

(Pub. L. 98–51, title I, §106, July 14, 1983, 97 Stat. 267.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984, and not as part of section 1303 of act Feb. 24, 1919 which comprises this subchapter.

Section, as it relates to funds expended by the Senate Legal Counsel, is classified to section 288n of this title.

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 Repealed.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

Section, act Feb. 24, 1919, ch. 18, title XIII, §1303(d), as added June 2, 1924, ch. 234, title XI, §1101, 43 Stat. 353, provided for free transmission of official mail matter of legislative counsel. Official mail matter of Legislative Counsel of House of Representatives is covered by section 282d of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as an Effective Date of 1973 Amendment note under section 3210 of Title 39, Postal Service.

SUBCHAPTER II—HOUSE OF REPRESENTATIVES

PART I—PURPOSE, POLICY, AND FUNCTION

§ 281. Establishment

There is established in the House of Representatives an office to be known as the Office of the Legislative Counsel, referred to hereinafter in this subchapter as the “Office”.

(Pub. L. 91–510, title V, §501, Oct. 26, 1970, 84 Stat. 1201.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Subchapter effective Oct. 26, 1970, see section 601(5) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 4301 of this title.

TRANSFER OF FUNCTIONS; NONAPPLICABILITY OF SECTIONS 271 TO 277 TO THE HOUSE

Pub. L. 91–510, title V, §531, Oct. 26, 1970, 84 Stat. 1203, provided that anyone serving as Legislative Counsel on Oct. 26, 1970 would continue as Legislative Counsel in accordance with this subchapter, and that all personnel, positions, property, records, and unexpended balances of appropriations of or for that part of the Office of the Legislative Counsel established under sections 271 to 277 of this title employed or held in or for the House of Representatives would be transferred to the Office established under this subchapter and, effective Oct. 26, 1970, those sections were without further applicability.

§ 281a. Purpose and policy

The purpose of the Office shall be to advise and assist the House of Representatives, and its committees and Members, in the achievement of a clear, faithful, and coherent expression of legislative policies. The Office shall maintain impartiality as to issues of legislative policy to be determined by the House of Representatives,

and shall not advocate the adoption or rejection of any legislation except when duly requested by the Speaker or a committee to comment on a proposal directly affecting the functions of the Office. The Office shall maintain the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

(Pub. L. 91–510, title V, §502, Oct. 26, 1970, 84 Stat. 1202.)

§ 281b. Functions

The functions of the Office shall be as follows:

(1) Upon request of the managers on the part of the House at any conference on the disagreeing votes of the two Houses, to advise and assist the managers on the part of the House in the course of the conference, and to assist the committee of conference in the preparation of the conference report and any accompanying explanatory statement.

(2) Upon request of any committee of the House, or any joint committee having authority to report legislation to the House, to advise and assist the committee in the consideration of any legislation before it, and to assist the committee in the preparation of drafts of any such legislation, amendments thereto, and reports thereon.

(3) Upon request of any Member having control of time during the consideration of any legislation by the House, to have in attendance on the floor of the House not more than two members of the staff of the Office (and, in his discretion, the Legislative Counsel) to advise and assist such Member and, to the extent feasible, any other Member, in the course of such consideration.

(4) Upon request of any Member, subject to such reasonable restrictions as the Legislative Counsel may impose with the approval of the Speaker on the proportion of the resources of the Office which may be devoted to the requests of any one Member, to prepare drafts of legislation and to furnish drafting advice with respect to drafts of legislation prepared by others.

(5) At the direction of the Speaker, to perform on behalf of the House of Representatives any legal services which are within the capabilities of the Office and the performance of which would not be inconsistent with the provisions of section 281a of this title or the preceding provisions of this section.

(Pub. L. 91–510, title V, §503, Oct. 26, 1970, 84 Stat. 1202.)

PART II—ADMINISTRATION

§ 282. Legislative Counsel

The management, supervision, and administration of the Office are vested in the Legislative Counsel, who shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

(Pub. L. 91–510, title V, §521, Oct. 26, 1970, 84 Stat. 1202.)

§ 282a. Staff; Deputy Legislative Counsel; delegation of functions

(a) With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Legislative Counsel shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Legislative Counsel with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(b)(1) The Legislative Counsel shall designate one or more of the attorneys appointed under subsection (a) as a Deputy Legislative Counsel. During the absence or disability of the Legislative Counsel, or when the office is vacant, the functions of the Legislative Counsel shall be performed by a Deputy Legislative Counsel. If there is more than one Deputy Legislative Counsel, the Deputy Legislative Counsel who shall perform such functions shall be determined in accordance with the order specified in a notice filed with the Speaker and the Minority Leader of the House by the Legislative Counsel.

(2) The Legislative Counsel may delegate to the Deputy Legislative Counsels and to other employees appointed under subsection (a) such of his functions as he considers necessary or appropriate.

(Pub. L. 91-510, title V, §522, Oct. 26, 1970, 84 Stat. 1203; Pub. L. 92-51, §101, July 9, 1971, 85 Stat. 132; Pub. L. 118-263, §2, Jan. 4, 2025, 138 Stat. 2978.)

Editorial Notes

AMENDMENTS

2025—Subsec. (b)(1). Pub. L. 118-263, §2(a), substituted “The Legislative Counsel shall designate one or more of the attorneys appointed under subsection (a) as a Deputy Legislative Counsel.” for “One of the attorneys appointed under subsection (a) shall be designated by the Legislative Counsel as Deputy Legislative Counsel.” and “the functions of the Legislative Counsel shall be performed by a Deputy Legislative Counsel. If there is more than one Deputy Legislative Counsel, the Deputy Legislative Counsel who shall perform such functions shall be determined in accordance with the order specified in a notice filed with the Speaker and the Minority Leader of the House by the Legislative Counsel.” for “the Deputy Legislative Counsel shall perform the functions of the Legislative Counsel.”

Subsec. (b)(2). Pub. L. 118-263, §2(b), substituted “Deputy Legislative Counsels” for “Deputy Legislative Counsel”.

1971—Subsec. (b). Pub. L. 92-51 substituted provisions for designation of one attorney as Deputy Legislative Counsel to perform functions of Legislative Counsel during his absence or disability or when office is vacant and for delegation of functions to Deputy Legislative Counsel and other employees for former provisions for appointment of full-time Office Administrator to exercise management, supervisory, and administrative functions of the Office as delegated to him by the Legislative Counsel.

§ 282b. Compensation

(a) The Legislative Counsel shall be paid at a per annum gross rate equal to the greater of

\$173,900 or the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 4532 of this title.

(b) Members of the staff of the Office other than the Legislative Counsel shall be paid at per annum gross rates fixed by the Legislative Counsel with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of the applicable rate of pay in effect under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 4532 of this title.

(Pub. L. 91-510, title V, §523, Oct. 26, 1970, 84 Stat. 1203; Pub. L. 95-94, title I, §115, Aug. 5, 1977, 91 Stat. 668; Pub. L. 116-94, div. E, title II, §212(b)(3)(A), Dec. 20, 2019, 133 Stat. 2776.)

Editorial Notes

CODIFICATION

Amendment by Pub. L. 95-94 is based on par. (2) of House Resolution No. 8, Ninety-fifth Congress, Jan. 4, 1977, which was enacted into permanent law by Pub. L. 95-94.

PRIOR PROVISIONS

House Resolution 312, 89th Congress, Mar. 31, 1965, which was enacted into permanent law by section 103 of Pub. L. 89-90, July 27, 1965, 79 Stat. 281, provided that effective Apr. 1, 1965, the compensation of the Legislative Counsel of the House of Representatives shall be at a gross per annum rate which is equal to the gross per annum rate of compensation of the Legislative Counsel of the Senate, and that the additional sums necessary to carry out this resolution shall be paid out of the contingent fund of the House until otherwise provided by law.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-94, §212(b)(3)(A)(i), substituted “equal to the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 4532 of this title.” for “equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule of section 5314 of title 5.”

Subsec. (b). Pub. L. 116-94, §212(b)(3)(A)(ii), substituted “in excess of the applicable rate of pay in effect under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 4532 of this title.” for “in excess of the rate of basic pay for one pay level above the maximum pay level for employees of the House of Representatives provided under clause 6(c) of Rule XI of the Rules of the House of Representatives.”

1977—Subsec. (b). Pub. L. 95-94 substituted provisions authorizing compensation at a rate not in excess of the rate of basic pay for one pay level above the maximum pay level for House employees provided under cl. 6(c) of Rule XI of the Rules of the House of Representatives, for provisions authorizing compensation at per annum gross rates not in excess of a per annum gross rate equal to the rate of basic pay for level V of the Executive Schedule of section 5316 of title 5.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-94, div. E, title II, §212(c), Dec. 20, 2019, 133 Stat. 2778, provided that: “This section [see Tables for classification] and the amendments made by this section shall take effect on the later of—

“(1) the first day of the first applicable pay period beginning on or after January 1, 2020; or