.....	.....	13	8	.....	8	.....	.....	.....	9
Total electoral vote	10	7	8	3	6	3	4	12	22	15	13	9	13	8	6	8	14	13	7	9

Name of candidate	Mo.	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	Ohio	Oreg.	Pa.	R.I.	S.C.	Tenn.	Tex.	Vt.	Va.	W. Va.	Wis.	Total
For President:																			
Benjamin Harrison, of Indiana	.....	5	3	4	.....	36	.....	23	3	30	4	.....	.....	.....	4	.....	.....	11	233
Grover Cleveland, of New York	16	.....	.....	.....	9	.....	11	.....	.....	.....	.....	9	12	13	.....	12	6	.....	168
For Vice President:																			
Levi P. Morton, of New York	.....	5	3	4	.....	36	.....	23	3	30	4	.....	.....	.....	4	.....	.....	11	233
Allen G. Thurman, of Ohio	16	.....	.....	.....	9	.....	11	.....	.....	.....	.....	9	12	13	.....	12	6	.....	168
Total electoral vote	16	5	3	4	9	36	11	23	3	30	4	9	12	13	4	12	6	11	401

ELECTION FOR THE TWENTY-SEVENTH TERM, 1893–1897

GROVER CLEVELAND, President; ADLAI E. STEVENSON, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
Grover Cleveland, of New York	11	8	8	.....	6	3	4	13	.....	24	15	.....	.....	13	8	.....	8	.....	5	.....	9	17	.....
Benjamin Harrison, of Indiana	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	13	.....	.....	.....	6	.....	15	9	9	.....	.....	3
James B. Weaver, of Iowa	.....	.....	.....	4	.....	.....	.....	.....	3	.....	.....	.....	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
For Vice President:																							
Adlai E. Stevenson, of Illinois	11	8	8	.....	6	3	4	13	.....	24	15	.....	.....	13	8	.....	8	.....	5	.....	9	17	.....
Whitelaw Reid, of New York	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	13	.....	.....	.....	6	.....	15	9	9	.....	.....	3
James G. Field, of Virginia	.....	.....	.....	4	.....	.....	.....	.....	3	.....	.....	.....	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	11	8	9	4	6	3	4	13	3	24	15	13	10	13	8	6	8	15	14	9	9	17	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																						
Grover Cleveland, of New York	.....	.....	.....	10	36	11	1	1	.....	.....	.....	9	.....	12	15	.....	12	.....	6	12	.....	277
Benjamin Harrison, of Indiana	8	.....	4	.....	.....	.....	1	22	3	32	4	.....	4	.....	.....	4	.....	4	.....	.....	3	145
James B. Weaver, of Iowa	.....	3	.....	.....	.....	.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22
For Vice President:																						
Adlai E. Stevenson, of Illinois	.....	.....	.....	10	36	11	1	1	.....	.....	.....	9	.....	12	15	.....	12	.....	6	12	.....	277
Whitelaw Reid, of New York	8	.....	4	.....	.....	.....	1	22	3	32	4	.....	4	.....	.....	4	.....	4	.....	.....	3	145
James G. Field, of Virginia	.....	3	.....	.....	.....	.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22
Total electoral vote	8	3	4	10	36	11	3	23	4	32	4	9	4	12	15	4	12	4	6	12	3	444

ELECTION FOR THE TWENTY-EIGHTH TERM, 1897–1901

WILLIAM MCKINLEY, President; GARRET A. HOBART,* Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
William McKinley, of Ohio	.....	.....	8	.....	6	3	.....	.....	.....	24	15	13	.....	12	.....	6	8	15	14	9	.....	.....	.....
William J. Bryan, of Nebraska	11	8	1	4	.....	.....	4	13	3	.....	.....	.....	10	1	8	.....	.....	.....	.....	.....	9	17	3
For Vice President:																							
Garret A. Hobart, of New Jersey	.....	.....	8	.....	6	3	.....	.....	.....	24	15	13	.....	12	.....	6	8	15	14	9	.....	.....	.....
Arthur Sewall, of Maine	11	5	1	4	.....	.....	4	13	3	.....	.....	.....	10	1	4	.....	.....	.....	.....	.....	9	13	2
Thomas E. Watson, of Georgia	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	4	1
Total electoral vote	11	8	9	4	6	3	4	13	3	24	15	13	10	13	8	6	8	15	14	9	9	17	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																							
William McKinley, of Ohio	.....	.....	4	10	36	.....	3	23	4	32	4	.....	.....	.....	.....	.....	4	.....	.....	6	12	.....	271
William J. Bryan, of Nebraska	8	3	.....	.....	.....	11	.....	.....	.....	.....	.....	9	4	12	15	3	.....	12	4	.....	.....	3	176
For Vice President:																							
Garret A. Hobart, of New Jersey	.....	.....	4	10	36	.....	3	23	4	32	4	.....	.....	.....	.....	.....	4	.....	.....	6	12	.....	271
Arthur Sewall, of Maine	4	3	.....	.....	.....	6	.....	.....	.....	.....	.....	9	2	12	15	2	.....	12	2	.....	.....	2	149
Thomas E. Watson, of Georgia	4	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	2	.....	.....	1	.....	.....	2	.....	.....	1	27
Total electoral vote	8	3	4	10	36	11	3	23	4	32	4	9	4	12	15	3	4	12	4	6	12	3	447

*Garret A. Hobart died at Paterson, N.J., Nov. 21, 1899, aged 55 years.

ELECTION FOR THE TWENTY-NINTH TERM, 1901–1905

WILLIAM MCKINLEY,* President; THEODORE ROOSEVELT, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
William McKinley, of Ohio	.....	.....	9	.....	6	3	.....	.....	.....	24	15	13	10	.....	.....	6	8	15	14	9	.....	.....	.....
William J. Bryan, of Nebraska	11	8	.....	4	.....	.....	4	13	3	.....	.....	.....	.....	13	8	.....	.....	.....	.....	.....	9	17	3
For Vice President:																							
Theodore Roosevelt, of New York	.....	.....	9	.....	6	3	.....	.....	.....	24	15	13	10	.....	.....	6	8	15	14	9	.....	.....	.....
Adlai E. Stevenson, of Illinois	11	8	.....	4	.....	.....	4	13	3	.....	.....	.....	.....	13	8	.....	.....	.....	.....	.....	9	17	3
Total electoral vote	11	8	9	4	6	3	4	13	3	24	15	13	10	13	8	6	8	15	14	9	9	17	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																							
William McKinley, of Ohio	8	.....	4	10	36	.....	3	23	4	32	4	.....	4	.....	.....	3	4	.....	4	6	12	3	292
William J. Bryan, of Nebraska	.....	3	.....	.....	.....	11	.....	.....	.....	.....	.....	9	.....	12	15	.....	.....	12	.....	.....	.....	.....	155
For Vice President:																							
Theodore Roosevelt, of New York	8	.....	4	10	36	.....	3	23	4	32	4	.....	4	.....	.....	3	4	.....	4	6	12	3	292
Adlai E. Stevenson, of Illinois	.....	3	.....	.....	.....	11	.....	.....	.....	.....	.....	9	.....	12	15	.....	.....	12	.....	.....	.....	.....	155
Total electoral vote	8	3	4	10	36	11	3	23	4	32	4	9	4	12	15	3	4	12	4	6	12	3	447

*William McKinley, the twenty-fourth President of the United States, was shot by an assassin Sept. 6, 1901, and died Sept. 14, 1901. The duties of the Presidential office devolving, in this event, upon the Vice President, Theodore Roosevelt, he accordingly took the oath of office at Buffalo, N.Y., on Sept. 14, 1901.

ELECTION FOR THE THIRTIETH TERM, 1905–1909

THEODORE ROOSEVELT, President; CHARLES WARREN FAIRBANKS, Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
Theodore Roosevelt, of New York	.....	.....	10	5	7	3	.....	.....	3	27	15	13	10	.....	.....	6	1	16	14	11	.....	18	3
Alton B. Parker, of New York	11	9	.....	.....	.....	.....	5	13	.....	.....	.....	.....	.....	13	9	.....	7	.....	.....	.....	10	.....	.....
For Vice President:																							
Charles W. Fairbanks, of Indiana	.....	.....	10	5	7	3	.....	.....	3	27	15	13	10	.....	.....	6	1	16	14	11	.....	18	3
Henry G. Davis, of West Virginia	11	9	.....	.....	.....	.....	5	13	.....	.....	.....	.....	.....	13	9	.....	7	.....	.....	.....	10	.....	.....
Total electoral vote	11	9	10	5	7	3	5	13	3	27	15	13	10	13	9	6	8	16	14	11	10	18	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																							
Theodore Roosevelt, of New York	8	3	4	12	39	.....	4	23	4	34	4	.....	4	.....	.....	3	4	.....	5	7	13	3	336
Alton B. Parker, of New York	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	9	.....	12	18	.....	.....	12	.....	.....	.....	.....	140
For Vice President:																							
Charles W. Fairbanks, of Indiana	8	3	4	12	39	.....	4	23	4	34	4	.....	4	.....	.....	3	4	.....	5	7	13	3	336
Henry G. Davis, of West Virginia	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	9	.....	12	18	.....	.....	12	.....	.....	.....	.....	140
Total electoral vote	8	3	4	12	39	12	4	23	4	34	4	9	4	12	18	3	4	12	5	7	13	3	476

ELECTION FOR THE THIRTY-FIRST TERM, 1909–1913

WILLIAM HOWARD TAFT, President; JAMES SCHOOLCRAFT SHERMAN,* Vice President

Name of candidate	Ala.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																							
William H. Taft, of Ohio	.....	.....	10	.....	7	3	.....	.....	3	27	15	13	10	.....	.....	6	2	16	14	11	.....	18	3
William J. Bryan, of Nebraska	11	9	.....	5	.....	.....	5	13	.....	.....	.....	.....	.....	13	9	.....	6	.....	.....	.....	10	.....	.....
For Vice President:																							
James S. Sherman, of New York	.....	.....	10	.....	7	3	.....	.....	3	27	15	13	10	.....	.....	6	2	16	14	11	.....	18	3
John W. Kern, of Indiana	11	9	.....	5	.....	.....	5	13	.....	.....	.....	.....	.....	13	9	.....	6	.....	.....	.....	10	.....	.....
Total electoral vote	11	9	10	5	7	3	5	13	3	27	15	13	10	13	9	6	8	16	14	11	10	18	3

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
William H. Taft, of Ohio	.....	.....	4	12	39	.....	4	23	.....	4	34	4	.....	4	.....	.....	3	4	.....	5	7	13	3	321
William J. Bryan, of Nebraska	8	3	.....	.....	.....	12	.....	.....	7	.....	.....	.....	9	.....	12	18	.....	.....	12	.....	.....	.....	.....	162
For Vice President:																								
James S. Sherman, of New York	.....	.....	4	12	39	.....	4	23	.....	4	34	4	.....	4	.....	.....	3	4	.....	5	7	13	3	321
John W. Kern, of Indiana	8	3	.....	.....	.....	12	.....	.....	7	.....	.....	.....	9	.....	12	18	.....	.....	12	.....	.....	.....	.....	162
Total electoral vote	8	3	4	12	39	12	4	23	7	4	34	4	9	4	12	18	3	4	12	5	7	13	3	483

*James S. Sherman died at Utica, N.Y., Oct. 30, 1912, aged 57 years.

ELECTION FOR THE THIRTY-SECOND TERM, 1913–1917

WOODROW WILSON, President; THOMAS RILEY MARSHALL, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Neb.
For President:																									
Woodrow Wilson, of New Jersey	12	3	9	2	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	.....	.....	10	18	4	8
Theodore Roosevelt, of New York	.....	.....	.....	11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15	12	.....	.....	.....	.....
William H. Taft, of Ohio	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
For Vice President:																									
Thomas R. Marshall, of Indiana	12	3	9	2	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	.....	.....	10	18	4	8
Hiram W. Johnson, of California	.....	.....	.....	11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15	12	.....	.....	.....	.....
Nicholas M. Butler,* of New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4	8

Name of candidate	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
Woodrow Wilson, of New Jersey	3	4	14	3	45	12	5	24	10	5	.....	5	9	.....	12	20	.....	.....	12	.....	8	13	3	435
Theodore Roosevelt, of New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	38	.....	.....	5	.....	.....	.....	.....	.....	7	.....	.....	.....	88
William H. Taft, of Ohio	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	4	.....	.....	.....	.....	.....	8
For Vice President:	.....																							
Thomas R. Marshall, of Indiana	3	4	14	3	45	12	5	24	10	5	.....	5	9	.....	12	20	.....	.....	12	.....	8	13	3	435
Hiram W. Johnson, of California	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	38	.....	.....	5	.....	.....	.....	.....	.....	7	.....	.....	.....	88
Nicholas M. Butler,* of New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	4	.....	.....	.....	.....	.....	8
Total electoral vote	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

*After the election, was selected to receive the electoral votes of the States of Utah and Vermont owing to the death of James S. Sherman.

ELECTION FOR THE THIRTY-THIRD TERM, 1917–1921

WOODROW WILSON, President; THOMAS RILEY MARSHALL, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Woodrow Wilson, of New Jersey	12	3	9	13	6	.....	.....	6	14	4	.....	.....	.....	10	13	10	.....	8	.....	.....	.....	10	18	4
Charles E. Hughes, of New York	.....	.....	.....	.....	.....	7	3	.....	.....	.....	29	15	13	.....	.....	.....	6	.....	18	15	12	.....	.....	.....
For Vice President:																								.....
Thomas R. Marshall, of Indiana	12	3	9	13	6	.....	.....	6	14	4	.....	.....	.....	10	13	10	.....	8	.....	.....	.....	10	18	4
Charles W. Fairbanks, of Indiana	.....	.....	.....	.....	.....	7	3	.....	.....	.....	29	15	13	.....	.....	.....	6	.....	18	15	12	.....	.....	.....
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Woodrow Wilson, of New Jersey	8	3	4	.....	3	.....	12	5	24	10	.....	.....	.....	9	.....	12	20	4	.....	12	7	1	.....	3	277
Charles E. Hughes, of New York	.....	.....	.....	14	.....	45	.....	.....	.....	.....	5	38	5	.....	5	.....	.....	.....	4	.....	.....	7	13	.....	254
For Vice President:																									
Thomas R. Marshall, of Indiana	8	3	4	.....	3	.....	12	5	24	10	.....	.....	.....	9	.....	12	20	4	.....	12	7	1	.....	3	277
Charles W. Fairbanks, of Indiana	.....	.....	.....	14	.....	45	.....	.....	.....	.....	5	38	5	.....	5	.....	.....	.....	4	.....	.....	7	13	.....	254
Total electoral vote	8	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

ELECTION FOR THE THIRTY-FOURTH TERM, 1921–1925

WARREN G. HARDING,* President; CALVIN COOLIDGE, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Nebr.
For President:																									
Warren G. Harding, of Ohio	.....	3	.....	13	6	7	3	.....	.....	4	29	15	13	10	.....	.....	6	8	18	15	12	.....	18	4	8
James M. Cox, of Ohio	12	.....	9	.....	.....	.....	.....	6	14	.....	.....	.....	.....	.....	13	10	.....	.....	.....	.....	.....	10	.....	.....	.....
For Vice President:																									
Calvin Coolidge, of Massachusetts	.....	3	.....	13	6	7	3	.....	.....	4	29	15	13	10	.....	.....	6	8	18	15	12	.....	18	4	8
Franklin D. Roosevelt, of New York	12	.....	9	.....	.....	.....	.....	6	14	.....	.....	.....	.....	.....	13	10	.....	.....	.....	.....	.....	10	.....	.....	.....
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4	8

Name of candidate	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
Warren G. Harding, of Ohio	3	4	14	3	45	.....	5	24	10	5	38	5	.....	5	12	.....	4	4	.....	7	8	13	3	404
James M. Cox, of Ohio	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	.....	9	.....	.....	20	.....	.....	12	.....	.....	.....	.....	127
For Vice President:																								
Calvin Coolidge, of Massachusetts	3	4	14	3	45	.....	5	24	10	5	38	5	.....	5	12	.....	4	4	.....	7	8	13	3	404
Franklin D. Roosevelt, of New York	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	.....	9	.....	.....	20	.....	.....	12	.....	.....	.....	.....	127
Total electoral vote	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

*Warren G. Harding, the twenty-eighth President of the United States, died on Aug. 2, 1923. The duties of the Presidential office devolving, in this event, upon the Vice President, Calvin Coolidge, he accordingly took the oath of office at Plymouth, Vt., on Aug. 3, 1923.

ELECTION FOR THE THIRTY-FIFTH TERM, 1925–1929

CALVIN COOLIDGE, President; CHARLES G. DAWES, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Nebr.
For President:																									
Calvin Coolidge, of Massachusetts		3		13	6	7	3			4	29	15	13	10	13		6	8	18	15	12		18	4	8
John W. Davis, of West Virginia	12		9					6	14							10						10			
Robert M. La Follette, of Wisconsin																									
For Vice President:																									
Charles G. Dawes, of Illinois		3		13	6	7	3			4	29	15	13	10	13		6	8	18	15	12		18	4	8
Charles W. Bryan, of Nebraska	12		9					6	14							10						10			
Burton K. Wheeler, of Montana																									
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4	8

Name of candidate	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
Calvin Coolidge, of Massachusetts	3	4	14	3	45		5	24		5	38	5		5			4	4		7	8		3	382
John W. Davis, of West Virginia						12			10				9		12	20			12					136
Robert M. La Follette, of Wisconsin																						13		13
For Vice President:																								
Charles G. Dawes, of Illinois	3	4	14	3	45		5	24		5	38	5		5			4	4		7	8		3	382
Charles W. Bryan, of Nebraska						12			10				9		12	20			12					136
Burton K. Wheeler, of Montana																						13		13
Total electoral vote	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	3	531

ELECTION FOR THE THIRTY-SIXTH TERM, 1929–1933

HERBERT C. HOOVER, President; CHARLES CURTIS, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.	Nebr.
For President:																									
Herbert C. Hoover, of California	.....	3	.....	13	6	7	3	6	.....	4	29	15	13	10	13	.....	6	8	.....	15	12	.....	18	4	8
Alfred E. Smith, of New York	12	.....	9	.....	.....	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	10	.....	.....	18	.....	.....	10	.....	.....	.....
For Vice President:																									
Charles Curtis, of Kansas	.....	3	.....	13	6	7	3	6	.....	4	29	15	13	10	13	.....	6	8	.....	15	12	.....	18	4	8
Joseph T. Robinson, of Arkansas	12	.....	9	.....	.....	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	10	.....	.....	18	.....	.....	10	.....	.....	.....
Total electoral vote	12	3	9	13	6	7	3	6	14	4	29	15	13	10	13	10	6	8	18	15	12	10	18	4	8

Name of candidate	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																								
Herbert C. Hoover, of California	3	4	14	3	45	12	5	24	10	5	38	.....	.....	5	12	20	4	4	12	7	8	13	3	444
Alfred E. Smith, of New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	87
For Vice President:																								
Charles Curtis, of Kansas	3	4	14	3	45	12	5	24	10	5	38	.....	.....	5	12	20	4	4	12	7	8	13	3	444
Joseph T. Robinson, of Arkansas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	87
Total electoral vote	3	4	14	3	45	12	5	24	10	5	38	5	9	5	12	20	4	4	12	7	8	13	8	531

ELECTION FOR THE THIRTY-SEVENTH TERM, 1933–1937

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Franklin D. Roosevelt, of New York	11	3	9	22	6	.....	.....	7	12	4	29	14	11	9	11	10	.....	8	17	19	11	9	15	4
Herbert C. Hoover, of California	.....	.....	.....	.....	.....	8	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....
For Vice President:																								
John N. Garner, of Texas	11	3	9	22	6	.....	.....	7	12	4	29	14	11	9	11	10	.....	8	17	19	11	9	15	4
Charles Curtis, of Kansas	.....	.....	.....	.....	.....	8	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10	5	8	17	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Franklin D. Roosevelt, of New York	7	3	.....	16	3	47	13	4	26	11	5	.....	4	8	4	11	23	4	.....	11	8	8	12	3	472
Herbert C. Hoover, of California	.....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	36	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	59
For Vice President:																									
John N. Garner, of Texas	7	3	.....	16	3	47	13	4	26	11	5	.....	4	8	4	11	23	4	.....	11	8	8	12	3	472
Charles Curtis, of Kansas	.....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	36	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	59
Total electoral vote	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4	3	11	8	8	12	3	531

ELECTION FOR THE THIRTY-EIGHTH TERM, 1937–1941

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Franklin D. Roosevelt, of New York	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10	.....	8	17	19	11	9	15	4
Alfred M. Landon, of Kansas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....
For Vice President:																								
John N. Garner, of Texas	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10	.....	8	17	19	11	9	15	4
Frank Knox, of Illinois	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10	5	8	17	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Franklin D. Roosevelt, of New York	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4	.....	11	8	8	12	3	523
Alfred M. Landon, of Kansas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	8
For Vice President:																									
John N. Garner, of Texas	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4	.....	11	8	8	12	3	523
Frank Knox, of Illinois	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	8
Total electoral vote	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4	3	11	8	8	12	3	531

ELECTION FOR THE THIRTY-NINTH TERM, 1941–1945

FRANKLIN D. ROOSEVELT, President; HENRY A. WALLACE, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Franklin D. Roosevelt, of New York	11	3	9	22	.....	8	3	7	12	4	29	.....	.....	.....	11	10	.....	8	17	.....	11	9	15	4
Wendell L. Willkie, of New York	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	14	11	9	.....	.....	5	.....	.....	19	.....	.....	.....	.....
For Vice President:																								
Henry A. Wallace, of Iowa	11	3	9	22	.....	8	3	7	12	4	29	.....	.....	.....	11	10	.....	8	17	.....	11	9	15	4
Charles L. McNary, of Oregon	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	14	11	9	.....	.....	5	.....	.....	19	.....	.....	.....	.....
Total electoral vote	11	3	9	22	6	8	3	7	12	4	29	14	11	9	11	10	5	8	17	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Franklin D. Roosevelt, of New York	.....	3	4	16	3	47	13	.....	26	11	5	36	4	8	.....	11	23	4	.....	11	8	8	12	3	449
Wendell L. Willkie, of New York	7	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	3	.....	.....	.....	.....	.....	82
For Vice President:																									
Henry A. Wallace, of Iowa	.....	3	4	16	3	47	13	.....	26	11	5	36	4	8	.....	11	23	4	.....	11	9	9	12	3	449
Charles L. McNary, of Oregon	7	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	3	.....	.....	.....	.....	.....	82
Total electoral vote	7	3	4	16	3	47	13	4	26	11	5	36	4	8	4	11	23	4	3	11	8	8	12	3	531

ELECTION FOR THE FORTIETH TERM, 1945–1949

FRANKLIN D. ROOSEVELT,* President; HARRY S. TRUMAN, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Franklin D. Roosevelt, of New York	11	4	9	25	.....	8	3	8	12	4	28	.....	.....	.....	11	10	.....	8	16	19	11	9	15	4
Thomas E. Dewey, of New York	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	13	10	8	.....	.....	5	.....	.....	.....	.....	.....	.....	.....
For Vice President:																								
Harry S. Truman, of Missouri	11	4	9	25	.....	8	3	8	12	4	28	.....	.....	.....	11	10	.....	8	16	19	11	9	15	4
John W. Bricker, of Ohio	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	13	10	8	.....	.....	5	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	11	4	9	25	6	8	3	8	12	4	28	13	10	8	11	10	5	8	16	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Franklin D. Roosevelt, of New York	.....	3	4	16	4	47	14	.....	.....	10	6	35	4	8	.....	12	23	4	.....	11	8	8	.....	.....	432
Thomas E. Dewey, of New York	6	.....	.....	.....	.....	.....	.....	4	25	.....	.....	.....	.....	.....	4	.....	.....	.....	3	.....	.....	.....	12	3	99
For Vice President:																									
Harry S. Truman, of Missouri	.....	3	4	16	4	47	14	.....	.....	10	6	35	4	8	.....	12	23	4	.....	11	8	8	.....	.....	432
John W. Bricker, of Ohio	6	.....	.....	.....	.....	.....	.....	4	25	.....	.....	.....	.....	.....	4	.....	.....	.....	3	.....	.....	.....	12	3	99
Total electoral vote	6	3	4	16	4	47	14	4	25	10	6	35	4	8	4	12	23	4	3	11	8	8	12	3	531

*Franklin D. Roosevelt, the thirty-first President of the United States, died on April 12, 1945. The duties of the Presidential office devolving, in this event, upon the Vice President, Harry S. Truman, he accordingly took the oath of office at Washington, D.C., on April 12, 1945.

ELECTION FOR THE FORTY-FIRST TERM, 1949–1953

HARRY S. TRUMAN, President; ALBEN W. BARKLEY, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Harry S. Truman, of Missouri	.....	4	9	25	6	.....	.....	8	12	4	28	.....	10	.....	11	.....	.....	.....	16	.....	11	.....	15	4
Thomas E. Dewey, of New York	.....	.....	.....	.....	.....	8	3	.....	.....	.....	.....	13	.....	8	.....	.....	5	8	.....	19	.....	.....	.....	.....
J. Strom Thurmond, of South Carolina	11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	.....	.....	.....	.....	.....	9	.....	.....
For Vice President:																								
Alben W. Barkley, of Kentucky	.....	4	9	25	6	.....	.....	8	12	4	28	.....	10	.....	11	.....	.....	.....	16	.....	11	.....	15	4
Earl Warren, of California	.....	.....	.....	.....	.....	8	3	.....	.....	.....	.....	13	.....	8	.....	.....	5	8	.....	19	.....	.....	.....	.....
Fielding L. Wright, of Mississippi	11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	.....	.....	.....	.....	.....	9	.....	.....
Total electoral vote	11	4	9	25	6	8	3	8	12	4	28	13	10	8	11	10	5	8	16	19	11	9	15	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Harry S. Truman, of Missouri	.....	3	.....	.....	4	.....	14	.....	25	10	.....	.....	4	.....	.....	11	23	4	.....	11	8	8	12	3	303
Thomas E. Dewey, of New York	6	.....	4	16	.....	47	.....	4	.....	.....	6	35	.....	.....	4	.....	.....	.....	3	.....	.....	.....	.....	.....	189
J. Strom Thurmond, of South Carolina	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	39
For Vice President:																									
Alben W. Barkley, of Kentucky	.....	3	.....	.....	4	.....	14	.....	25	10	.....	.....	4	.....	.....	11	23	4	.....	11	8	8	12	3	303
Earl Warren, of California	6	.....	4	16	.....	47	.....	4	.....	.....	6	35	.....	.....	4	.....	.....	.....	3	.....	.....	.....	.....	.....	189
Fielding L. Wright, of Mississippi	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	39
Total electoral vote	6	3	4	16	4	47	14	4	25	10	6	35	4	8	4	12	23	4	3	11	8	8	12	3	531

ELECTION FOR THE FORTY-SECOND TERM, 1953–1957

DWIGHT D. EISENHOWER, President; RICHARD M. NIXON, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Dwight D. Eisenhower, of New York	.....	4	.....	32	6	8	3	10	.....	4	27	13	10	8	.....	.....	5	9	16	20	11	.....	13	4
Adlai Stevenson, of Illinois	11	.....	8	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	10	10	.....	.....	.....	.....	.....	8	.....	.....
For Vice President:																								
Richard M. Nixon, of California	.....	4	.....	32	6	8	3	10	.....	4	27	13	10	8	.....	.....	5	9	16	20	11	.....	13	4
John Sparkman, of Alabama	11	.....	8	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	10	10	.....	.....	.....	.....	.....	8	.....	.....
Total electoral vote	11	4	8	32	6	8	3	10	12	4	27	13	10	8	10	10	5	9	16	20	11	8	13	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Dwight D. Eisenhower, of New York	6	3	4	16	4	45	.....	4	25	8	6	32	4	.....	4	11	24	4	3	12	9	.....	12	3	442
Adlai Stevenson, of Illinois	.....	.....	.....	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	8	.....	.....	.....	.....	.....	.....	.....	8	.....	.....	89
For Vice President:																									
Richard M. Nixon, of California	6	3	4	16	4	45	.....	4	25	8	6	32	4	.....	4	11	24	4	3	12	9	.....	12	3	442
John Sparkman, of Alabama	.....	.....	.....	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	8	.....	.....	.....	.....	.....	.....	.....	8	.....	.....	89
Total electoral vote	6	3	4	16	4	45	14	4	25	8	6	32	4	8	4	11	24	4	3	12	9	8	12	3	531

ELECTION FOR THE FORTY-THIRD TERM, 1957–1961

DWIGHT D. EISENHOWER, President; RICHARD M. NIXON, Vice President

Name of candidate	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																								
Dwight D. Eisenhower, of Pennsylvania	.....	4	.....	32	6	8	3	10	.....	4	27	13	10	8	10	10	5	9	16	20	11	.....	.....	4
Adlai Stevenson, of Illinois	10	.....	8	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	13	.....
Walter B. Jones, of Alabama	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
For Vice President:																								
Richard M. Nixon, of California	.....	4	.....	32	6	8	3	10	.....	4	27	13	10	8	10	10	5	9	16	20	11	.....	.....	4
Estes Kefauver, of Tennessee	10	.....	8	.....	.....	.....	.....	.....	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	13	.....
Herman Talmadge, of Georgia	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	11	4	8	32	6	8	3	10	12	4	27	13	10	8	10	10	5	9	16	20	11	8	13	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
Dwight D. Eisenhower, of Pennsylvania	6	3	4	16	4	45	.....	4	25	8	6	32	4	.....	4	11	24	4	3	12	9	8	12	3	457
Adlai Stevenson, of Illinois	.....	.....	.....	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	73
Walter B. Jones, of Alabama	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
For Vice President:																									
Richard M. Nixon, of California	6	3	4	16	4	45	.....	4	25	8	6	32	4	.....	4	11	24	4	3	12	9	8	12	3	457
Estes Kefauver, of Tennessee	.....	.....	.....	.....	.....	.....	14	.....	.....	.....	.....	.....	.....	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	73
Herman Talmadge, of Georgia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Total electoral vote	6	3	4	16	4	45	14	4	25	8	6	32	4	8	4	11	24	4	3	12	9	8	12	3	531

ELECTION FOR THE FORTY-FOURTH TERM, 1961–1965

JOHN F. KENNEDY,* President; LYNDON B. JOHNSON, Vice President

Name of candidate	Ala.	Alaska	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	Fla.	Ga.	Hawaii	Idaho	Ill.	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.	Mo.	Mont.
For President:																										
John F. Kennedy, of Massachusetts	5	.....	.....	8	.....	.....	8	3	.....	12	3	.....	27	.....	.....	.....	.....	10	.....	9	16	20	11	.....	13	.....
Richard M. Nixon, of California	.....	3	4	.....	32	6	.....	.....	10	.....	.....	4	.....	13	10	8	10	.....	5	.....	.....	.....	.....	.....	.....	.....
Harry F. Byrd, of Virginia	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	.....
For Vice President:																										
Lyndon B. Johnson, of Texas	5	.....	.....	8	.....	.....	8	3	.....	12	3	.....	27	.....	.....	.....	.....	10	.....	9	16	20	11	.....	13	.....
Henry Cabot Lodge, of Massachusetts	.....	3	4	.....	32	6	.....	.....	10	.....	.....	4	.....	13	10	8	10	.....	5	.....	.....	.....	.....	.....	.....	4
Strom Thurmond, of South Carolina	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	.....
Barry Goldwater, of Arizona	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total electoral vote	11	3	4	8	32	6	8	3	10	12	3	4	27	13	10	8	10	10	5	9	16	20	11	8	13	4

Name of candidate	Nebr.	Nev.	N.H.	N.J.	N. Mex.	N.Y.	N.C.	N. Dak.	Ohio	Okla.	Oreg.	Pa.	R.I.	S.C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.	Total
For President:																									
John F. Kennedy, of Massachusetts	.....	3	.....	16	4	45	14	.....	.....	.....	.....	32	4	8	.....	.....	24	.....	.....	.....	.....	8	.....	.....	303
Richard M. Nixon, of California	6	.....	4	.....	.....	.....	.....	4	25	7	6	.....	.....	.....	4	11	.....	4	3	12	9	.....	12	3	219
Harry F. Byrd, of Virginia	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15
For Vice President:																									
Lyndon B. Johnson, of Texas	.....	3	.....	16	4	45	14	.....	.....	.....	.....	32	4	8	.....	.....	24	.....	.....	.....	.....	8	.....	.....	303
Henry Cabot Lodge, of Massachusetts	6	.....	4	.....	.....	.....	.....	4	25	7	6	.....	.....	.....	4	11	.....	4	3	12	9	.....	12	3	219
Strom Thurmond, of South Carolina	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	14
Barry Goldwater, of Arizona	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Total electoral vote	6	3	4	16	4	45	14	4	25	8	6	32	4	8	4	11	24	4	3	12	9	8	12	3	537

*John F. Kennedy, the thirty-fourth President of the United States, was assassinated on November 22, 1963. The duties of the Presidential office devolving, in this event, upon the Vice President, Lyndon B. Johnson, he accordingly took the oath of office at Dallas, Tex., on November 22, 1963.

ELECTION FOR THE FORTY-FIFTH TERM, 1965–1969 1550

LYNDON B. JOHNSON, President; HUBERT H. HUMPHREY, Vice President

State	Electoral vote of each State	For President		For Vice President	
		Lyndon B. Johnson, of Texas	Barry M. Goldwater, of Arizona	Hubert H. Humphrey, of Minnesota	William E. Miller, of New York
Alabama	10		10		10
Alaska	3	3		3	
Arizona	5		5		5
Arkansas	6	6		6	
California	40	40		40	
Colorado	6	6		6	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3	3		3	
Florida	14	14		14	
Georgia	12		12		12
Hawaii	4	4		4	
Idaho	4	4		4	
Illinois	26	26		26	
Indiana	13	13		13	
Iowa	9	9		9	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10		10		10
Maine	4	4		4	
Maryland	10	10		10	
Massachusetts	14	14		14	
Michigan	21	21		21	
Minnesota	10	10		10	
Mississippi	7		7		7
Missouri	12	12		12	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	3	3		3	
New Hampshire	4	4		4	
New Jersey	17	17		17	
New Mexico	4	4		4	
New York	43	43		43	
North Carolina	13	13		13	
North Dakota	4	4		4	
Ohio	26	26		26	
Oklahoma	8	8		8	
Oregon	6	6		6	
Pennsylvania	29	29		29	
Rhode Island	4	4		4	
South Carolina	8		8		8
South Dakota	4	4		4	
Tennessee	11	11		11	
Texas	25	25		25	
Utah	4	4		4	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	9	9		9	
West Virginia	7	7		7	
Wisconsin	12	12		12	
Wyoming	3	3		3	
Total	538	486	52	486	52

1551 ELECTION FOR THE FORTY-SIXTH TERM, 1969–1973

RICHARD M. NIXON, President; SPIRO T. AGNEW, Vice President

State	Electoral vote of each State	For President			For Vice President		
		Richard M. Nixon, of New York	Hubert H. Humphrey, of Minnesota	George C. Wallace, of Alabama	Spiro T. Agnew, of Maryland	Edmund S. Muskie, of Maine	Curtis E. LeMay, of California
Alabama	10			10			10
Alaska	3	3			3		
Arizona	5	5			5		
Arkansas	6			6			6
California	40	40			40		
Colorado	6	6			6		
Connecticut	8		8			8	
Delaware	3	3			3		
District of Columbia	3		3			3	
Florida	14	14			14		
Georgia	12			12			12
Hawaii	4		4			4	
Idaho	4	4			4		
Illinois	26	26			26		
Indiana	13	13			13		
Iowa	9	9			9		
Kansas	7	7			7		
Kentucky	9	9			9		
Louisiana	10			10			10
Maine	4		4			4	
Maryland	10		10			10	
Massachusetts	14		14			14	
Michigan	21		21			21	
Minnesota	10		10			10	
Mississippi	7			7			7
Missouri	12	12			12		
Montana	4	4			4		
Nebraska	5	5			5		
Nevada	3	3			3		
New Hampshire	4	4			4		
New Jersey	17	17			17		
New Mexico	4	4			4		
New York	43		43			43	
North Carolina	13	12		1	12		1
North Dakota	4	4			4		
Ohio	26	26			26		
Oklahoma	8	8			8		
Oregon	6	6			6		
Pennsylvania	29		29			29	
Rhode Island	4		4			4	
South Carolina	8	8			8		
South Dakota	4	4			4		
Tennessee	11	11			11		
Texas	25		25			25	
Utah	4	4			4		
Vermont	3	3			3		
Virginia	12	12			12		
Washington	9		9			9	
West Virginia	7		7			7	
Wisconsin	12	12			12		
Wyoming	3	3			3		
Total	538	301	191	46	301	191	46

ELECTION FOR THE FORTY-SEVENTH TERM, 1973–1977 [1]

1552

RICHARD M. NIXON, President; SPIRO T. AGNEW, Vice President

States	Electoral votes of each State	For President			For Vice President		
		Richard M. Nixon, of California	George McGovern, of South Dakota	John Hospers, of California	Spiro T. Agnew, of Maryland	R. Sargent Shriver, of Maryland	Theodora Nathan, of Oregon
Alabama	9	9			9		
Alaska	3	3			3		
Arizona	6	6			6		
Arkansas	6	6			6		
California	45	45			45		
Colorado	7	7			7		
Connecticut	8	8			8		
Delaware	3	3			3		
District of Columbia	3		3			3	
Florida	17	17			17		
Georgia	12	12			12		
Hawaii	4	4			4		
Idaho	4	4			4		
Illinois	26	26			26		
Indiana	13	13			13		
Iowa	8	8			8		
Kansas	7	7			7		
Kentucky	9	9			9		
Louisiana	10	10			10		
Maine	4	4			4		
Maryland	10	10			10		
Massachusetts	14		14			14	
Michigan	21	21			21		
Minnesota	10	10			10		
Mississippi	7	7			7		
Missouri	12	12			12		
Montana	4	4			4		
Nebraska	5	5			5		
Nevada	3	3			3		
New Hampshire	4	4			4		
New Jersey	17	17			17		
New Mexico	4	4			4		
New York	41	41			41		
North Carolina	13	13			13		
North Dakota	3	3			3		
Ohio	25	25			25		
Oklahoma	8	8			8		
Oregon	6	6			6		
Pennsylvania	27	27			27		
Rhode Island	4	4			4		
South Carolina	8	8			8		
South Dakota	4	4			4		
Tennessee	10	10			10		
Texas	26	26			26		
Utah	4	4			4		
Vermont	3	3			3		
Virginia	12	11		1	11		1
Washington	9	9			9		
WestVirginia	6	6			6		
Wisconsin	11	11			11		
Wyoming	3	3			3		
Total	538	520	17	1	520	17	1

[1] Spiro T. Agnew resigned as Vice President on Oct. 10, 1973. Gerald R. Ford was sworn in as Vice President on Dec. 6, 1973. Richard M. Nixon resigned as President on Aug. 9, 1974, and Gerald R. Ford was sworn in as President on the same date. Nelson A. Rockefeller was sworn in as Vice President on Dec. 19, 1974.

1553 ELECTION FOR THE FORTY-EIGHTH TERM, 1977–1981

JIMMY CARTER, President; WALTER F. MONDALE, Vice President

States	Electoral votes of each State	For President			For Vice President	
		Jimmy Carter, of Georgia	Gerald R. Ford, of Michigan	Ronald Reagan, of California	Walter F. Mondale, of Minnesota	Robert Dole, of Kansas
Alabama	9	9			9	
Alaska	3		3			3
Arizona	6		6			6
Arkansas	6	6			6	
California	45		45			45
Colorado	7		7			7
Connecticut	8		8			8
Delaware	3	3			3	
District of Columbia	3	3			3	
Florida	17	17			17	
Georgia	12	12			12	
Hawaii	4	4			4	
Idaho	4		4			4
Illinois	26		26			26
Indiana	13		13			13
Iowa	8		8			8
Kansas	7		7			7
Kentucky	9	9			9	
Louisiana	10	10			10	
Maine	4		4			4
Maryland	10	10			10	
Massachusetts	14	14			14	
Michigan	21		21			21
Minnesota	10	10			10	
Mississippi	7	7			7	
Missouri	12	12			12	
Montana	4		4			4
Nebraska	5		5			5
Nevada	3		3			3
New Hampshire	4		4			4
New Jersey	17		17			17
New Mexico	4		4			4
New York	41	41			41	
North Carolina	13	13			13	
North Dakota	3		3			3
Ohio	25	25			25	
Oklahoma	8		8			8
Oregon	6		6			6
Pennsylvania	27	27			27	
Rhode Island	4	4			4	
South Carolina	8	8			8	
South Dakota	4		4			4
Tennessee	10	10			10	
Texas	26	26			26	
Utah	4		4			4
Vermont	3		3			3
Virginia	12		12			12
Washington	9		8	1		9
West Virginia	6	6			6	
Wisconsin	11	11			11	
Wyoming	3		3			3
Total	538	297	240	1	297	241

ELECTION FOR THE FORTY-NINTH TERM, 1981–1985 1554

RONALD REAGAN, President; GEORGE BUSH, Vice President

States	Electoral votes of each State	For President		For Vice President	
		Ronald Reagan, of California	Jimmy Carter, of Georgia	George Bush, of Texas	Walter F. Mondale, of Minnesota
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	6	6		6	
Arkansas	6	6		6	
California	45	45		45	
Colorado	7	7		7	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3		3		3
Florida	17	17		17	
Georgia	12		12		12
Hawaii	4		4		4
Idaho	4	4		4	
Illinois	26	26		26	
Indiana	13	13		13	
Iowa	8	8		8	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10	10		10	
Maine	4	4		4	
Maryland	10		10		10
Massachusetts	14	14		14	
Michigan	21	21		21	
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	12	12		12	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	3	3		3	
New Hampshire	4	4		4	
New Jersey	17	17		17	
New Mexico	4	4		4	
New York	41	41		41	
North Carolina	13	13		13	
North Dakota	3	3		3	
Ohio	25	25		25	
Oklahoma	8	8		8	
Oregon	6	6		6	
Pennsylvania	27	27		27	
Rhode Island	4		4		4
South Carolina	8	8		8	
South Dakota	4	4		4	
Tennessee	10	10		10	
Texas	26	26		26	
Utah	4	4		4	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	9	9		9	
West Virginia	6		6		6
Wisconsin	11	11		11	
Wyoming	3	3		3	
Total	538	489	49	489	49

1555

ELECTION FOR THE FIFTIETH TERM, 1985–1989

RONALD REAGAN, President; GEORGE BUSH, Vice President

States	Electoral votes of each State	For President		For Vice President	
		Ronald Reagan, of California	Walter F. Mondale, of Minnesota	George Bush, of Texas	Geraldine A. Ferraro, of New York
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	7	7		7	
Arkansas	6	6		6	
California	47	47		47	
Colorado	8	8		8	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3		3		3
Florida	21	21		21	
Georgia	12	12		12	
Hawaii	4	4		4	
Idaho	4	4		4	
Illinois	24	24		24	
Indiana	12	12		12	
Iowa	8	8		8	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10	10		10	
Maine	4	4		4	
Maryland	10	10		10	
Massachusetts	13	13		13	
Michigan	20	20		20	
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	11	11		11	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	4	4		4	
New Hampshire	4	4		4	
New Jersey	16	16		16	
New Mexico	5	5		5	
New York	36	36		36	
North Carolina	13	13		13	
North Dakota	3	3		3	
Ohio	23	23		23	
Oklahoma	8	8		8	
Oregon	7	7		7	
Pennsylvania	25	25		25	
Rhode Island	4	4		4	
South Carolina	8	8		8	
South Dakota	3	3		3	
Tennessee	11	11		11	
Texas	29	29		29	
Utah	5	5		5	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	10	10		10	
West Virginia	6	6		6	
Wisconsin	11	11		11	
Wyoming	3	3		3	
Total	538	525	13	525	13

ELECTION FOR THE FIFTY-FIRST TERM, 1989–1993

GEORGE BUSH, President; DAN QUAYLE, Vice President

States	Electoral votes of each State	For President			For Vice President		
		George Bush of Texas	Michael S. Dukakis of Massachusetts	Lloyd Bentsen of Texas	Dan Quayle of Indiana	Lloyd Bentsen of Texas	Michael S. Dukakis of Massachusetts
Alabama	9	9			9		
Alaska	3	3			3		
Arizona	7	7			7		
Arkansas	6	6			6		
California	47	47			47		
Colorado	8	8			8		
Connecticut	8	8			8		
Delaware	3	3			3		
District of Columbia	3		3			3	
Florida	21	21			21		
Georgia	12	12			12		
Hawaii	4		4			4	
Idaho	4	4			4		
Illinois	24	24			24		
Indiana	12	12			12		
Iowa	8		8			8	
Kansas	7	7			7		
Kentucky	9	9			9		
Louisiana	10	10			10		
Maine	4	4			4		
Maryland	10	10			10		
Massachusetts	13		13			13	
Michigan	20	20			20		
Minnesota	10		10			10	
Mississippi	7	7			7		
Missouri	11	11			11		
Montana	4	4			4		
Nebraska	5	5			5		
Nevada	4	4			4		
New Hampshire	4	4			4		
New Jersey	16	16			16		
New Mexico	5	5			5		
New York	36		36			36	
North Carolina	13	13			13		
North Dakota	3	3			3		
Ohio	23	23			23		
Oklahoma	8	8			8		
Oregon	7		7			7	
Pennsylvania	25	25			25		
Rhode Island	4		4			4	
South Carolina	8	8			8		
South Dakota	3	3			3		
Tennessee	11	11			11		
Texas	29	29			29		
Utah	5	5			5		
Vermont	3	3			3		
Virginia	12	12			12		
Washington	10		10			10	
West Virginia	6		5	1		5	1
Wisconsin	11		11			11	
Wyoming	3	3			3		
Total	538	426	111	1	426	111	1

1557

ELECTION FOR THE FIFTY-SECOND TERM, 1993–1997

WILLIAM J. CLINTON, President; ALBERT GORE, JR., Vice President

States	Electoral votes of each State	For President		For Vice President	
		Bill Clinton of Arkansas	George Bush of Texas	Al Gore of Tennessee	Dan Quayle of Indiana
Alabama	9		9		9
Alaska	3		3		3
Arizona	8		8		8
Arkansas	6	6		6	
California	54	54		54	
Colorado	8	8		8	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3	3		3	
Florida	25		25		25
Georgia	13	13		13	
Hawaii	4	4		4	
Idaho	4		4		4
Illinois	22	22		22	
Indiana	12		12		12
Iowa	7	7		7	
Kansas	6		6		6
Kentucky	8	8		8	
Louisiana	9	9		9	
Maine	4	4		4	
Maryland	10	10		10	
Massachusetts	12	12		12	
Michigan	18	18		18	
Minnesota	10	10		10	
Mississippi	7		7		7
Missouri	11	11		11	
Montana	3	3		3	
Nebraska	5		5		5
Nevada	4	4		4	
New Hampshire	4	4		4	
New Jersey	15	15		15	
New Mexico	5	5		5	
New York	33	33		33	
North Carolina	14		14		14
North Dakota	3		3		3
Ohio	21	21		21	
Oklahoma	8		8		8
Oregon	7	7		7	
Pennsylvania	23	23		23	
Rhode Island	4	4		4	
South Carolina	8		8		8
South Dakota	3		3		3
Tennessee	11	11		11	
Texas	32		32		32
Utah	5		5		5
Vermont	3	3		3	
Virginia	13		13		13
Washington	11	11		11	
West Virginia	5	5		5	
Wisconsin	11	11		11	
Wyoming	3		3		3
Total	538	370	168	370	168

ELECTION FOR THE FIFTY-THIRD TERM, 1997–2001

WILLIAM J. CLINTON, President; ALBERT GORE, JR., Vice President

States	Electoral votes of each State	For President		For Vice President	
		Bill Clinton of Arkansas	Bob Dole of Kansas	Al Gore of Tennessee	Jack Kemp of New York
Alabama	9		9		9
Alaska	3		3		3
Arizona	8	8		8	
Arkansas	6	6		6	
California	54	54		54	
Colorado	8		8		8
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3	3		3	
Florida	25	25		25	
Georgia	13		13		13
Hawaii	4	4		4	
Idaho	4		4		4
Illinois	22	22		22	
Indiana	12		12		12
Iowa	7	7		7	
Kansas	6		6		6
Kentucky	8	8		8	
Louisiana	9	9		9	
Maine	4	4		4	
Maryland	10	10		10	
Massachusetts	12	12		12	
Michigan	18	18		18	
Minnesota	10	10		10	
Mississippi	7		7		7
Missouri	11	11		11	
Montana	3		3		3
Nebraska	5		5		5
Nevada	4	4		4	
New Hampshire	4	4		4	
New Jersey	15	15		15	
New Mexico	5	5		5	
New York	33	33		33	
North Carolina	14		14		14
North Dakota	3		3		3
Ohio	21	21		21	
Oklahoma	8		8		8
Oregon	7	7		7	
Pennsylvania	23	23		23	
Rhode Island	4	4		4	
South Carolina	8		8		8
South Dakota	3		3		3
Tennessee	11	11		11	
Texas	32		32		32
Utah	5		5		5
Vermont	3	3		3	
Virginia	13		13		13
Washington	11	11		11	
West Virginia	5	5		5	
Wisconsin	11	11		11	
Wyoming	3		3		3
Total	538	379	159	379	159

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ELECTION FOR THE FIFTY-FOURTH TERM 2001–2005

GEORGE W. BUSH, President; RICHARD CHENEY, Vice President

State	Electoral votes of each State	For President		For Vice President	
		George W. Bush of Texas	Al Gore of Tennessee	Richard Cheney of Wyoming	Joe Lieberman of Connecticut
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	8	8		8	
Arkansas	6	6		6	
California	54		54		54
Colorado	8	8		8	
Connecticut	8		8		8
Delaware	3		3		3
District of Columbia	3		2*		2*
Florida	25	25		25	
Georgia	13	13		13	
Hawaii	4		4		4
Idaho	4	4		4	
Illinois	22		22		22
Indiana	12	12		12	
Iowa	7		7		7
Kansas	6	6		6	
Kentucky	8	8		8	
Louisiana	9	9		9	
Maine	4		4		4
Maryland	10		10		10
Massachusetts	12		12		12
Michigan	18		18		18
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	11	11		11	
Montana	3	3		3	
Nebraska	5	5		5	
Nevada	4	4		4	
New Hampshire	4	4		4	
New Jersey	15		15		15
New Mexico	5		5		5
New York	33		33		33
North Carolina	14	14		14	
North Dakota	3	3		3	
Ohio	21	21		21	
Oklahoma	8	8		8	
Oregon	7		7		7
Pennsylvania	23		23		23
Rhode Island	4		4		4
South Carolina	8	8		8	
South Dakota	3	3		3	
Tennessee	11	11		11	
Texas	32	32		32	
Utah	5	5		5	
Vermont	3		3		3
Virginia	13	13		13	
Washington	11		11		11
West Virginia	5	5		5	
Wisconsin	11		11		11
Wyoming	3	3		3	
Total	271	271	266	271	266

*The District of Columbia has 3 electoral votes. Two votes were cast for Gore and the third vote was an abstention.

Total Electoral Vote = 538. Total Electoral Vote Needed to Win = 270.

ELECTION FOR THE FIFTY-FIFTH TERM 2005–2009 1560

GEORGE W. BUSH, President; RICHARD CHENEY, Vice President

State	Electoral votes of each State	For President			For Vice President	
		George W. Bush of Texas	John F. Kerry of Massachusetts	John Edwards of North Carolina	Richard B. Cheney of Wyoming	John Edwards of North Carolina
Alabama	9	9			9	
Alaska	3	3			3	
Arizona	10	10			10	
Arkansas	6	6			6	
California	55		55			55
Colorado	9	9			9	
Connecticut	7		7			7
Delaware	3		3			3
District of Columbia	3		3			3
Florida	27	27			27	
Georgia	15	15			15	
Hawaii	4		4			4
Idaho	4	4			4	
Illinois	21		21			21
Indiana	11	11			11	
Iowa	7	7			7	
Kansas	6	6			6	
Kentucky	8	8			8	
Louisiana	9	9			9	
Maine	4		4			4
Maryland	10		10			10
Massachusetts	12		12			12
Michigan	17		17			17
Minnesota	10		9	1		10
Mississippi	6	6			6	
Missouri	11	11			11	
Montana	3	3			3	
Nebraska	5	5			5	
Nevada	5	5			5	
New Hampshire	4		4			4
New Jersey	15		15			15
New Mexico	5	5			5	
New York	31		31			31
North Carolina	15	15			15	
North Dakota	3	3			3	
Ohio	20	20			20	
Oklahoma	7	7			7	
Oregon	7		7			7
Pennsylvania	21		21			21
Rhode Island	4		4			4
South Carolina	8	8			8	
South Dakota	3	3			3	
Tennessee	11	11			11	
Texas	34	34			34	
Utah	5	5			5	
Vermont	3		3			3
Virginia	13	13			13	
Washington	11		11			11
West Virginia	5	5			5	
Wisconsin	10		10			10
Wyoming	3	3			3	
Total	538	286	251	1	286	252

JUSTICES OF THE SUPREME COURT

JUSTICES OF THE SUPREME COURT, 1789 TO 2008 [1]

Name [2]	State whence appointed	Date of commission [3]	Date service terminated	Years of service
CHIEF JUSTICES				
1. John Jay	New York	Sept. 26, 1789	June 29, 1795	5
2. John Rutledge	South Carolina	July 1, 1795	Dec. 15, 1795	(4)(5)
3. Oliver Ellsworth	Connecticut	Mar. 4, 1796	Dec. 15, 1800	4
4. John Marshall	Virginia	Jan. 31, 1801	July 6, 1835	34
5. Roger Brooke Taney	Maryland	Mar. 15, 1836	Oct. 12, 1864	28
6. Salmon Portland Chase	Ohio	Dec. 6, 1864	May 7, 1873	8
7. Morrison Remick Waite	....do	Jan. 21, 1874	Mar. 23, 1888	14
8. Melville Weston Fuller	Illinois	July 20, 1888	July 4, 1910	21
9. Edward Douglas White	Louisiana	Dec. 12, 1910	May 19, 1921	[5] 10
10. William Howard Taft	Connecticut	June 30, 1921	Feb. 3, 1930	8
11. Charles Evans Hughes	New York	Feb. 13, 1930	June 30, 1941	[5] 11
12. Harlan Fiske Stone	.....do	July 3, 1941	Apr. 22, 1946	[5] 4
13. Fred Moore Vinson	Kentucky	June 21, 1946	Sept. 8, 1953	7
14. Earl Warren	California	Oct. 2, 1953	June 23, 1969	15
15. Warren E. Burger	Virginia	June 23, 1969	Sept. 26, 1986	17
16. William Hubbs Rehnquist	Virginia	Sept. 25, 1986	Sept. 5, 2005	[5] 19
17. John G. Roberts, Jr.	Maryland	Sept. 29, 2005	.....	.....
ASSOCIATE JUSTICES				
1. John Rutledge	South Carolina	Sept. 26, 1789	Mar. 5, 1791	1
2. William Cushing	Massachusetts	Sept. 27, 1789	Sept. 13, 1810	20
3. James Wilson	Pennsylvania	Sept. 29, 1789	Aug. 21, 1798	8
4. John Blair	Virginia	Sept. 30, 1789	Jan. 27, 1796	5
5. James Iredell	North Carolina	Feb. 10, 1790	Oct. 20, 1799	9
6. Thomas Johnson	Maryland	Nov. 7, 1791	Feb. 1, 1793	1
7. William Paterson	New Jersey	Mar. 4, 1793	Sept. 9, 1806	13
8. Samuel Chase	Maryland	Jan. 27, 1796	June 19, 1811	15
9. Bushrod Washington	Virginia	Dec. 20, 1798	Nov. 26, 1829	30
10. Alfred Moore	North Carolina	Dec. 10, 1799	Jan. 26, 1804	3
11. William Johnson	South Carolina	Mar. 26, 1804	Aug. 4, 1834	30
12. Henry B. Livingston	New York	Nov. 10, 1806	Mar. 18, 1823	16
13. Thomas Todd	Kentucky	Mar. 3, 1807	Feb. 7, 1826	18
14. Gabriel Duvall	Maryland	Nov. 18, 1811	Jan. 14, 1835	23
15. Joseph Story	Massachusetts	.....do	Sept. 10, 1845	33
16. Smith Thompson	New York	Dec. 9, 1823	Dec. 18, 1843	20
17. Robert Trimble	Kentucky	May 9, 1826	Aug. 25, 1828	2
18. John McLean	Ohio	Mar. 7, 1829	Apr. 4, 1861	31
19. Henry Baldwin	Pennsylvania	Jan. 6, 1830	Apr. 21, 1844	14
20. James Moore Wayne	Georgia	Jan. 9, 1835	July 5, 1867	32
21. Philip Pendleton Barbour	Virginia	Mar. 15, 1836	Feb. 25, 1841	4
22. John Catron	Tennessee	Mar. 8, 1837	May 30, 1865	28
23. John McKinley	Alabama	Sept. 25, 1837	July 19, 1852	14
24. Peter Vivian Daniel	Virginia	Mar. 3, 1841	May 31, 1860	18
25. Samuel Nelson	New York	Feb. 13, 1845	Nov. 28, 1872	27
26. Levi Woodbury	New Hampshire	Sept. 20, 1845	Sept. 4, 1851	5
27. Robert Cooper Grier	Pennsylvania	Aug. 4, 1846	Jan. 31, 1870	23
28. Benjamin Robbins Curtis	Massachusetts	Sept. 22, 1851	Sept. 30, 1857	6
29. John Archibald Campbell	Alabama	Mar. 22, 1853	Apr. 30, 1861	8
30. Nathan Clifford	Maine	Jan. 12, 1858	July 25, 1881	23
31. Noah Haynes Swayne	Ohio	Jan. 24, 1862	Jan. 24, 1881	18
32. Samuel Freeman Miller	Iowa	July 16, 1862	Oct. 13, 1890	28
33. David Davis	Illinois	Dec. 8, 1862	Mar. 4, 1877	14
34. Stephen Johnson Field	California	Mar. 10, 1863	Dec. 1, 1897	34
35. William Strong	Pennsylvania	Feb. 18, 1870	Dec. 14, 1880	10
36. Joseph P. Bradley	New Jersey	Mar. 21, 1870	Jan. 22, 1892	21
37. Ward Hunt	New York	Dec. 11, 1872	Jan. 27, 1882	9
38. John Marshall Harlan	Kentucky	Nov. 29, 1877	Oct. 14, 1911	33
39. William Burnham Woods	Georgia	Dec. 21, 1880	May 14, 1887	6
40. Stanley Matthews	Ohio	May 12, 1881	Mar. 22, 1889	7

JUSTICES OF THE SUPREME COURT, 1789 TO 2008 [1]—Continued

Name [2]	State whence appointed	Date of commission [3]	Date service terminated	Years of service
41. Horace Gray	Massachusetts	Dec. 20, 1881	Sept. 15, 1902	20
42. Samuel Blatchford	New York	Mar. 22, 1882	July 7, 1893	11
43. Lucius Quintus C. Lamar	Mississippi	Jan. 16, 1888	Jan. 23, 1893	5
44. David Josiah Brewer	Kansas	Dec. 18, 1889	Mar. 28, 1910	20
45. Henry Billings Brown	Michigan	Dec. 29, 1890	May 28, 1906	15
46. George Shiras, Jr	Pennsylvania	July 26, 1892	Feb. 23, 1903	10
47. Howell Edmunds Jackson	Tennessee	Feb. 18, 1893	Aug. 8, 1895	2
48. Edward Douglas White	Louisiana	Feb. 19, 1894	Dec. 18, 1910	16
49. Rufus Wheeler Peckham	New York	Dec. 9, 1895	Oct. 24, 1909	13
50. Joseph McKenna	California	Jan. 21, 1898	Jan. 5, 1925	26
51. Oliver Wendell Holmes	Massachusetts	Dec. 4, 1902	Jan. 12, 1932	29
52. William Rufus Day	Ohio	Feb. 23, 1903	Nov. 13, 1922	19
53. William Henry Moody	Massachusetts	Dec. 12, 1906	Nov. 20, 1910	3
54. Horace Harmon Lurton	Tennessee	Dec. 20, 1909	July 12, 1914	4
55. Charles Evans Hughes	New York	May 2, 1910	June 10, 1916	5
56. Willis Van Devanter	Wyoming	Dec. 16, 1910	June 2, 1937	26
57. Joseph Rucker Lamar	Georgia	Dec. 17, 1910	Jan. 2, 1916	4
58. Mahlon Pitney	New Jersey	Mar. 13, 1912	Dec. 31, 1922	10
59. James Clark McReynolds	Tennessee	Aug. 29, 1914	Jan. 31, 1941	26
60. Louis Dembitz Brandeis	Massachusetts	June 1, 1916	Feb. 13, 1939	22
61. John Hessin Clarke	Ohio	July 24, 1916	Sept. 18, 1922	5
62. George Sutherland	Utah	Sept. 5, 1922	Jan. 17, 1938	15
63. Pierce Butler	Minnesota	Dec. 21, 1922	Nov. 16, 1939	16
64. Edward Terry Sanford	Tennessee	Jan. 29, 1923	Mar. 8, 1930	7
65. Harlan Fiske Stone	New York	Feb. 5, 1925	July 2, 1941	16
66. Owen Josephus Roberts	Pennsylvania	May 20, 1930	July 31, 1945	15
67. Benjamin Nathan Cardozo	New York	Mar. 2, 1932	July 9, 1938	6
68. Hugo Lafayette Black	Alabama	Aug. 18, 1937	Sept. 17, 1971	34
69. Stanley Forman Reed	Kentucky	Jan. 27, 1938	Feb. 25, 1957	19
70. Felix Frankfurter	Massachusetts	Jan. 20, 1939	Aug. 28, 1962	23
71. William Orville Douglas	Connecticut	Apr. 15, 1939	Nov. 12, 1975	36
72. Frank Murphy	Michigan	Jan. 18, 1940	July 19, 1949	9
73. James Francis Byrnes	South Carolina	June 25, 1941	Oct. 3, 1942	1
74. Robert Houghwout Jackson	New York	July 11, 1941	Oct. 9, 1954	13
75. Wiley Blount Rutledge	Iowa	Feb. 11, 1943	Sept. 10, 1949	6
76. Harold Hitz Burton	Ohio	Sept. 22, 1945	Oct. 13, 1958	13
77. Thomas Campbell Clark	Texas	Aug. 19, 1949	June 12, 1967	17
78. Sherman Minton	Indiana	Oct. 5, 1949	Oct. 15, 1956	7
79. John Marshall Harlan	New York	Mar. 17, 1955	Sept. 23, 1971	16
80. William J. Brennan, Jr	New Jersey	Oct. 15, 1956	July 20, 1990	34
81. Charles Evans Whittaker	Missouri	Mar. 22, 1957	Mar. 31, 1962	5
82. Potter Stewart	Ohio	Oct. 14, 1958	July 3, 1981	23
83. Byron R. White	Colorado	Apr. 12, 1962	June 28, 1993	31
84. Arthur J. Goldberg	Illinois	Sept. 28, 1962	July 25, 1965	2
85. Abe Fortas	Tennessee	Aug. 11, 1965	May 14, 1969	3
86. Thurgood Marshall	New York	Aug. 30, 1967	Oct. 1, 1991	24
87. Harry A. Blackmun	Minnesota	May 14, 1970	Aug. 3, 1994	24
88. Lewis Franklin Powell, Jr	Virginia	Dec. 9, 1971	June 26, 1987	16
89. William Hubbs Rehnquist	Arizona	Dec. 15, 1971	Sept. 25, 1986	15
90. John Paul Stevens	Illinois	Dec. 17, 1975	.....	.....
91. Sandra Day O'Connor	Arizona	Sept. 22, 1981	Jan. 31, 2006	26
92. Antonin Scalia	Virginia	Sept. 25, 1986	.....	.....
93. Anthony M. Kennedy	California	Feb. 18, 1988	.....	.....
94. David Hackett Souter	New Hampshire	Oct. 29, 1990	.....	.....
95. Clarence Thomas	Georgia	Oct. 23, 1991	.....	.....
96. Ruth Bader Ginsburg	New York	Aug. 10, 1993	.....	.....
97. Stephen G. Breyer	Massachusetts	Aug. 3, 1994	.....	.....
98. Samuel A. Alito, Jr.	New Jersey	Jan. 31, 2006	.....	.....

[1] SOURCE: Marshal, Supreme Court of the United States.

[2] The acceptance of the appointment and commission by the appointee, as evidenced by the taking of the prescribed oaths, is here implied, otherwise the individual is not carried on this list of the Members of the Court. Examples: Robert Hanson Harrison is not carried, as a letter from President Washington of February 9, 1790, states Harrison declined to serve; neither is Edwin M. Stanton, who died before he could take the necessary steps toward becoming a Member of the Court. Chief Justice Rutledge is included because he took his oaths and presided over the August term of 1795, his name appearing on two opinions of the Court for that term.

[3] Where a Member received two commissions the one entered on the Court's Minutes is here used.

[4] Commissioned July 1, 1795 (during adjournment of Congress); presided at August term, 1795. Nomination rejected by the Senate Dec. 15, 1795.

[5] Also served as Associate Justice.

CABINET OFFICERS, 1789 TO 2008

SECRETARIES OF STATE

Name	Confirmation date[1]	President
1. Thomas Jefferson	Sept. 26, 1789	George Washington.
Do	Mar. 4, 1793	Do.
2. Edmund Randolph	Jan. 2, 1794	Do.
3. Timothy Pickering	Dec. 10, 1795	Do.
Do	Mar. 4, 1797	John Adams.
4. John Marshall	May 13, 1800	Do.
5. James Madison	Mar. 5, 1801	Thomas Jefferson.
Do	Mar. 4, 1805	Do.
6. Robert Smith	Mar. 6, 1809	James Madison.
7. James Monroe	Nov. 25, 1811	Do.[2]
Do	Feb. 28, 1815	Do.
8. John Quincy Adams	Mar. 5, 1817	James Monroe.
9. Henry Clay	Mar. 7, 1825	John Quincy Adams.
10. Martin Van Buren	Mar. 6, 1829	Andrew Jackson.
11. Edward Livingston	Jan. 12, 1832	Do.[3]
12. Louis McLane	May 29, 1833	Do.
13. John Forsyth	June 27, 1834	Do.
Do	Mar. 4, 1837	Martin Van Buren.
14. Daniel Webster	Mar. 5, 1841	William H. Harrison.
Do	Apr. 6, 1841	John Tyler.
15. Abel P. Upshur	Jan. 2, 1844	Do.[4]
16. John C. Calhoun	Mar. 6, 1844	Do.
17. James Buchanan	Mar. 5, 1845	James K. Polk.
18. John M. Clayton	Mar. 7, 1849	Zachary Taylor.
19. Daniel Webster	July 20, 1850	Millard Fillmore.
20. Edward Everett	Dec. 9, 1852	Do.[5]
21. William L. Marcy	Mar. 7, 1853	Franklin Pierce.
22. Lewis Cass	Mar. 6, 1857	James Buchanan.
23. Jeremiah S. Black	Dec. 17, 1860	Do.
24. William H. Seward	Mar. 5, 1861	Abraham Lincoln.
Do	.....	Andrew Johnson.
25. Elihu B. Washburne	Mar. 5, 1869	Ulysses S. Grant.
26. Hamilton Fish	Mar. 11, 1869	Do.
Do	Mar. 17, 1873	Do.
27. William M. Evarts	Mar. 10, 1877	Rutherford B. Hayes.
28. James G. Blaine	Mar. 5, 1881	James A. Garfield.
29. Frederick T. Frelinghuysen	Dec. 12, 1881	Chester A. Arthur.
30. Thomas F. Bayard	Mar. 6, 1885	Grover Cleveland.
31. James G. Blaine	Mar. 5, 1889	Benjamin Harrison.
32. John W. Foster	June 29, 1892	Do.
33. Walter Q. Gresham	Mar. 6, 1893	Grover Cleveland.
34. Richard Olney	Dec. 3, 1895	Do.[6]
35. John Sherman	Mar. 5, 1897	William McKinley.
36. William R. Day	Apr. 26, 1898	Do.
37. John Hay	Dec. 7, 1898	Do.[7]
Do	Mar. 5, 1901	Do.
Do	Mar. 6, 1905	Theodore Roosevelt.
38. Elihu Root	Dec. 6, 1905	Do.[8]
39. Robert Bacon	Jan. 27, 1909	Do.
40. Philander C. Knox	Mar. 5, 1909	William H. Taft.
41. William Jennings Bryan	Mar. 5, 1913	Woodrow Wilson.
42. Robert Lansing	Dec. 13, 1915	Do.[9]
43. Bainbridge Colby	Mar. 22, 1920	Do.
44. Charles Evans Hughes	Mar. 4, 1921	Warren G. Harding.
Do	.....	Calvin Coolidge.
45. Frank B. Kellogg	Feb. 16, 1925	Do.
46. Henry Lewis Stimson	Mar. 5, 1929	Herbert C. Hoover.
47. Cordell Hull	Mar. 4, 1933	Franklin D. Roosevelt.
48. Edward R. Stettinius, Jr	Nov. 30, 1944	Do.
49. James F. Byrnes	July 2, 1945	Harry S. Truman.

SECRETARIES OF STATE—Continued

Name	Confirmation date[1]	President
50. George C. Marshall	Jan. 8, 1947	Do.
51. Dean G. Acheson	Jan. 18, 1949	Do.
52. John Foster Dulles	Jan. 21, 1953	Dwight D. Eisenhower.
53. Christian A. Herter	Apr. 21, 1959	Do.
54. Dean Rusk	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
55. William P. Rogers	Jan. 20, 1969	Richard M. Nixon.
56. Henry A. Kissinger	Sept. 20, 1973	Do.
Do		Gerald R. Ford.
57. Cyrus Vance	Jan. 20, 1977	Jimmy Carter.
58. Edmund S. Muskie	May 7, 1980	Do.
59. Alexander Meigs Haig, Jr	Jan. 21, 1981	Ronald Reagan.
60. George P. Shultz	July 15, 1982	Do.
61. James A. Baker III	Jan. 25, 1989	George Bush.
62. Lawrence S. Eagleburger	Dec. 10, 1992	Do.
63. Warren Christopher	Jan. 20, 1993	William J. Clinton.
64. Madeleine K. Albright	Jan. 22, 1997	Do.
65. Colin L. Powell	Jan. 20, 2001	George W. Bush.
66. Condoleeza Rice	Jan. 26, 2005	Do.

[1] Previous editions of the Senate Manual listed the appointment date for cabinet officers. This edition provides the Senate's confirmation date. If the cabinet officer was appointed and began service during a Senate recess, a footnote provides a beginning service date.
[2] Recess appointment; began service April 2, 1811.
[3] Recess appointment; began service May 24, 1831.
[4] Recess appointment; began service July 24, 1843.
[5] Recess appointment; began service Nov. 6, 1852.
[6] Recess appointment; began service June 8, 1895.
[7] Recess appointment; began service Sept. 30, 1898.
[8] Recess appointment; began service July 19, 1905.
[9] Recess appointment; began service June 24, 1945.

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SECRETARIES OF THE TREASURY

Name	Confirmation date	President
1. Alexander Hamilton	Sept. 11, 1789	George Washington.
2. Oliver Wolcott, Jr	Feb. 3, 1795	Do.
Do		John Adams.
3. Samuel Dexter	Dec. 31, 1800	Do.
Do		Thomas Jefferson.
4. Albert Gallatin	Jan. 26, 1802	Do.[1]
Do		James Madison.
5. George W. Campbell	Feb. 9, 1814	Do.
6. Alexander J. Dallas	Oct. 6, 1814	Do.
7. William H. Crawford	Oct. 22, 1816	Do.
Do	Mar. 5, 1817	James Monroe.
8. Richard Rush	Mar. 7, 1825	John Quincy Adams.
9. Samuel D. Ingham	Mar. 6, 1829	Andrew Jackson.
10. Louis McLane	Jan. 13, 1832	Do.[2]
11. William J. Duane		Do.[3]
12. Roger B. Taney		Do.[4]
13. Levi Woodbury	June 27, 1834	Do.
Do		Martin Van Buren.
14. Thomas Ewing	Mar. 5, 1841	William H. Harrison.
Do		John Tyler.
15. Walter Forward	Sept. 13, 1841	Do.
16. John C. Spencer	Mar. 3, 1843	Do.
17. George M. Bibb	June 15, 1844	Do.
Do		James K. Polk.
18. Robert J. Walker	Mar. 5, 1845	Do.
19. William M. Meredith	Mar. 7, 1849	Zachary Taylor.
Do		Millard Fillmore.
20. Thomas Corwin	July 20, 1850	Do.
21. James Guthrie	Mar. 7, 1853	Franklin Pierce.
22. Howell Cobb	Mar. 6, 1857	James Buchanan.
23. Phillip F. Thomas	Dec. 12, 1860	Do.
24. John A. Dix	Jan. 11, 1861	Do.
25. Salmon P. Chase	Mar. 5, 1861	Abraham Lincoln.
26. William Pitt Fessenden	July 1, 1864	Do.

SECRETARIES OF THE TREASURY—Continued

Name	Confirmation date	President
27. Hugh McCulloch	Mar. 7, 1865	Do.
Do		Andrew Johnson.
28. George S. Boutwell	Mar. 11, 1869	Ulysses S. Grant.
29. William A. Richardson	Mar. 17, 1873	Do.
30. Benjamin H. Bristow	June 2, 1874	Do.
31. Lot M. Morrill	June 21, 1876	Do.
Do	June 21, 1876	Rutherford B. Hayes.
32. John Sherman	Mar. 8, 1877	Do.
33. William Windom	Mar. 5, 1881	James A. Garfield.
Do		Chester A. Arthur.
34. Charles J. Folger	Oct. 27, 1881	Do.
35. Walter Q. Gresham		Do.[5]
36. Hugh McCulloch	Dec. 18, 1884	Do.[6]
Do		Grover Cleveland.
37. Daniel Manning	Mar. 6, 1885	Do.
38. Charles S. Fairchild	Dec. 15, 1887	Do.[7]
Do		Benjamin Harrison.
39. William Windom	Mar. 5, 1889	Do.
40. Charles Foster	Feb. 24, 1891	Do.
Do		Grover Cleveland.
41. John G. Carlisle	Mar. 6, 1893	Do.
Do		William McKinley.
42. Lyman J. Gage	Mar. 5, 1897	Do.
Do	Mar. 5, 1901	Do.
43. Leslie M. Shaw	Jan. 9, 1902	Theodore Roosevelt.
Do	Mar. 6, 1905	Do.
44. George B. Cortelyou	Jan. 15, 1907	Do.
45. Franklin MacVeagh	Mar. 5, 1909	William H. Taft.
46. William G. McAdoo	Mar. 5, 1913	Woodrow Wilson.
47. Carter Glass	Dec. 6, 1918	Do.
48. David Franklin Houston	Jan. 31, 1920	Do.
49. Andrew W. Mellon	Mar. 4, 1921	Warren G. Harding.
Do		Calvin Coolidge.
Do		Herbert C. Hoover.
50. Ogden L. Mills	Feb. 10, 1932	Do.
51. William H. Woodin	Mar. 4, 1933	Franklin D. Roosevelt.
52. Henry Morgenthau, Jr	Jan. 8, 1934	Do.
Do		Harry S. Truman.
53. Fred M. Vinson	July 17, 1945	Do.
54. John W. Snyder	June 11, 1946	Do.
55. George M. Humphrey	Jan. 21, 1953	Dwight D. Eisenhower.
56. Robert B. Anderson	July 2, 1957	Do.
57. Douglas Dillon	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
58. Henry H. Fowler	Mar. 25, 1965	Do.
59. Joseph W. Barr	Dec. 21, 1968	Do.[8]
60. David M. Kennedy	Jan. 20, 1969	Richard M. Nixon.
61. John B. Connally	Feb. 8, 1971	Do.
62. George P. Shultz	June 8, 1972	Do.
63. William E. Simon	Apr. 30, 1974	Do.
Do		Gerald R. Ford.
64. W. Michael Blumenthal	Jan. 20, 1977	Jimmy Carter.
65. G. William Miller	Aug. 2, 1979	Do.
66. Donald T. Regan	Jan. 21, 1981	Ronald Reagan.
67. James A. Baker, III	Jan. 29, 1985	Do.
68. Nicholas F. Brady	Sept. 14, 1988	Do.
Do		George Bush.
69. Lloyd Bentsen	Jan. 20, 1993	William J. Clinton.
70. Robert E. Rubin	Jan. 10, 1995	Do.
71. Lawrence H. Summers	July 1, 1999	Do.
72. Paul H. O'Neill	Jan. 20, 2001	George W. Bush
73. John Snow	Jan. 30, 2003	Do.
74. Henry Paulson	June 28, 2006	Do.

[1] Recess appointment. Began service May 14, 1801.
[2] Recess appointment. Began service Aug. 8, 1831.
[3] Recess appointment that was not submitted to the Senate. Duane served from May 29, 1833, to Sept. 23, 1833.
[4] Recess appointment. Began service Sept. 23, 1833, but was rejected by the Senate on Jun. 24, 1834.
[5] Recess appointment. Served from Sept. 25, 1884, to Oct. 30, 1884.
[6] Recess appointment. Began service on Oct. 31, 1884.

[7] Recess appointment. Began service on Apr. 1, 1887.
[8] Recess appointment. Received new commission Jan. 9, 1969, upon confirmation by the Senate.

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SECRETARIES OF DEFENSE*

Name	Confirmation date	President
1. James V. Forrestal	July 26, 1947	Harry S. Truman.
2. Louis A. Johnson	Mar. 23, 1949	Do.
3. George C. Marshall	Sept. 20, 1950	Do.
4. Robert A. Lovett	Sept. 14, 1951	Do.
5. Charles E. Wilson	Jan. 26, 1953	Dwight D. Eisenhower.
6. Neil Hosler McElroy	Aug. 19, 1957	Do.
7. Thomas Sovereign Gates, Jr	Jan. 26, 1960	Do.
8. Robert S. McNamara	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
9. Clark M. Clifford	Jan. 30, 1968	Do.
10. Melvin R. Laird	Jan. 20, 1969	Richard M. Nixon.
11. Elliot L. Richardson	Jan. 29, 1973	Do.
12. James R. Schlesinger	June 28, 1973	Do.
Do		Gerald R. Ford.
13. Donald Rumsfeld	Nov. 18, 1975	Do.
14. Harold Brown	Jan. 20, 1977	Jimmy Carter.
15. Caspar Willard Weinberger	Jan. 20, 1981	Ronald Reagan.
16. Frank C. Carlucci	Nov. 20, 1987	Do.
17. Richard B. Cheney	Mar. 17, 1989	George Bush.
18. Les Aspin	Jan. 20, 1993	William J. Clinton.
19. William J. Perry	Feb. 3, 1994	Do.
20. William S. Cohen	Jan. 22, 1997	Do.
21. Donald H. Rumsfeld	Jan. 20, 2001	George W. Bush
22. Robert Gates	Dec. 6, 2006	Do.

*The National Security Act of 1947, Public Law 253, 80th Cong., approved July 26, 1947, created the office of Secretary of Defense and merged the War and Navy Departments into the National Military Establishment.

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SECRETARIES OF WAR*

Name	Confirmation date	President
1. Harry Knox	Sept. 12, 1789	George Washington.
2. Timothy Pickering	Jan. 2, 1795	Do.
3. James McHenry	Jan. 27, 1796	Do.
Do	Mar. 4, 1797	John Adams.
4. Samuel Dexter	May 13, 1800	Do.
5. Roger Griswold	Feb. 3, 1801	Do.
6. Henry Dearborn	Mar. 5, 1801	Thomas Jefferson.
7. William Eustis	Mar. 6, 1809	James Madison.
8. John Armstrong	Jan. 13, 1813	Do.
9. James Monroe	Sept. 27, 1814	Do.
10. William H. Crawford	Mar. 3, 1815	Do.
11. John C. Calhoun	Dec. 15, 1817	James Monroe.[1]
12. James Barbour	Mar. 7, 1825	John Quincy Adams.
13. Peter B. Porter	May 26, 1828	Do.
14. John H. Eaton	Mar. 9, 1829	Andrew Jackson.
15. Lewis Cass	Dec. 30, 1831	Do.[2]
16. Benjamin F. Butter	Mar. 3, 1837	Do.[3]
17. Joel R. Poinsett	Mar. 7, 1837	Martin Van Buren.
18. John Bell	Mar. 5, 1841	William H. Harrison.
Do		John Tyler.
19. John C. Spencer	Dec. 20, 1841	Do.
20. James M. Porter		Do.[4]
21. William Wilkins	Feb. 15, 1844	Do.
22. William L. Marcy	Mar. 5, 1845	James K. Polk.
23. George W. Crawford	Mar. 7, 1849	Zachary Taylor.
24. Charles M. Conard	Aug. 15, 1850	Millard Fillmore.
25. Jefferson Davis	Mar. 7, 1853	Franklin Pierce.
26. John B. Floyd	Mar. 6, 1857	James Buchanan.
27. Joseph Holt	Jan. 18, 1861	Do.
28. Simon Cameron	Mar. 5, 1861	Abraham Lincoln.
29. Edwin M. Stanton	Jan. 15, 1862	Do.
Do		Andrew Johnson.

SECRETARIES OF WAR*—Continued

Name	Confirmation date	President
30. Ulysses S. Grant	.....	Do.[5]
31. John M. Schofield	May 30, 1868	Do.
32. John A. Rawlins	Mar. 11, 1869	Ulysses S. Grant.
33. William T. Sherman	.....	Do.[6]
34. William W. Belknap	Dec. 8, 1869	Do.
Do	Mar. 17, 1873	Do.
35. Alphonso Taft	Mar. 8, 1876	Do.
36. James D. Cameron	May 22, 1876	Do.
37. George W. McCrary	Mar. 10, 1877	Rutherford B. Hayes.
38. Alexander Ramsey	Dec. 10, 1879	Do.
39. Robert T. Lincoln	Mar. 5, 1881	James A. Garfield.
Do	.....	Chester A. Arthur.
40. William C. Endicott	Mar. 6, 1885	Grover Cleveland.
41. Redfield Proctor	Mar. 5, 1889	Benjamin Harrison.
42. Stephen B. Elkins	Dec. 22, 1891	Do.
43. Daniel S. Lamont	Mar. 6, 1893	Grover Cleveland.
44. Russell A. Alger	Mar. 5, 1897	William McKinley.
45. Elihu Root	Dec. 6, 1899	Do.[7]
Do	Mar. 5, 1901	Do.
Do	.....	Theodore Roosevelt
46. William H. Taft	Jan. 11, 1904	Do.
Do	Mar. 6, 1905	Do.
47. Luke E. Wright	Dec. 9, 1908	Do.[8]
48. Jacob M. Dickinson	Mar. 5, 1909	William H. Taft.
49. Henry Lewis Stimson	May 16, 1911	Do.
50. Lindley M. Garrison	Mar. 5, 1913	Woodrow Wilson.
51. Newton D. Baker	Mar. 7, 1916	Do.
52. John Wingate Weeks	Mar. 4, 1921	Warren G. Harding.
Do	.....	Calvin Coolidge.
53. Dwight F. Davis	Dec. 15, 1925	Do.
54. James William Good	Mar. 5, 1929	Herbert C. Hoover.
55. Patrick J. Hurley	Dec. 9, 1929	Do.
56. George H. Dern	Mar. 4, 1933	Franklin D. Roosevelt.
57. Harry Hines Woodring	May 6, 1937	Do.
58. Henry Lewis Stimson	July 9, 1940	Do.
Do	.....	Harry S. Truman.
59. Robert P. Patterson	Sept. 20, 1945	Do.
60. Kenneth C. Royall	July 19, 1947	Do.

*The National Security Act of 1947, Public Law 253, 80th Cong., approved July 26, 1947, created the office of Secretary of Defense and merged the War and Navy Departments into the National Military Establishment.

[1] Recess appointment. Began service on Oct. 8, 1817.
[2] Recess appointment. Began service on Aug. 1, 1831.
[3] Recess appointment. Began service on Oct. 6, 1836.
[4] Recess appointment. Began service on Mar. 8, 1843, but was rejected by the Senate on Jan. 30, 1844.
[5] Recess appointment. Served ad interim from Aug. 12, 1867, to Jan. 12, 1868.
[6] Recess appointment. Began service on Sept. 9, 1869, but nomination not submitted to Senate.
[7] Recess appointment. Began service on Aug. 1, 1899.
[8] Recess appointment. Began service on July 1, 1908.

ATTORNEYS GENERAL 1575

Name	Confirmation date	President
1. Edmund Randolph	Sept. 26, 1789	George Washington.
2. William Bradford	Jan. 27, 1794	Do.
3. Charles Lee	Dec. 10, 1795	Do.
Do	.....	John Adams.
4. Levi Lincoln	Mar. 5, 1801	Thomas Jefferson.
5. John Breckenridge	Dec. 23, 1805	Do.[1]
6. Caesar A. Rodney	Jan. 20, 1807	Do.
Do	.....	James Madison.
7. William Pinckney	Dec. 11, 1811	Do.
8. Richard Rush	Feb. 10, 1814	Do.
Do	.....	James Monroe.
9. William Wirt	Dec. 15, 1817	Do.[2]
Do	.....	John Quincy Adams.
10. John M. Berrien	Mar. 9, 1829	Andrew Jackson.
11. Roger B. Taney	Dec. 27, 1831	Do.[3]

ATTORNEYS GENERAL—Continued

Name	Confirmation date	President
12. Benjamin F. Butler	June 24, 1834	Do.[4]
Do		Martin Van Buren.
13. Felix Grundy	July 5, 1838	Do.
14. Henry D. Gilpin	Jan. 10, 1840	Do.
15. John J. Crittenden	Mar. 5, 1841	William H. Harrison.
Do		John Tyler.
16. Hugh S. Legare	Sept. 13, 1841	Do.
17. John Nelson	Jan. 2, 1844	Do.[5]
18. John Y. Mason	Mar. 5, 1845	James K. Polk.
19. Nathan Clifford	Dec. 23, 1846	Do.[6]
20. Isaac Toucey	June 21, 1848	Do.
21. Reverdy Johnson	Mar. 7, 1849	Zachary Taylor.
22. John J. Crittenden	July 20, 1850	Millard Fillmore.
23. Caleb Cushing	Mar. 7, 1853	Franklin Pierce.
24. Jeremiah S. Black	Mar. 6, 1857	James Buchanan.
25. Edwin M. Stanton	Dec. 20, 1860	Do.
26. Edward Bates	Mar. 5, 1861	Abraham Lincoln.
27. James Speed	Dec. 12, 1864	Do.
Do		Andrew Johnson.
28. Henry Stanbery	July 23, 1866	Do.[7]
29. William M. Evarts	July 15, 1868	Do.
30. E. Rockwood Hoar	Mar. 5, 1869	Ulysses S. Grant.
31. Amos T. Ackerman	June 23, 1870	Do.
32. George H. Williams	Dec. 14, 1871	Do.
Do	Mar. 17, 1873	Do.
33. Edwards Pierrepont	Dec. 9, 1875	Do.[8]
34. Alphonso Taft	May 22, 1876	Do.
35. Charles Devens	Mar. 10, 1877	Rutherford B. Hayes.
36. Wayne MacVeagh	Mar. 5, 1881	James A. Garfield.
Do		Chester A. Arthur
37. Benjamin H. Brewster	Dec. 19, 1881	Do.
38. Augustus H. Garland	Mar. 6, 1885	Grover Cleveland.
39. William H. H. Miller	Mar. 5, 1889	Benjamin Harrison.
40. Richard Olney	Mar. 6, 1893	Grover Cleveland.
41. Judson Harmon	Dec. 3, 1895	Do.[9]
42. Joseph McKenna	Mar. 5, 1897	William McKinley.
43. John W. Griggs	Jan. 25, 1898	Do.
Do	Mar. 5, 1901	Do.
44. Philander C. Knox	Dec. 16, 1901	Do.[10]
Do		Theodore Roosevelt
45. William H. Moody	Dec. 7, 1904	Theodore Roosevelt.[11]
Do	Mar. 6, 1905	Do.
46. Charles J. Bonaparte	Dec. 12, 1906	Do.
47. George W. Wickersham	Mar. 5, 1909	William H. Taft.
48. James Clark McReynolds	Mar. 5, 1913	Woodrow Wilson.
49. Thomas Watt Gregory	Aug. 29, 1914	Do.
50. A. Mitchell Palmer	Aug. 29, 1919	Do.[12]
51. Harry M. Daugherty	Mar. 4, 1921	Warren G. Harding.
Do		Calvin Coolidge.
52. Harlan F. Stone	Apr. 7, 1924	Do.
53. John G. Sargent	Mar. 17, 1925	Do.
54. William DeWitt Mitchell	Mar. 5, 1929	Herbert C. Hoover.
55. Homer S. Cummings	Mar. 4, 1933	Franklin D. Roosevelt.
56. Frank Murphy	Jan. 17, 1939	Do.
57. Robert H. Jackson	Jan. 16, 1940	Do.
58. Francis Biddle	Sept. 5, 1941	Do.
Do		Harry S. Truman
59. Tom C. Clark	June 14, 1945	Harry S. Truman.
60. J. Howard McGrath	Aug. 18, 1949	Do.
61. James P. McGranery	May 20, 1952	Do.
62. Herbert Brownell, Jr	Jan. 21, 1953	Dwight D. Eisenhower.
63. William P. Rogers	Jan. 27, 1958	Do.
64. Robert F. Kennedy	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
65. Nicholas deB. Katzenbach	Feb. 10, 1965	Do.
66. Ramsey Clark	Mar. 2, 1967	Do.
67. John N. Mitchell	Jan. 20, 1969	Richard M. Nixon.
68. Richard G. Kleindienst	June 8, 1972	Do.
69. Elliot L. Richardson	May 23, 1973	Do.
70. William B. Saxbe	Dec. 17, 1973	Do.
Do		Gerald R. Ford.

ATTORNEYS GENERAL—Continued

Name	Confirmation date	President
71. Edward Hirsch Levi	Feb. 5, 1975	Do.
72. Griffin B. Bell	Jan. 25, 1977	Jimmy Carter.
73. Benjamin R. Civiletti	Aug. 1, 1979	Do.
74. William French Smith	Jan. 22, 1981	Ronald Reagan.
75. Edwin Meese III	Feb. 23, 1985	Do.
76. Richard L. Thornburgh	Aug. 11, 1988	Do.
Do		George Bush.
77. William P. Barr	Nov. 20, 1991	Do.
78. Janet Reno	Mar. 11, 1993	William J. Clinton.
79. John D. Ashcroft	Feb. 1, 2001	George W. Bush
80. Alberto Gonzales	Feb. 3, 2005	Do.
81. Michael Mukasey	Nov. 8, 2007	Do.

[1] Recess appointment. Began service Aug. 7, 1805.
[2] Recess appointment. Began service Nov. 15, 1817.
[3] Recess appointment. Began service July 20, 1831.
[4] Recess appointment. Began service Nov. 15, 1833.
[5] Recess appointment. Began service July 1, 1843.
[6] Recess appointment. Began service Oct. 17, 1846.
[7] Stanbery left his position as attorney general to serve as counsel to President Andrew Johnson in his impeachment trial. When Johnson again nominated Stanbery as attorney general after the trial, the Senate rejected the nomination.
[8] Recess appointment. Began service May 15, 1875.
[9] Recess appointment. Began service June 11, 1895.
[10] Recess appointment. Began service April 10, 1901.
[11] Recess appointment. Began service July 1, 1904.
[12] Palmer was nominated Feb. 27, 1919, but the Senate failed to act on the nomination. Wilson appointed him as a recess appointment and he began service on Mar. 5, 1919.

POSTMASTERS GENERAL* 1576

Name	Confirmation date	President
1. Samuel Osgood	Sept. 26, 1789	George Washington.
2. Timothy Pickering	Nov. 7, 1791	Do.[1]
3. Joseph Habersham	Feb. 25, 1795	Do.
Do		John Adams.
Do		Thomas Jefferson.
4. Gideon Granger	Jan. 6, 1802	Do.[2]
Do		James Madison.
5. Return J. Meigs, Jr	Mar. 17, 1814	Do.
Do		James Monroe.
6. John McLean	Dec. 9, 1823	Do.[3]
Do		John Quincy Adams.
7. William T. Barry	Mar. 9, 1829	Andrew Jackson.
8. Amos Kendall	Mar. 15, 1836	Do.[4]
Do		Martin Van Buren.
9. John M. Niles	May 18, 1840	Do.
10. Francis Granger	Mar. 5, 1841	William H. Harrison.
Do		John Tyler.
11. Charles A. Wickliffe	Sept. 13, 1841	Do.
12. Cave Johnson	Mar. 5, 1845	James K. Polk.
13. Jacob Collamer	Mar. 7, 1849	Zachary Taylor.
14. Nathan K. Hall	July 20, 1850	Millard Fillmore.
15. Samuel D. Hubbard	Aug. 31, 1852	Do.
16. James Campbell	Mar. 7, 1853	Franklin Pierce.
17. Aaron V. Brown	Mar. 6, 1857	James Buchanan.
18. Joseph Holt	Mar. 9, 1859	Do.
19. Horatio King	Feb. 12, 1861	Do.
20. Montgomery Blair	Mar. 5, 1861	Abraham Lincoln.
21. William Dennison	Dec. 8, 1864	Do.
Do	Apr. 15, 1865	Andrew Johnson.
22. Alexander W. Randall	July 25, 1866	Do.
23. John A. Creswell	Mar. 5, 1869	Ulysses S. Grant.
Do	Mar. 17, 1873	Do.
24. James W. Marshal		Do.[5]
25. Marshall Jewell	Dec. 15, 1874	Do.[6]
26. James N. Tyner	July 12, 1876	Do.
27. David M. Key	Mar. 10, 1877	Rutherford B. Hayes.
28. Horace Maynard	June 2, 1880	Do.
29. Thomas L. James	Mar. 5, 1881	James A. Garfield.

POSTMASTERS GENERAL*—Continued

Name	Confirmation date	President
Do	Oct. 27, 1881	Chester A. Arthur.
30. Timothy O. Howe	Dec. 20, 1881	Do.
31. Walter Q. Gresham	Dec. 11, 1883	Do.[7]
32. Frank Hatton	Dec. 4, 1884	Do.[8]
33. William F. Vilas	Mar. 6, 1885	Grover Cleveland.
34. Don M. Dickinson	Jan. 16, 1888	Do.
35. John Wanamaker	Mar. 5, 1889	Benjamin Harrison.
36. Wilson S. Bissell	Mar. 6, 1893	Grover Cleveland.
37. William L. Wilson	Mar. 1, 1895	Do.
38. James A. Gary	Mar. 5, 1897	William McKinley.
39. Charles Emory Smith	Apr. 21, 1898	Do.
Do	Mar. 5, 1901	Do.
40. Henry C. Payne	Jan. 9, 1902	Theodore Roosevelt.
41. Robert J. Wynne	Dec. 7, 1904	Do.[9]
42. George B. Cortelyou	Mar. 6, 1905	Do.
43. George von L. Meyer	Jan. 15, 1907	Do.[10]
44. Frank H. Hitchcock	Mar. 5, 1909	William H. Taft.
45. Albert Sidney Burleson	Mar. 5, 1913	Woodrow Wilson.
Do	Jan. 24, 1918	Do.
46. Will H. Hays	Mar. 4, 1921	Warren G. Harding.
47. Hubert Work	Mar. 2, 1922	Do.
48. Harry S. New	Feb. 27, 1923	Do.
Do	.....	Calvin Coolidge.
Do	Mar. 5, 1925	Do.
49. Walter Folger Brown	Mar. 5, 1929	Herbert C. Hoover.
50. James A. Farley	Mar. 4, 1933	Franklin D. Roosevelt.
51. Frank C. Walker	Sept. 6, 1940	Do.
Do	Feb. 5, 1945	Do.
52. Robert E. Hannegan	May 7, 1945	Harry S. Truman.
53. Jesse M. Donaldson	Dec. 15, 1947	Do.
54. Arthur E. Summerfield	Jan. 21, 1953	Dwight D. Eisenhower.
Do	Feb. 4, 1957	Do.
55. J. Edward Day	Jan. 21, 1961	John F. Kennedy.
56. John A. Gronouski	Sept. 24, 1963	Do.
Do	.....	Lyndon B. Johnson.
57. Lawrence F. O'Brien	Sept. 1, 1965	Do.
58. W. Marvin Watson	Apr. 26, 1968	Do.
59. Winton M. Blount	Jan. 21, 1969	Richard M. Nixon.

*The Post Office Department ceased to exist as a Cabinet Department upon the establishment of the United States Postal Service, effective July 1, 1971. Winton M. Blount was the last Postmaster General to be appointed by a President of the United States.

[1] Recess appointment. Began service Aug. 12, 1791.
[2] Recess appointment. Began service Nov. 28, 1791.
[3] Recess appointment. Began service June 26, 1823.
[4] Recess appointment. Began service May 1, 1835.
[5] Recess appointment. Nomination never submitted to Senate. Served July 7, 1874, to Aug. 31, 1874.
[6] Recess appointment. Began service Sept. 1, 1874.
[7] Recess appointment. Began service Apr. 11, 1883.
[8] Recess appointment. Began service Oct. 14, 1884.
[9] Recess appointment. Began service Oct. 10, 1904.
[10] To take effect Mar. 4, 1907.

1577

SECRETARIES OF THE NAVY*

Name	Confirmation date	President
1. Benjamin Stoddert	May 21, 1798	John Adams.
Do	.....	Thomas Jefferson.
2. Robert Smith	.....	Do.[1]
3. Paul Hamilton	Mar. 7, 1809	James Madison.
4. William Jones	Jan. 12, 1813	Do.
5. Benjamin W. Crowninshield	Dec. 19, 1814	Do.
Do	.....	James Monroe.
6. Smith Thompson	Nov. 30, 1818	Do.
7. Samuel L. Southard	Dec. 9, 1823	Do.[2]
Do	.....	John Quincy Adams.
8. John Branch	Mar. 9, 1829	Andrew Jackson.
9. Levi Woodbury	Dec. 27, 1831	Do.[3]
10. Mahlon Dickerson	June 30, 1834	Do.

SECRETARIES OF THE NAVY*—Continued

Name	Confirmation date	President
Do	.....	Martin Van Buren.
11. James K. Paulding	June 20, 1838	Do.
12. George E. Badger	Mar. 5, 1841	William H. Harrison.
Do	.....	John Tyler.
13. Abel P. Upshur	Sept. 13, 1841	Do.
14. David Henshaw	.....	Do.[4]
15. Thomas W. Gilmer	Feb. 15, 1844	Do.
16. John Y. Mason	Mar. 14, 1844	Do.
17. George Bancroft	Mar. 10, 1845	James K. Polk.
18. John Y. Mason	Dec. 17, 1846	Do.[5]
19. William B. Preston	Mar. 7, 1849	Zachary Taylor.
20. William A. Graham	July 20, 1850	Millard Fillmore.
21. John P. Kennedy	July 22, 1852	Do.
22. James C. Dobbin	Mar. 7, 1853	Franklin Pierce.
23. Isaac Toucey	Mar. 6, 1857	James Buchanan.
24. Gideon Welles	Mar. 5, 1861	Abraham Lincoln.
Do	.....	Andrew Johnson.
25. Adolph E. Borie	Mar. 5, 1869	Ulysses S. Grant.
26. George M. Robeson	Dec. 8, 1869	Do.[6]
Do	Mar. 17, 1873	Do.
27. Richard W. Thompson	Mar. 10, 1877	Rutherford B. Hayes.
28. Nathan Goff, Jr	Jan. 6, 1881	Do.
29. William H. Hunt	Mar. 5, 1881	James A. Garfield.
30. William E. Chandler	Apr. 12, 1882	Chester A. Arthur.
31. William C. Whitney	Mar. 6, 1885	Grover Cleveland.
32. Benjamin F. Tracy	Mar. 5, 1889	Benjamin Harrison.
33. Hilary A. Herbert	Mar. 6, 1893	Grover Cleveland.
34. John D. Long	Mar. 5, 1897	William McKinley.
Do	Mar. 5, 1901	Do.
35. William H. Moody	Apr. 29, 1902	Theodore Roosevelt.
36. Paul Morton	Dec. 7, 1904	Do.[7]
Do	Mar. 6, 1905	Do.
37. Charles J. Bonaparte	Dec. 7, 1905	Theodore Roosevelt.[8]
38. Victor H. Metcalf	Dec. 12, 1906	Do.
39. Truman H. Newberry	Dec. 9, 1908	Do.
40. George von L. Meyer	Mar. 5, 1909	William H. Taft.
41. Josephus Daniels	Mar. 5, 1913	Woodrow Wilson.
42. Edwin Denby	Mar. 4, 1921	Warren G. Harding.
Do	.....	Calvin Coolidge.
43. Curtis D. Wilbur	Mar. 18, 1924	Do.
44. Charles Francis Adams	Mar. 5, 1929	Herbert C. Hoover.
45. Claude A. Swanson	Mar. 4, 1933	Franklin D. Roosevelt.
46. Charles Edison	Jan. 11, 1940	Do.
47. Frank Knox	July 10, 1940	Do.
48. James V. Forrestal	May 17, 1944	Do.

*The Navy and War Departments were merged into the National Military Establishment by Public Law 253, 80th Cong., approved July 26, 1947.
[1] Recess appointment. Began service July 27, 1801.
[2] Recess appointment. Began service Sept. 16, 1823.
[3] Recess appointment. Began service May 23, 1831.
[4] Recess appointment. Began service July 24, 1843. Rejected by the Senate on Jan. 15, 1844.
[5] Recess appointment. Began service Sept. 9, 1846.
[6] Recess appointment. Began service June 26, 1869.
[7] Recess appointment. Began service July 1, 1904.
[8] Recess appointment. Began service July 1, 1905.

SECRETARIES OF THE INTERIOR 1578

Name	Confirmation date	President
1. Thomas Ewing	Mar. 7, 1849	Zachary Taylor.
2. Thomas M. T. McKennan	Aug. 15, 1850	Millard Fillmore.
3. Alex H. H. Stuart	Sept. 12, 1850	Do.
4. Robert McClelland	Mar. 7, 1853	Franklin Pierce.
5. Jacob Thompson	Mar. 6, 1857	James Buchanan.
6. Caleb B. Smith	Mar. 5, 1861	Abraham Lincoln.
7. John P. Usher	Jan. 8, 1863	Do.
Do	Apr. 15, 1865	Andrew Johnson.
8. James Harlan	May 15, 1865	Do.[1]

SECRETARIES OF THE INTERIOR—Continued

Name	Confirmation date	President
9. Orville H. Browning	July 27, 1866	Do.
10. Jacob D. Cox	Mar. 5, 1869	Ulysses S. Grant.
11. Columbus Delano	Dec. 8, 1870	Do.
Do	Mar. 17, 1873	Do.
12. Zachariah Chandler	Dec. 9, 1875	Do.[2]
13. Carl Schurz	Mar. 10, 1877	Rutherford B. Hayes.
14. Samuel J. Kirkwood	Mar. 5, 1881	James A. Garfield.
15. Henry M. Teller	Apr. 6, 1882	Chester A. Arthur.
16. Lucius Q. C. Lamar	Mar. 6, 1885	Grover Cleveland.
17. William F. Vilas	Jan. 16, 1888	Do.
18. John W. Noble	Mar. 5, 1889	Benjamin Harrison.
19. Hoke Smith	Mar. 6, 1893	Grover Cleveland.
20. David R. Francis	Jan. 18, 1897	Do.[3]
21. Cornelius N. Bliss	Mar. 5, 1897	William McKinley.
22. Ethan Allen Hitchcock	Dec. 21, 1898	Do.
Do	Mar. 5, 1901	Do.
Do	.....	Theodore Roosevelt.
Do	Mar. 6, 1905	Do.
23. James R. Garfield	Jan. 15, 1907	Do.
24. Richard A. Ballinger	Mar. 5, 1909	William H. Taft.
25. Walter L. Fisher	Apr. 17, 1911	Do.
26. Franklin Knight Lane	Mar. 5, 1913	Woodrow Wilson.
27. John Barton Payne	Feb. 28, 1920	Do.
28. Albert Bacon Fall	Mar. 4, 1921	Warren G. Harding.
29. Hubert Work	Feb. 27, 1923	Do.
Do	.....	Calvin Coolidge.
30. Roy O. West	July 20, 1928	Do.
31. Ray Lyman Wilbur	Mar. 5, 1929	Herbert C. Hoover.
32. Harold L. Ickes	Mar. 4, 1933	Franklin D. Roosevelt.
Do	.....	Harry S. Truman.
33. Julius A. Krug	Mar. 5, 1946	Do.
34. Oscar L. Chapman	Jan. 18, 1950	Do.[4]
35. Douglas McKay	Jan. 21, 1953	Dwight D. Eisenhower.
36. Frederick A. Seaton	June 6, 1956	Do.
37. Stewart Lee Udall	Jan. 21, 1961	John F. Kennedy.
Do	.....	Lyndon B. Johnson.
38. Walter J. Hickel	Jan. 23, 1969	Richard M. Nixon.
39. Rogers C. B. Morton	Jan. 28, 1971	Do.
Do	.....	Gerald R. Ford.
40. Stanley K. Hathaway	June 11, 1975	Do.
41. Thomas S. Kleppe	Oct. 9, 1975	Do.
42. Cecil D. Andrus	Jan. 20, 1977	Jimmy Carter.
43. James Gaius Watt	Jan. 22, 1981	Ronald Reagan.
44. William P. Clark	Nov. 18, 1983	Do.
45. Donald P. Hodel	Feb. 6, 1985	Do.
46. Manuel Lujan, Jr	Feb. 2, 1989	George Bush.
47. Bruce Babbitt	Jan. 21, 1993	William J. Clinton.
48. Gale A. Norton	Jan. 30, 2001	George W. Bush
49. Dirk Kempthorne	May 26, 2006	Do.

[1] Harlan was nominated by Abraham Lincoln and confirmed by the Senate on Mar. 9, 1865, to take effect on May 15, 1865.
[2] Recess appointment. Began service Oct. 19, 1875.
[3] Recess appointment. Began service Sept. 1, 1896.
[4] Recess appointment. Began service Dec. 1, 1949.

1579

SECRETARIES OF AGRICULTURE

Name	Confirmation date	President
1. Norman J. Coleman	Feb. 13, 1889	Grover Cleveland.
2. Jeremiah M. Rusk	Mar. 5, 1889	Benjamin Harrison.
3. Julius Sterling Morton	Mar. 6, 1893	Grover Cleveland.
4. James Wilson	Mar. 5, 1897	William McKinley.
Do	Mar. 5, 1901	Do.
Do	.....	Theodore Roosevelt.
Do	Mar. 6, 1905	Do.
Do	Mar. 5, 1909	William H. Taft.
5. David Franklin Houston	Mar. 5, 1913	Woodrow Wilson.
6. Edwin Thomas Meredith	Jan. 31, 1920	Do.

SECRETARIES OF AGRICULTURE—Continued

Name	Confirmation date	President
7. Henry C. Wallace	Mar. 4, 1921	Warren G. Harding.
Do		Calvin Coolidge.
8. Howard M. Gore	Dec. 4, 1924	Do.
9. William M. Jardine	Feb. 17, 1925	Do.
10. Arthur L. Hyde	Mar. 5, 1929	Herbert C. Hoover.
11. Henry A. Wallace	Mar. 4, 1933	Franklin D. Roosevelt.
12. Claude R. Wickard	Aug. 23, 1940	Do.
13. Clinton P. Anderson	June 1, 1945	Harry S. Truman.
14. Charles F. Brannan	May 28, 1948	Do.
15. Ezra Taft Benson	Jan. 21, 1953	Dwight D. Eisenhower.
16. Orville L. Freeman	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
17. Clifford M. Hardin	Jan. 20, 1969	Richard M. Nixon.
18. Earl Lauer Butz	Dec. 2, 1971	Do.
Do		Gerald R. Ford.
19. John A. Knebel	Nov. 3, 1976	Do.[1]
20. Bob S. Bergland	Jan. 20, 1977	Jimmy Carter.
21. John R. Block	Jan. 22, 1981	Ronald Reagan.
22. Richard E. Lyng	Mar. 6, 1986	Do.
23. Clayton K. Yeutter	Feb. 8, 1989	George Bush.
24. Edward R. Madigan	Mar. 7, 1991	Do.
25. Mike Espy	Jan. 21, 1993	William J. Clinton.
26. Daniel R. Glickman	Mar. 30, 1995	Do.
27. Ann M. Veneman	Jan. 20, 2001	George W. Bush
28. Mike Johanns	Jan. 20, 2005	Do.
29. Edward Schafer	Jan. 28, 2008	Do.

[1] Recess appointment. Nomination not confirmed by the Senate.

SECRETARIES OF COMMERCE AND LABOR* 1580

Name	Confirmation date	President
1. George B. Cortelyou	Feb. 16, 1903	Theodore Roosevelt.
2. Victor H. Metcalf	Dec. 7, 1904	Do.[1]
Do	Mar. 6, 1905	Do
3. Oscar S. Straus	Dec. 12, 1906	Do.
4. Charles Nagel	Mar. 5, 1909	William H. Taft.

*Department of Commerce and Labor abolished Mar. 3, 1913.
[1] Recess appointment. Began service July 1, 1904.

SECRETARIES OF COMMERCE 1581

Name	Confirmation date	President
1. William C. Redfield	Mar. 4, 1913	Woodrow Wilson.
2. Joshua Wills Alexander	Dec. 11, 1919	Do.
3. Herbert C. Hoover	Mar. 4, 1921	Warren G. Harding.
Do		Calvin Coolidge.
4. William F. Whiting	Dec. 11, 1928	Do.[1]
5. Robert Patterson Lamont	Mar. 5, 1929	Herbert C. Hoover.
6. Roy Dikeman Chapin	Dec. 14, 1932	Do.[2]
7. Daniel C. Roper	Mar. 4, 1933	Franklin D. Roosevelt.
8. Harry L. Hopkins	Jan. 23, 1939	Do.
9. Jesse H. Jones	Sept. 14, 1940	Do.
10. Henry A. Wallace	Mar. 1, 1945	Do.
11. W. Averell Harriman	Jan. 27, 1947	Harry S. Truman.[3]
12. Charles Sawyer	May 5, 1948	Do.
13. Sinclair Weeks	Jan. 21, 1953	Dwight D. Eisenhower.
14. Lewis L. Strauss		Do.[4]
15. Frederick Henry Mueller	Aug. 6, 1959	Do.
16. Luther H. Hodges	Jan. 21, 1961	John F. Kennedy.
Do		Lyndon B. Johnson.
17. John T. Connor	Jan. 15, 1965	Do.
18. Alexander B. Trowbridge	June 8, 1967	Do.
19. C. R. Smith	Mar. 1, 1968	Do.

SECRETARIES OF COMMERCE—Continued

Name	Confirmation date	President
20. Maurice H. Stans	Jan. 20, 1969	Richard M. Nixon.
21. Peter G. Peterson	Feb. 21, 1972	Do.
22. Frederick B. Dent	Jan. 18, 1973	Do.
Do		Gerald R. Ford.
23. Rogers C. B. Morton	Apr. 25, 1975	Do.
24. Elliot L. Richardson	Dec. 11, 1975	Do.
25. Juanita M. Kreps	Jan. 20, 1977	Jimmy Carter.
26. Philip M. Klutznick	Dec. 20, 1979	Do.
27. Malcolm Baldrige	Jan. 22, 1981	Ronald Reagan.
28. C. William Verity, Jr	Oct. 13, 1987	Do.
29. Robert A. Mosbacher	Jan. 31, 1989	George Bush.
30. Barbara H. Franklin	Feb. 27, 1992	Do.
31. Ronald H. Brown	Jan. 21, 1993	William J. Clinton.
32. Michael Kantor		Do.[5]
33. William M. Daley	Jan. 30, 1997	Do.
34. Norman Y. Mineta	July 20, 2000	Do.
35. Donald L. Evans	Jan. 20, 2001	George W. Bush.
36. Carlos Gutierrez	Jan. 24, 2005	Do.

[1] Recess appointment. Began service Aug. 22, 1928.
[2] Recess appointment. Began service Aug. 8, 1932.
[3] Recess appointment. Began service Oct. 7, 1946.
[4] Recess appointment. Served from Nov. 13, 1958 to June 30, 1958. Nomination rejected by the Senate (June 18, 1959).
[5] Recess appointment. Served from Apr. 12, 1996 to Jan. 21, 1997.

1582

SECRETARIES OF LABOR

Name	Confirmation date	President
1. William Bauchop Wilson	Mar. 5, 1913	Woodrow Wilson.
2. James J. Davis	Mar. 4, 1921	Warren G. Harding.
Do		Calvin Coolidge.
3. William N. Doak	Dec. 8, 1930	Herbert C. Hoover.
4. Frances Perkins	Mar. 4, 1933	Franklin D. Roosevelt.
5. Lewis B. Schwellenbach	May 31, 1945	Harry S. Truman.
6. Maurice J. Tobin	Jan. 31, 1949	Do.[1]
7. Martin P. Durkin	Jan. 21, 1953	Dwight D. Eisenhower.
8. James P. Mitchell	Jan. 19, 1954	Do.
9. Arthur J. Goldberg	Jan. 21, 1961	John F. Kennedy.
10. W. Willard Wirtz	Sept. 20, 1962	Do.
Do		Lyndon B. Johnson.
11. George P. Shultz	Jan. 20, 1969	Richard M. Nixon.
12. James D. Hodgson	June 17, 1970	Do.
13. Peter J. Brennan	Jan. 31, 1973	Do.
Do		Gerald R. Ford.
14. John T. Dunlop	Mar. 6, 1975	Do.
15. Willie J. Usery, Jr	Feb. 4, 1976	Do.
16. Ray Marshall	Jan. 26, 1977	Jimmy Carter.
17. Raymond J. Donovan	Feb. 3, 1981	Ronald Reagan.
18. William E. Brock III	April 26, 1985	Do.
19. Ann D. McLaughlin	Dec. 11, 1987	Do.
20. Elizabeth H. Dole	Jan. 25, 1989	George Bush.
21. Lynn Martin	Feb. 7, 1991	Do.
22. Robert B. Reich	Jan. 21, 1993	William J. Clinton.
23. Alexis M. Herman	Apr. 30, 1997	Do.
24. Elaine L. Chow	Jan. 29, 2001	George W. Bush.

[1] Recess appointment. Began service on Aug. 13, 1948.

1583

SECRETARIES OF HEALTH AND HUMAN SERVICES*

Name	Confirmation date	President
1. Oveta Culp Hobby.	Apr. 10, 1953	Dwight D. Eisenhower.
2. Marion B. Folsom	July 20, 1955	Do.
3. Arthur S. Flemming	July 9, 1958	Do.
4. Abraham Ribicoff	Jan. 21, 1961	John F. Kennedy.

SECRETARIES OF HEALTH AND HUMAN SERVICES*—Continued

Name	Confirmation date	President
5. Anthony J. Celebrezze	July 20, 1962	Do.
Do		Lyndon B. Johnson.
6. John W. Gardner	Aug. 11, 1965	Do.
7. Wilbur J. Cohen	May 9, 1968	Do.
8. Robert H. Finch	Jan. 20, 1969	Richard M. Nixon.
9. Elliot L. Richardson	June 15, 1970	Do.
10. Caspar W. Weinberger	Feb. 8, 1973	Do.
Do		Gerald R. Ford.
11. Forrest David Mathews	July 22, 1975	Do.
12. Joseph A. Califano, Jr	Jan. 24, 1977	Jimmy Carter.
13. Patricia Roberts Harris	July 27, 1979	Do.
14. Richard S. Schweiker	Jan. 21, 1981	Ronald Reagan.
15. Margaret M. Heckler	Mar. 7, 1983	Do.
16. Dr. Otis R. Bowen	Dec. 12, 1985	Do.
17. Dr. Louis W. Sullivan	Mar. 1, 1989	George Bush.
18. Donna E. Shalala	Jan. 21, 1993	William J. Clinton.
19. Tommy G. Thompson	Jan. 24, 2001	George W. Bush.
20. Michael Leavitt	Jan. 26, 2005	Do.

*The Department of Health, Education, and Welfare was created by Reorganization Plan No. 1 of 1953, approved Apr. 1, 1953 (67 Stat. 18; 5 U.S.C. 623), which, effective Apr. 11, 1953, abolished the Federal Security Agency and transferred its functions to the new Department. Name changed from Department of Health, Education, and Welfare effective May 4, 1980, pursuant to Executive Order 12212 of May 2, 1980.

SECRETARIES OF HOUSING AND URBAN DEVELOPMENT* 1584

Name	Confirmation date	President
1. Robert C. Weaver	Jan. 17, 1966	Lyndon B. Johnson.
2. Robert C. Wood		Do.[1]
3. George W. Romney	Jan. 20, 1969	Richard M. Nixon.
4. James T. Lynn	Jan. 31, 1973	Do.
Do		Gerald R. Ford.
5. Carla Anderson Hills	Mar. 5, 1975	Do.
6. Patricia Roberts Harris	Jan. 20, 1977	Jimmy Carter.
7. Moon Landrieu	Sept. 12, 1979	Do.
8. Samuel R. Pierce, Jr	Jan. 22, 1981	Ronald Reagan.
9. Jack Kemp	Feb. 2, 1989	George Bush.
10. Henry G. Cisneros	Jan. 21, 1993	William J. Clinton.
11. Andrew Cuomo	Jan. 29, 1997	Do.
12. Mel R. Martinez	Jan. 23, 2001	George W. Bush.
13. Alphonso R. Jackson	Mar. 31, 2004	Do.
14. Steven C. Preston	June 4, 2008	Do.

*The Department of Housing and Urban Development was created by Public Law 89–174, approved Sept. 9, 1965.
[1]Recess appointment. Served from Jan. 7, 1969 to Jan. 20, 1969.

SECRETARIES OF TRANSPORTATION* 1585

Name	Confirmation date	President
1. Alan S. Boyd	Jan. 17, 1967	Lyndon B. Johnson.
2. John A. Volpe	Jan. 20, 1969	Richard M. Nixon.
3. Claude S. Brinegar	Jan. 18, 1973	Do.
Do		Gerald R. Ford.
4. William T. Coleman, Jr	Mar. 3, 1975	Do.
5. Brockman Adams	Jan. 20, 1977	Jimmy Carter.
6. Neil Goldschmidt	Sept. 21, 1979	Do.
7. Andrew L. Lewis, Jr	Jan. 22, 1981	Ronald Reagan.
8. Elizabeth Hanford Dole	Feb. 1, 1983	Do.
9. James H. Burnley IV	Nov. 30, 1987	Do.
10. Samuel K. Skinner	Jan. 31, 1989	George Bush.
11. Andrew H. Card, Jr	Feb. 21, 1992	Do.
12. Federico Peña	Jan. 21, 1993	William J. Clinton.
13. Rodney E. Slater	Feb. 6, 1997	Do.
14. Norman Y. Mineta	Jan. 24, 2001	George W. Bush.

SECRETARIES OF TRANSPORTATION*—Continued

Name	Confirmation date	President
15. Mary Peters	Sept. 29, 2006	Do.

*The Department of Transportation was created by Public Law 89–670, approved Oct. 15, 1966.

1586

SECRETARIES OF ENERGY*

Name	Confirmation date	President
1. James R. Schlesinger	Aug. 4, 1977	Jimmy Carter.
2. Charles William Duncan, Jr	July 31, 1979	Do.
3. James B. Edwards	Jan. 22, 1981	Ronald Reagan.
4. Donald P. Hodel	Dec. 8, 1982	Do.
5. John S. Herrington	Feb. 6, 1985	Do.
6. James D. Watkins	Mar. 1, 1989	George Bush.
7. Hazel Rollins O'Leary	Jan. 21, 1993	William J. Clinton.
8. Frederico Peña	Mar. 12, 1997	Do.
9. Bill Richardson	July 31, 1998	Do.
10. Spencer Abraham	Jan. 20, 2001	George W. Bush.
11. Sam Bodman	Jan. 31, 2005	Do.

*The Department of Energy was created by Public Law 95–91, approved Aug. 4, 1977.

1587

SECRETARIES OF EDUCATION*

Name	Confirmation date	President
1. Shirley Mount Hufstedler	Nov. 30, 1979	Jimmy Carter.
2. T.H. Bell	Jan. 22, 1981	Ronald Reagan.
3. William J. Bennett	Feb. 6, 1985	Do.
4. Lauro F. Cavazos	Sept. 20, 1988	Do.
Do		George Bush.
5. Lamar Alexander	Mar. 14, 1991	Do.
6. Richard W. Riley	Jan. 21, 1993	William J. Clinton.
7. Roderick R. Paige	Jan. 20, 2001	George W. Bush.
8. Margaret Spellings	Jan. 20, 2005	Do.

*The Department of Education was created by Public Law 96–88, approved Oct. 17, 1979, and became effective May 4, 1980, pursuant to Executive Order 12212 of May 2, 1980.

1588

SECRETARIES OF VETERANS AFFAIRS*

Name	Confirmation date	President
1. Edward J. Derwinski	Mar. 2, 1989	George Bush.
2. Jesse Brown	Jan. 21, 1993	William J. Clinton.
3. Togo D. West, Jr.	Apr. 28, 1998	Do.[1]
4. Anthony J. Principi	Jan. 23, 2001	George W. Bush.
5. Jim Nicholson	Jan. 26, 2005	Do.
6. James Peake	Dec. 14, 2007	Do.

*The Department of Veterans Affairs was created by Public Law 100–527, approved Oct. 25, 1988, which abolished the Veterans Administration and transferred its functions to the new Department, effective Mar. 15, 1989.

[1]Recess appointment. Began service Jan. 2, 1998.

1589

SECRETARIES OF HOMELAND SECURITY*

Name	Confirmation date	President
1. Tom Ridge	Jan. 22, 2003	George W. Bush.
2. Michael Chertoff	Feb. 15, 2005	Do.

*Created by Public Law 107–296, approved Nov. 25, 2002.

[1590]

RATIFICATION [1] OF THE CONSTITUTION BY THE THIRTEEN ORIGINAL STATES

State	Date of ratification of the Constitution	Votes cast		Population at date of ratification	Population, 2000 census	Area in square miles	Remarks
		Yeas	Nays				
Delaware	Dec. 7, 1787	[2] 30	.....	59,096	783,600	2,045	
Pennsylvania	Dec. 12, 1787	46	23	434,373	12,281,054	45,308	
New Jersey	Dec. 18, 1787	[2] 38	.....	184,139	8,414,350	7,787	
Georgia	Jan. 2, 1788	[2] 26	.....	82,548	8,186,453	58,910	Seceded Jan. 19, 1861. Readmitted to representation by the act of July 15, 1870.
Connecticut	Jan. 9, 1788	128	40	238,141	3,405,565	5,018	
Massachusetts	Feb. 6, 1788	187	168	378,787	6,349,097	8,284	
Maryland	Apr. 28, 1788	63	11	319,728	5,296,486	10,460	
South Carolina	May 23, 1788	149	73	249,073	4,012,012	31,113	Seceded Dec. 20, 1860. Readmitted to representation upon ratifying the Fourteenth Amendment, July 9, 1868.
New Hampshire	June 21, 1788	57	46	141,899	1,235,786	9,279	
Virginia	June 25, 1788	89	79	747,610	7,078,515	[3] 40,767	Seceded Apr. 17, 1861. Readmitted to representation by the act of Jan. 26, 1870.
New York	July 26, 1788	30	27	340,120	18,976,457	49,108	
North Carolina	Nov. 21, 1789	184	77	393,751	8,049,313	52,669	Seceded May 21, 1861. Readmitted to representation upon ratifying the Fourteenth Amendment, July 4, 1868.
Rhode Island	May 29, 1790	34	32	68,825	1,048,319	1,212	

[1] The Constitution was adopted by Convention of the States, Sept. 17, 1787, and was subsequently ratified by the several States in the order listed.
[2] Unanimous.
[3] The area of Virginia at the date of ratification was 61,352 square miles, but Dec. 31, 1862, a portion of its territory was set off and admitted into the Union as a free and independent State under the name of West Virginia.

[1591]

STATES ADMITTED INTO THE UNION SINCE ADOPTION OF THE CONSTITUTION

State	Date of admission	Population at time of admission	Population, 2000 census	Area in square miles	Formation
Vermont	Mar. 4, 1791	85,539	608,827	9,614	Formed from a portion of the territory of the State of New York.
Kentucky	June 1, 1792	73,677	4,041,769	40,410	Formed from a portion of the territory of the State of Virginia.
Tennessee	June 1, 1796	77,262	5,689,283	42,144	Formed from territory ceded to the United States by North Carolina. Seceded June 8, 1861. Readmitted to representation by joint resolution of July 24, 1866.
Ohio	Mar. 1, 1803 [1]	41,915	11,353,140	41,330	Formed from territory ceded to the United States by the State of Virginia.
Louisiana	Apr. 30, 1812	76,556	4,468,976	47,752	Formed from territory ceded to the United States by France under the Treaty of Paris of Apr. 30, 1803. Seceded Jan. 26, 1861. Readmitted to representation upon ratifying the Fourteenth Amendment, July 9, 1868.
Indiana	Dec. 11, 1816	63,897	6,080,485	36,185	Formed from territory ceded to the United States by the State of Virginia.
Mississippi	Dec. 10, 1817	75,512	2,844,658	47,689	Formed from territory ceded to the United States by the States of Georgia and South Carolina. Seceded Jan. 9, 1861. Readmitted to representation by act of Feb. 23, 1870.
Illinois	Dec. 3, 1818	34,620	12,419,293	56,345	Formed from territory ceded to the United States by the State of Virginia.
Alabama	Dec. 14, 1819	144,317	4,447,100	51,705	Formed from territory ceded to the United States by the States of South Carolina and Georgia. Seceded Jan. 11, 1861. Readmitted to representation upon ratifying the Fourteenth Amendment, July 13, 1868.
Maine	Mar. 15, 1820	298,335	1,274,923	33,265	Formed from a portion of the territory of the State of Massachusetts.
Missouri	Aug. 10, 1821	66,586	5,595,211	69,697	Formed from a portion of the territory ceded to the United States by France, under the name of "Louisiana," by the Treaty of Paris of 1803.
Arkansas	June 15, 1836	52,240	2,673,400	53,187	Formed from a portion of the territory ceded to the United States by France, under the name of "Louisiana," by the Treaty of Paris of 1803. Seceded May 6, 1861. Readmitted to representation upon ratifying the Fourteenth Amendment, June 22, 1868.
Michigan	Jan. 26, 1837	*200,000	9,938,444	58,527	Formed from territory ceded to the United States by the State of Virginia.
Florida	Mar. 3, 1845	54,477	15,982,378	58,664	Formed from territory ceded to the United States by Spain by Treaty of Washington of Feb. 22, 1819. Seceded Jan. 11, 1861. Readmitted to representation upon ratifying the Fourteenth Amendment, June 25, 1868.
Texas	Dec. 29, 1845	*250,000	20,851,820	266,807	This State was originally a part of the Republic of Mexico, but by a successful revolt the people established for themselves an independent republican government, and were subsequently annexed to the United States. Seceded Feb. 1, 1861. Readmitted to representation by the act of Mar. 30, 1870.
Iowa	Dec. 28, 1846	81,920	2,926,324	56,275	Formed from a portion of the Territory of Wisconsin, as the "Territory of Iowa," June 12, 1838.
Wisconsin	May 29, 1848	210,596	5,363,675	56,153	Formed from a portion of the territory of the State of Michigan, as the "Territory of Wisconsin," Apr. 20, 1836.
California	Sept. 9, 1850	107,000	33,871,648	158,706	Formed from territory ceded to the United States by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
Minnesota	May 11, 1858	150,042	4,919,479	84,402	Formed from a portion of the territory ceded to the United States by France by the Treaty of Paris of Apr. 30, 1803.

STATES ADMITTED INTO THE UNION SINCE ADOPTION OF THE CONSTITUTION—Continued

State	Date of admission	Population at time of admission	Population, 2000 census	Area in square miles	Formation
Oregon	Feb. 14, 1859	52,465	3,421,399	97,073	Formed from territory ceded to the United States by the Treaty with France of Apr. 30, 1803, the Treaty with Spain of Feb. 22, 1819, and the Treaty with Great Britain of June 15, 1846.
Kansas	Jan. 29, 1861	107,206	2,688,418	82,277	Formed from territory ceded to the United States by France by the Treaty of Paris of Apr. 30, 1803, and by the State of Texas, in the settlement of her boundaries, in 1850.
West Virginia	June 20, 1863	376,683	1,808,344	24,232	Formed from a portion of the territory of the State of Virginia.
Nevada	Oct. 31, 1864	*40,000	1,998,257	110,561	Formed from a portion of the territory ceded to the United States by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
Nebraska	Mar. 1, 1867	*60,000	1,711,263	77,355	Formed from a petition of the territory ceded to the United States by France by the Treaty of Paris of Apr. 30, 1803.
Colorado	Aug. 1, 1876	*150,000	4,301,261	104,091	Formed from portions of the territory ceded to the United States by France by the Treaty of Paris of Apr. 30, 1803 and of that ceded by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
South Dakota	Nov. 2, 1889	*460,000	754,844	77,116	Formed from a portion of the territory ceded to the United States by France by the Treaty of Paris of Apr. 30, 1803.
North Dakota	Nov. 2, 1889		642,200	70,702	Do.
Montana	Nov. 8, 1889	*112,000	902,195	147,046	Do.
Washington	Nov. 11, 1889	*273,000	5,894,121	68,139	Formed from territory ceded to the United States by France by Treaty of Paris of Apr. 30, 1803. The northern boundary of the territory was settled by a treaty with Great Britain, known as the "Oregon Treaty" of June 15, 1846.
Idaho	July 3, 1890	84,385	1,293,953	83,564	Formed from a portion of the territory ceded to the United States by France by the Treaty of Paris of Apr. 30, 1803.
Wyoming	July 10, 1890	60,705	493,782	97,809	Formed from a portion of the territory ceded to the United States by France by the Treaty of Paris of Apr. 30, 1803.
Utah	Jan. 4, 1896	*241,000	2,233,169	84,899	Formed from a portion of the territory ceded to the United States by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
Oklahoma	Nov. 16, 1907	*1,414,177	3,450,654	69,956	Formed by the union of Oklahoma Territory and Indian Territory.
New Mexico	Jan. 6, 1912	*338,470	1,819,046	121,593	Formed from a portion of the territory ceded to the United States by Mexico by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848.
Arizona	Feb. 14, 1912	*216,639	5,130,632	114,000	Formed from territory ceded to the United States by Mexico, part by the Treaty of Guadalupe Hidalgo of Feb. 2, 1848, and part by what is known as the "Gadsden Purchase," Dec. 30, 1853.
Alaska	Jan. 3, 1959	*211,000	626,932	591,004	Formed from territory ceded to the United States by Russia by treaty of Mar. 30, 1867.
Hawaii	Aug. 21, 1959	*595,000	1,211,537	6,471	Formed from the territory of the Republic of Hawaii, annexed to the United States by act of Congress of July 7, 1898.

*Estimated.

[1] By Public Law 204 of the 83d Cong., approved Aug. 7, 1953 (67 Stat. 407), Congress corrected an oversight of one-and-one-half centuries and formally admitted the State of Ohio to the Union, setting Mar. 1, 1803, as the effective date of admission.

[1592]

THE DISTRICT OF COLUMBIA

Territory	Date of establishment of territorial government	Population, 2000 census	Area in square miles	Formation
District of Columbia	.....	572,059	69	Established under Art. I, sec. 8, clause 17 of Constitution. Territory originally ceded by Maryland (legislative act of Dec. 23, 1788) and Virginia (legislative act of Dec. 3, 1789). Cessions accepted by Congress by act of July 16, 1790; lines and bounds established by proclamation of President Washington, Mar. 30, 1791. Virginia's cession retroceded by act of Congress July 9, 1846. The government of the District is administered by a Mayor and a 13-member Council, all of whom are elected by the citizens of the District of Columbia. All acts of the council are reviewable by Congress. (Dec. 24, 1973, Pub.L. 93–198.) Pursuant to the District of Columbia Delegate Act the District of Columbia now has a non-voting Delegate to the House of Representatives. (Sept. 22, 1970, Pub.L. 91–405, §§ 201–206, 84 Stat. 848.)

[1593]

COMMONWEALTH OF PUERTO RICO, THE INSULAR POSSESSIONS, AND TRUST TERRITORY OF THE PACIFIC ISLANDS

Insular possession	Date of establishment of insular government	Population, 2000 census	Area in square miles	Acquisition
Commonwealth of Puerto Rico	July 25, 1952	3,808,610	3,421	Ceded to United States by Spain by the Treaty of Paris, Dec. 10, 1898. The constitution of the Commonwealth was approved July 3, 1952.
Guam	Aug. 1, 1950	154,805	209	Ceded to the United States by Spain by the Treaty of Paris, Dec. 10, 1898.
American Samoa	(1)	57,291	77	Acquired by the United States Feb. 16, 1900, under terms of Tripartite Treaty Dec. 2, 1899. Full sovereignty accepted from native chiefs by United States Feb. 20, 1929.
Virgin Islands	June 22, 1936	108,612	132	By purchase from Denmark, Mar. 3, 1917, for $25,000,000. The Revised Organic Act of 1954 is the basis for the present territorial government.
Trust Territory of the Pacific Islands.	(1)(2)			Occupied during World War II. Placed under the United Nations Trusteeship system in 1947 by agreement with the Security Council of the United Nations.
Northern Mariana Islands	Jan. 9, 1978	69,221	184	Concluded future political status negotiations in 1975 which will establish a commonwealth relationship with the U.S. at termination of the trusteeship. Covenant providing this relationship passed by Congress in March 1976 (Pub.L. 94–241).

[1] Administered under jurisdiction of the Department of the Interior, with a locally drafted constitution and elected governor and legislature.
[2] As of November 3, 1986 the Marshall Islands and the Federal States of Micronesia became freely associated states. The 1990 population of the remaining territory, the Republic of Palau, was 15,122.

[1594]

APPORTIONMENTS OF REPRESENTATIVES

State	1787	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1930	1940	1950	1960	1970	1980	1990	2000
Alabama	.....	.....	.....	*1	3	5	7	7	6	8	8	9	9	10	9	9	9	8	7	7	7	7
Alaska	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	1	1	1	1
Arizona	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	2	2	3	4	5	6	8
Arkansas	.....	.....	.....	.....	.....	*1	1	2	3	4	5	6	7	7	7	7	6	4	4	4	4	4
California	.....	.....	.....	.....	.....	.....	*2	2	3	4	6	7	8	11	20	23	30	38	43	45	52	53
Colorado	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	2	3	4	4	4	4	4	5	6	6	7
Connecticut	5	7	7	7	6	6	4	4	4	4	4	4	5	5	6	6	6	6	6	6	6	5
Delaware	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Florida	.....	.....	.....	.....	.....	.....	*1	1	1	2	2	2	3	4	5	6	8	12	15	19	23	25
Georgia	3	2	4	6	7	9	8	8	7	9	10	11	11	12	10	10	10	10	10	10	11	13
Hawaii	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	2	2	2	2	2
Idaho	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	1	2	2	2	2	2	2	2	2	2
Illinois	.....	.....	.....	*1	1	3	7	9	14	19	20	22	25	27	27	26	25	24	24	22	20	19
Indiana	.....	.....	.....	*1	3	7	10	11	11	13	13	13	13	13	12	11	11	11	11	10	10	9
Iowa	.....	.....	.....	.....	.....	.....	*2	2	6	9	11	11	11	11	9	8	8	7	6	6	5	5
Kansas	.....	.....	.....	.....	.....	.....	.....	.....	1	3	7	8	8	8	7	6	6	5	5	5	4	4
Kentucky	.....	2	6	10	12	13	10	10	9	10	11	11	11	11	9	9	8	7	7	7	6	6
Louisiana	.....	.....	.....	*1	3	3	4	4	5	6	6	6	7	8	8	8	8	8	8	8	7	7
Maine	.....	.....	.....	7	7	8	7	6	3	5	4	4	4	4	3	3	3	2	2	2	2	2
Maryland	6	8	9	9	9	8	6	6	5	6	6	6	6	6	6	6	7	8	8	8	8	8
Mass.	8	14	17	13	13	12	10	11	10	11	12	13	14	16	15	14	14	12	12	11	10	10
Michigan	.....	.....	.....	.....	.....	*1	3	4	6	9	11	12	12	13	17	17	18	19	19	18	16	15
Minnesota	.....	.....	.....	.....	.....	.....	.....	*2	2	3	5	7	9	10	9	9	9	8	8	8	8	8
Mississippi	.....	.....	.....	*1	1	2	4	5	5	6	7	7	8	8	7	7	6	5	5	5	5	4
Missouri	.....	.....	.....	.....	1	2	5	7	9	13	14	15	16	16	13	13	11	10	10	9	9	9
Montana	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	1	2	2	2	2	2	2	2	1	1
Nebraska	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	3	6	6	6	5	4	4	3	3	3	3	3
Nevada	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	1	1	1	1	1	1	1	1	1	2	2	3
N. Hamp.	3	4	5	6	6	5	4	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2
N. Jersey	4	5	6	6	6	6	5	5	5	7	7	8	10	12	14	14	14	15	15	14	13	13
N. Mexico	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	2	2	2	2	3	3	3
New York	6	10	17	27	34	40	34	33	31	33	34	34	37	43	45	45	43	41	39	34	31	29
N. Carolina	5	10	12	13	13	13	9	8	7	8	9	9	10	10	11	12	12	11	11	11	12	13
N. Dakota	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	2	3	2	2	2	2	1	1	1	1
Ohio	.....	.....	*1	6	14	19	21	21	19	20	21	21	21	22	24	23	23	24	23	21	19	18
Oklahoma	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*5	8	9	8	6	6	6	6	6	5
Oregon	.....	.....	.....	.....	.....	.....	.....	*1	1	1	1	2	2	3	3	4	4	4	4	5	5	5
Penn.	8	13	18	23	26	28	24	25	24	27	28	30	32	36	34	33	30	27	25	23	21	19
Rhode Is.	1	2	2	2	2	2	2	2	2	2	2	2	2	3	2	2	2	2	2	2	2	2

APPORTIONMENTS OF REPRESENTATIVES—Continued

State	1787	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1930	1940	1950	1960	1970	1980	1990	2000
S. Carolina	5	6	8	9	9	9	7	6	4	5	7	7	7	7	6	6	6	6	6	6	6	6
S. Dakota	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*2	2	2	3	2	2	2	2	2	1	1	1
Tennessee	.....	*1	3	6	9	13	11	10	8	10	10	10	10	10	9	10	9	9	8	9	9	9
Texas	.....	.....	.....	.....	.....	.....	*2	2	4	6	11	13	16	18	21	21	22	23	24	27	30	32
Utah	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	2	2	2	2	2	2	3	3	3
Vermont	.....	2	4	6	5	5	4	3	3	3	2	2	2	2	1	1	1	1	1	1	1	1
Virginia	10	19	22	23	22	21	15	13	11	9	10	10	10	10	9	9	10	10	10	10	11	11
Washington	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	2	3	5	6	6	7	7	7	8	9	9
W. Virginia	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	4	4	5	6	6	6	6	5	4	4	3	3
Wisconsin	.....	.....	.....	.....	.....	.....	*2	3	6	8	9	10	11	11	10	10	10	10	9	9	9	8
Wyoming	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	*1	1	1	1	1	1	1	1	1	1	1	1
Total	65	106	142	186	213	242	232	237	243	293	332	357	391	435	435	435	437	435	435	435	435	435

*Indicates representation of new States admitted after the respective decennial census apportionments.

NOTE: The original apportionment of Representatives was established in 1787 by the Constitution. Subsequent apportionments based on the 1st Census through the 6th Census were as follows (number of census, date of act, and ratio of persons per Representative): 1st, Apr. 14, 1792, 33,000; 2d, Jan. 14, 1802, 33,000; 3d, Dec. 21, 1811, 35,000; 4th, Mar. 7, 1822, 40,000; 5th, May 22, 1832, 47,700; 6th, June 25, 1842, 70,680. Apportionment based on the 7th Census (1850) through the 12th Census (1900) was determined by the Vinton method, and for the 13th Census (1910) and 15th Census (1930) the method of major fractions was employed, there being no reapportionment in 1920. Apportionment based on the 16th Census (1940), through the 21st Census (1990), was determined by the method of equal proportions, a description of which may be found in S. Doc. 304, 76th Cong., 3d sess.

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110th Congress, 2nd Session – – – – – – – – – – – – – – Senate Document 110–1

SENATE MANUAL

CONTAINING THE

STANDING RULES, ORDERS, LAWS, AND RESOLUTIONS AFFECTING THE BUSINESS

OF THE

UNITED STATES SENATE

DECLARATION OF INDEPENDENCE
ARTICLES OF CONFEDERATION
ORDINANCE OF 1787
AND THE
CONSTITUTION OF THE UNITED STATES

Prepared by
MATTHEW MCGOWAN

Under the Direction of
HOWARD GANTMAN
Staff Director

COMMITTEE ON RULES AND ADMINISTRATION
Chair, DIANNE FEINSTEIN

UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

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