

## CHAPTER 9—OFFICE OF LEGISLATIVE COUNSEL

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#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Act June 2, 1924, ch. 234, §1101, 43 Stat. 353, classified to sections 271 to 277 of this title, changed legislative drafting service to office of the legislative counsel, and draftsman to legislative counsel.

### SUBCHAPTER I—SENATE

#### § 271. Establishment

There shall be in the Senate an office to be known as the Office of the Legislative Counsel, and to be under the direction of the Legislative Counsel of the Senate.

(Feb. 24, 1919, ch. 18, title XIII, §1303(a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, title XI, §1101, 43 Stat. 353.)

#### Editorial Notes

##### CODIFICATION

As originally enacted, section provided for creation of an office of the legislative counsel to be under the direction of two legislative counsels. In view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91-510, set out as a note under section 281 of this title, section has been revised to limit applicability to Senate and creation therein of Office of Legislative Counsel. See section 281 of this title for provisions establishing Office of the Legislative Counsel for the House of Representatives and section 282 of this title for provisions vesting management, etc., in the Legislative Counsel.

#### Statutory Notes and Related Subsidiaries

##### APPROPRIATIONS

Act Aug. 2, 1946, ch. 753, §204, 60 Stat. 837, provided: "There is hereby authorized to be appropriated for the work of the Office of the Legislative Counsel the following sums:

- “(1) For the fiscal year ending June 30, 1947, \$150,000;
- “(2) For the fiscal year ending June 30, 1948, \$200,000;

“(3) For the fiscal year ending June 30, 1949, \$250,000;  
“(4) For the fiscal year ending June 30, 1950, \$250,000;  
and

“(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.”

[Section 204 of act Aug. 2, 1946, set out above, was made effective Aug. 2, 1946, by section 245 of act Aug. 2, 1946, set out as a note under section 4301 of this title.]

#### § 272. Legislative Counsel

The Legislative Counsel shall be appointed by the President pro tempore of the Senate, without reference to political affiliations and solely on the ground of fitness to perform the duties of the office.

(Feb. 24, 1919, ch. 18, title XIII, §1303(a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, title XI, §1101, 43 Stat. 353; Sept. 20, 1941, ch. 412, title VI, §602, 55 Stat. 726.)

#### Editorial Notes

##### CODIFICATION

Provisions authorizing appointment of a legislative counsel for the House of Representatives by the Speaker were omitted in view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91-510, set out as a note under section 281 of this title. See section 282 of this title for provisions authorizing appointment, etc., of Legislative Counsel of the House of Representatives.

##### AMENDMENTS

1941—Act Sept. 20, 1941, substituted “President pro tempore of the Senate” for “President of the Senate.”

#### § 273. Compensation

The Legislative Counsel of the Senate shall be paid at an annual rate of compensation of \$40,000.

(Feb. 24, 1919, ch. 18, title XIII, §1303(d), as added June 2, 1924, ch. 234, title XI, §1101, 43 Stat. 353; amended June 18, 1940, ch. 396, §1, 54 Stat. 472; Sept. 20, 1941, ch. 412, title VI, §602, 55 Stat. 726; Oct. 15, 1949, ch. 695, §6(c), 63 Stat. 881; Aug. 5, 1955, ch. 568, §§9, 101, 69 Stat. 509, 514; Pub. L. 85-75, July 1, 1957, 71 Stat. 250; Pub. L. 88-426, title II, §203(g), Aug. 14, 1964, 78 Stat. 415; Pub. L. 93-371, §4, Aug. 13, 1974, 88 Stat. 429; Pub. L. 94-59, title I, §105, July 25, 1975, 89 Stat. 275; Pub. L. 116-94, div. E, title II, §212(a)(3)(A), (H), Dec. 20, 2019, 133 Stat. 2775, 2776.)

#### Editorial Notes

##### CODIFICATION

Provisions setting forth authority for the allocation of the positions of legislative counsel to the appropriate grade in the compensation schedules of section 1112 of former Title 5 and the setting of rates of compensation thereunder by the President pro tempore of the Senate and the Speaker of the House of Representatives and prescribing the annual rate of compensation of the Legislative Counsel of the House of Representatives as an amount equal to \$15,000, increased by an amount which is the same percentage of \$15,000 as the percentage set forth in section 4(c) of the Federal Employees Salary Increase Act of 1955 were omitted in view of nonapplicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91-510, set out as a note under section 281 of this title. See section 282b of this title for

provisions setting forth compensation of Legislative Counsel of House of Representatives.

#### AMENDMENTS

2019—Pub. L. 116-94, §212(a)(3)(H), repealed Pub. L. 88-426, §203(g). See 1964 Amendment note below.

Pub. L. 116-94, §212(a)(3)(A), repealed Pub. L. 94-59, §105. See 1975 Amendment note below.

1975—Pub. L. 94-59, which substituted “an annual rate of compensation of \$40,000” for “a gross annual compensation of \$38,760 per annum” as the rate of compensation of the Legislative Counsel of the Senate, effective July 1, 1975, was repealed by Pub. L. 116-94, §212(a)(3)(A). See above.

1974—Pub. L. 93-371 substituted provisions authorizing the Legislative Counsel of the Senate to be paid at an annual rate of compensation of \$38,760, for provisions setting forth the gross annual compensation of the Legislative Counsel as \$27,500 per annum, effective July 1, 1974.

1964—Pub. L. 88-426, which provided that the compensation of the Legislative Counsel of the Senate shall be at the rate of \$27,500 per annum, was repealed by Pub. L. 116-94, §212(a)(3)(H). See above.

1957—Pub. L. 85-75 increased the gross compensation of the Legislative Counsel of the Senate from \$15,500 to \$17,500 per annum, effective July 1, 1957.

1955—Act Aug. 5, 1955, increased the compensation of the Legislative Counsel of the Senate from a basic compensation of \$12,000, to a gross annual compensation of \$15,500, and the compensation of the Legislative Counsel of the House was increased from a basic compensation of \$12,000 to an annual rate of compensation of \$15,000 increased by the percentage set forth in section 4(c) of the Federal Employees Salary Increase Act of 1955.

1949—Act Oct. 15, 1949, increased the compensation of the Legislative Counsel of both House and the Senate from \$10,000 to \$12,000 per annum.

1941—Act Sept. 20, 1941, substituted “President pro tempore of the Senate” for “President of the Senate”.

1940—Act June 18, 1940, provided that thereafter the compensation of the Legislative Counsel of the Senate shall be at the rate of \$10,000 per annum so long as the present incumbent held the position.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116-94 effective on the later of the first day of the first applicable pay period beginning on or after Jan. 1, 2020, or the first day of the first applicable pay period beginning on or after Dec. 20, 2019, see section 212(c) of Pub. L. 116-94, set out as a note under section 282b of this title.

##### EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-371, §4, Aug. 13, 1974, 88 Stat. 429, provided in part that: “This paragraph [referred to here as section 4 of Pub. L. 93-371, see Tables for classification] is effective July 1, 1974.”

##### EFFECTIVE DATE OF 1949 AMENDMENT

Act Oct. 15, 1949, ch. 695, §9, 63 Stat. 882, provided that: “This Act shall take effect on the first day of the first pay period which begins after the date of enactment of this Act [Oct. 15, 1949].”

#### REPEALS

Act Mar. 10, 1928, ch. 167, §23(a), 45 Stat. 279, formerly cited as a credit to this section, was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 647.

1974 ADJUSTMENT IN COMPENSATION NOT TO SUPERSEDE ADJUSTMENTS IN COMPENSATION OR LIMITATIONS BY PRESIDENT PRO TEMPORE OF THE SENATE

Pub. L. 93-371, §4, Aug. 13, 1974, 88 Stat. 429, eff. July 1, 1974, provided in part that: “This paragraph does not

supersede (1) any provision of an order of the President pro tempore of the Senate authorizing a higher rate of compensation, and (2) any authority of the President pro tempore to adjust rates of compensation or limitations referred to in this paragraph under section 4 of the Federal Pay Comparability Act of 1970 [2 U.S.C. 4571].”

#### INCREASES IN COMPENSATION

Increases in compensation for officers and employees of the Senate under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91-656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 4571 of this title.

#### § 274. Staff; office equipment and supplies

The Legislative Counsel shall, subject to the approval of the President pro tempore of the Senate, employ and fix the compensation of such Assistant Counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by Congress.

(Feb. 24, 1919, ch. 18, title XIII, §1303(a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, title XI, §1101, 43 Stat. 353; Sept. 20, 1941, ch. 412, title VI, §602, 55 Stat. 726.)

#### Editorial Notes

##### CODIFICATION

As originally enacted, section also provided for legislative counsel of House of Representatives, subject to approval of Speaker, to employ and fix the compensation of assistant counsel, clerks, etc. In view of non-applicability of section to Speaker, employee, etc., of the House of Representatives pursuant to section 531 of Pub. L. 91-510, set out as a note under section 281 of this title, section has been revised to limit applicability to authority of Legislative Counsel of the Senate. See section 282a et seq. of this title for provisions relating to appointment of staff, etc., for Office of Legislative Counsel of the House of Representatives.

#### AMENDMENTS

1941—Act Sept. 20, 1941, substituted “President pro tempore of the Senate” for “President of the Senate”.

#### Statutory Notes and Related Subsidiaries

##### DESIGNATION OF DEPUTY LEGISLATIVE COUNSEL

Pub. L. 106-57, title I, §6, Sept. 29, 1999, 113 Stat. 412, provided that: “The Legislative Counsel may, subject to the approval of the President pro tempore of the Senate, designate one of the Senior Counsels appointed under section 102 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 274 note; Public Law 95-391; 92 Stat. 771) as Deputy Legislative Counsel. The Deputy Legislative Counsel shall perform the functions of the Legislative Counsel during the absence or disability of the Legislative Counsel, or when the office is vacant.”

##### SENIOR COUNSEL

Pub. L. 85-75, July 1, 1957, 71 Stat. 251, provided in part that: “No more than three employees in the Office of the Legislative Counsel of the Senate may be designated as Senior Counsel, whose compensation shall be \$15,500 gross per annum each.”

##### ADDITIONAL SENIOR COUNSEL

Pub. L. 95-391, title I, §102, Sept. 30, 1978, 92 Stat. 771, provided that: “Effective October 1, 1978, the number of employees in the Office of the Legislative Counsel of