

penses of the Corrections Calendar Office, established by section 74d of this title. Such amount shall be allocated between the majority party and the minority party as determined by the Speaker, in consultation with the minority leader.

(Pub. L. 105-55, title I, § 101, Oct. 7, 1997, 111 Stat. 1183.)

#### CODIFICATION

Section is based on section 1 of House Resolution No. 130, One Hundred Fifth Congress, Apr. 24, 1997, which was enacted into permanent law by Pub. L. 105-55.

#### TRANSFER OF ALLOWANCE

For transfer of lump sum allowance under this section to Offices of Speaker and Minority Leader, see section 106 of Pub. L. 108-83, set out as a Transfer of Positions in Corrections Calendar Office note under section 74d of this title.

#### § 74d-2. Effective date

The allowance under section 74d-1 of this title—

(1) shall be available beginning with the month of May 1997;

(2) through the end of September 1997, shall be paid from the applicable accounts of the House of Representatives on a pro rata basis; and

(3) beginning with fiscal year 1998, shall be paid as provided in appropriations Acts.

(Pub. L. 105-55, title I, § 101, Oct. 7, 1997, 111 Stat. 1183.)

#### CODIFICATION

Section is based on section 2 of House Resolution No. 130, One Hundred Fifth Congress, Apr. 24, 1997, which was enacted into permanent law by Pub. L. 105-55.

#### § 75. Repealed. Pub. L. 92-310, title II, § 220(b), (c), June 6, 1972, 86 Stat. 204

Section, R.S. §§ 58, 59; act Mar. 2, 1895, ch. 177, § 5, 28 Stat. 807, required Clerk of House of Representatives to give a bond in the sum of \$20,000.

#### § 75-1. Repealed. Pub. L. 104-186, title II, § 204(22)(A)(iii), Aug. 20, 1996, 110 Stat. 1733

Section, based on H. Res. No. 8, par. (3), Ninety-fifth Congress, Jan. 4, 1977, enacted into permanent law by Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, related to compensation of Clerk of House.

A prior section 75-1, based on H. Res. No. 890, Ninety-second Congress, Oct. 4, 1972, enacted into permanent law by Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1509, set forth the compensation of the Clerk at equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees.

#### § 75a. Death, resignation, etc., of Chief Administrative Officer of House; accounts and payments; liability of Chief Administrative Officer for acts and defaults of disbursing clerk

On and after June 8, 1942, in case of the death, resignation, separation from office, or disability of the Chief Administrative Officer of the House of Representatives, the accounts of the Chief Administrative Officer may be continued and payments made in his name by the disbursing clerk of the House of Representatives for a pe-

riod extending not beyond the quarterly period during which a new Chief Administrative Officer shall have been appointed. Such accounts and payments shall be allowed and settled in the Government Accountability Office, and the checks signed in the name of the former Chief Administrative Officer shall be honored by the Treasurer of the United States, in the same manner as if the former Chief Administrative Officer had continued in office. The former Chief Administrative Officer or his estate shall not be subject to any legal liability or penalty for the official acts and defaults of such disbursing clerk acting in the name or in the place of the former Chief Administrative Officer under this section, but such disbursing clerk shall be responsible therefor. The accounts and payments referred to in the second sentence shall be audited by the Inspector General of the House of Representatives.

(June 8, 1942, ch. 396, § 7, 56 Stat. 350; Pub. L. 92-310, title II, § 220(i), June 6, 1972, 86 Stat. 205; Pub. L. 104-186, title II, § 204(19), Aug. 20, 1996, 110 Stat. 1732; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

#### AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1996—Pub. L. 104-186, § 204(19)(A), in first sentence, substituted “Chief Administrative Officer of the House of Representatives, the accounts of the Chief Administrative Officer” for “Clerk of the House of Representatives, the accounts of such Clerk” and “new Chief Administrative Officer shall have been appointed” for “new Clerk of the House of Representatives shall have been elected and qualified”.

Pub. L. 104-186, § 204(19)(B), in second sentence, struck out “, audited,” after “shall be allowed” and substituted “name of the former Chief Administrative Officer” for “name of the former Clerk of the House of Representatives” and “the former Chief Administrative Officer” for “such former Clerk”.

Pub. L. 104-186, § 204(19)(C), in third sentence, substituted “The former Chief Administrative Officer” for “The former Clerk” and “the former Chief Administrative Officer” for “such former Clerk”.

Pub. L. 104-186, § 204(19)(D), inserted at end “The accounts and payments referred to in the second sentence shall be audited by the Inspector General of the House of Representatives.”

1972—Pub. L. 92-310 struck out provisions which related to the sureties on the bond of the former clerk, and which required the disbursing clerk to give a bond.

#### § 75a-1. Temporary appointments in case of vacancies or incapacity of House officers; compensation

##### (a) Temporary appointments in case of vacancy or incapacity in office of Clerk, Sergeant at Arms, Chief Administrative Officer, or Chaplain of House

In case of a vacancy, from whatever cause, in the office of Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, of the House of Representatives, or in case of the incapacity or inability of the incumbent of any such office to perform the duties thereof, the Speaker of the House of Representatives may appoint a person to act as, and to exercise temporarily the duties of, Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, as the case may be, until a person is chosen by the House of Rep-

representatives and duly qualifies as Clerk, Sergeant at Arms, Chief Administrative Officer or Chaplain, as the case may be, or until the termination of the incapacity or inability of the incumbent.

**(b) Duties of temporary appointees**

Any person appointed pursuant to this section shall exercise all the duties, shall have all the powers, and shall be subject to all the requirements and limitations applicable with respect to one chosen by the House of Representatives to fill the office involved; but nothing in this section shall be held to amend, repeal, or otherwise affect section 75a of this title.

**(c) Compensation of temporary appointee**

Any person appointed pursuant to this section shall be paid the compensation which he would receive if he were chosen by the House of Representatives to fill the office involved, unless such person is concurrently serving in any office or position the compensation for which is paid from the funds of the United States, in which case he shall receive no compensation for services rendered pursuant to his appointment under this section, and his compensation for performing the duties of such office other than the one to which he is appointed pursuant to this section shall be in full discharge for all services he performs for the United States while serving in such dual capacity.

(Aug. 2, 1946, ch. 753, §208, as added Aug. 5, 1953, ch. 330, 67 Stat. 387; amended Pub. L. 104-186, title II, §204(20), Aug. 20, 1996, 110 Stat. 1733.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Doorkeeper, Postmaster,” wherever appearing.

**§§ 75b to 75e. Omitted**

CODIFICATION

Section 75b, act May 1, 1947, ch. 49, title I, 61 Stat. 58, accorded Clerk of House the same priority as executive agencies under the Surplus Property Act of 1944 (50 App. U.S.C. 1611-1648). The Surplus Property Act of 1944 was repealed by act June 30, 1949, ch. 288, title V, §503, 63 Stat. 399, and the priorities thereunder expired Dec. 31, 1949.

Sections 75c to 75e were omitted from the Code for lack of general applicability.

Section 75c, based on H. Res. No. 449, Sept. 21, 1961, enacted into permanent law by Pub. L. 87-730, §103, Oct. 2, 1962, 76 Stat. 693, related to basic compensation of Assistant Tally Clerks in Office of Clerk of House.

Section 75d, based on H. Res. No. 331, June 7, 1961, enacted into permanent law by Pub. L. 87-730, §103, Oct. 2, 1962, 76 Stat. 693, related to basic compensation of stationery and assistant stationery clerks.

Section 75e, based on H. Res. Nos. 225, 341, 402 and 773 of the 87th Congress, enacted into permanent law by Pub. L. 87-130, §103, Aug. 10, 1961, 75 Stat. 334; Pub. L. 87-730, §103, Oct. 2, 1962, 76 Stat. 693; Pub. L. 88-248, §103, Dec. 30, 1963, 77 Stat. 817, related to compensation of certain laborers and clerks in offices of Clerk, Doorkeeper and Postmaster of House.

**§ 75f. House emergency operations positions**

**(a) Establishment in certain offices**

Effective with respect to fiscal year 2002 and each succeeding fiscal year, there are hereby established 2 additional positions in each of the

following offices of the House of Representatives:

- (1) The Office of the Clerk.
- (2) The Office of the Chief Administrative Officer.
- (3) The Office of the Sergeant at Arms.

**(b) Duties**

The duty of the personnel appointed to a position established under this section shall be to ensure the continuity of the operations of the House of Representatives during periods of emergency, in accordance with the direction of the head of the office in which the position is established.

**(c) Rate of pay**

The annual rate of pay provided for a position established under this section shall be determined by the head of the office in which the position is established.

**(d) Appointment authority**

Notwithstanding any other provision of law, the head of the office in which a position is established under this section shall have the exclusive authority to appoint personnel to such a position.

(Pub. L. 107-68, title I, §118, Nov. 12, 2001, 115 Stat. 573.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 2002, which is title I of the Legislative Branch Appropriations Act, 2002.

**§§ 76 to 76a. Repealed. Pub. L. 104-186, title II, § 204(21), (22)(A)(iii), (23), Aug. 20, 1996, 110 Stat. 1733**

Section 76, R.S. §73, related to duties of Doorkeeper of House. Provisions of R.S. §73 which related to duties of Doorkeeper of Senate were classified to section 63 of this title prior to repeal by Pub. L. 104-186.

Section 76-1, based on H. Res. No. 8, par. (3), Ninety-fifth Congress, Jan. 4, 1977, enacted into permanent law by Pub. L. 95-94, title I, §115, Aug. 5, 1977, 91 Stat. 668, related to compensation of Doorkeeper of House.

A prior section 76-1 was based on provisions of H. Res. No. 890, Ninety-second Congress, Oct. 4, 1972, enacted into permanent law by Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1509, relating to compensation of the Doorkeeper being equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees, prior to those provisions being struck out by Pub. L. 104-186, title II, §204(22)(B), Aug. 20, 1996, 110 Stat. 1733.

Another prior section 76-1, based on H. Res. No. 909, Eighty-ninth Congress, Sept. 8, 1966, enacted into permanent law by Pub. L. 89-697, ch. VI, §601, Oct. 27, 1966, 80 Stat. 1064, set forth the compensation of the Doorkeeper at equal to the gross per annum rate of compensation of the Clerk of House and Sergeant at Arms of House, prior to being repealed by Pub. L. 104-186, title II, §204(22)(B), Aug. 20, 1996, 110 Stat. 1733.

Section 76a, based on H. Res. No. 560, Eighty-seventh Congress, Mar. 27, 1962, enacted into permanent law by Pub. L. 87-730, §103, Oct. 2, 1962, 76 Stat. 693, related to position of a special assistant in Office of Doorkeeper.

**§ 76b. Omitted**

CODIFICATION

Section 76b, based on H. Res. No. 603, §§2, 3, Eighty-seventh Congress, Apr. 16, 1962, enacted into permanent