

shall cause such portions of the testimony to be printed, as he shall determine.

He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and lay the same before the Committee on House Administration at the earliest opportunity. As soon as the testimony in any case is printed the Clerk shall forward by mail, if desired, two copies thereof to the contestant and the same number to the contestee; and shall notify the contestant to file with the Clerk, within thirty days, a brief of the facts and the authorities relied on to establish his case. The Clerk shall forward by mail two copies of the contestant's brief to the contestee, with like notice.

Upon receipt of the contestee's brief the Clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs shall be printed at the expense of the parties respectively, and shall be of like folio as the printed record; and sixty copies thereof shall be filed with the Clerk for the use of the Committee on House Administration. (R. S. § 127; Mar. 2, 1875, ch. 119, § 1, 18 Stat. 338; Mar. 2, 1887, ch. 318, 24 Stat. 445; Aug. 2, 1946, ch. 753, § 121, 60 Stat. 822.)

DERIVATION

Act Jan. 10, 1873, ch. 24, § 4, 17 Stat. 409.

AMENDMENTS

1946—Act Aug. 2, 1946, amended section by substituting the "Committee on House Administration" for the "Committee on Elections".

§ 224. Fees of witnesses.

Every witness attending by virtue of any subpoena herein directed to be issued shall be entitled to receive the sum of 75 cents for each day's attendance, and the further sum of 5 cents for every mile necessarily traveled in going and returning. Such allowance shall be ascertained and certified by the officer taking the examination, and shall be paid by the party at whose instance such witness was summoned. (R. S. § 128.)

DERIVATION

Act Feb. 19, 1851, ch. 11, 9 Stat. 570.

§ 225. Fees of officers.

Each judge, justice, chancellor, chief executive officer of a town or city, notary public, and justice of the peace, who shall be necessarily employed pursuant to the provisions of this chapter, and all sheriffs, constables, or other officers who may be employed to serve any subpoena or notice herein authorized, shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the State wherein such service may be rendered. (R. S. § 129; June 7, 1878, ch. 160, 20 Stat. 99.)

DERIVATION

Act Feb. 19, 1851, ch. 11, 9 Stat. 570.

ABOLITION OF OFFICES

Act June 7, 1878, abolished registers in bankruptcy. They were originally entitled to compensation under this section in the same manner as the officers now enumerated.

§ 226. Limitation of expenses of contest for seat in House.

No contestee or contestant for a seat in the House of Representatives shall be paid exceeding \$2,000 for expenses in election contests; and before any sum whatever shall be paid to a contestant or contestee for expenses of election contest, he shall file with the clerk of the Committee on House Administration a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section 224 of this title. (Mar. 3, 1879, ch. 182, § 1, 20 Stat. 400; Aug. 2, 1946, ch. 753, § 121, 60 Stat. 822.)

PRIOR LAW

Subject matter was formerly covered in R. S. § 130, which was from act Mar. 3, 1873, ch. 226, § 1, 17 Stat. 490, and which was repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428.

AMENDMENTS

1946—Act Aug. 2, 1946, amended section by substituting the "Committee on House Administration" for the "Committee on Elections".

Chapter 8.—FEDERAL CORRUPT PRACTICES

Sec.

- 241. Definitions.
- 242. Chairman and treasurer of political committee; duties as to contributions; accounts and receipts.
- 243. Accounts of contributions received.
- 244. Statements by treasurer filed with Clerk of House of Representatives.
- 245. Statements by others than political committee filed with Clerk of House of Representatives.
- 246. Statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives.
- 247. Statements; verification; filing; preservation; inspection.
- 248. Limitation upon amount of expenditures by candidate.
- 249–251. Repealed.
- 252. General penalties for violations.
- 253. Expenses of election contests.
- 254. State laws not affected.
- 255. Partial invalidity.
- 256. Citation.

CROSS REFERENCES

Hatch Political Activity Act to restrain pernicious political activities, see sections 594, 595, 598, 600, 601, 604, 605, 608, 610, and 611 of Title 18, Crimes and Criminal Procedure, and sections 1181–118n of Title 5, Executive Departments and Government Officers and Employees.

Lobbying, regulation of, see section 261 et seq. of this title.

§ 241. Definitions.

When used in this chapter and section 208 of Title 18—

(a) The term "election" includes a general or special election, but does not include a primary election or convention of a political party;

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes Territory and possession of the United States. (Feb. 28, 1925, ch. 368, title III, § 302, 43 Stat. 1070; Proc. No. 2695, July 4, 1946, 11 F. R. 7517, 60 Stat. 1352.)

REFERENCES IN TEXT

Section 208 of Title 18, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and is now covered by section 602 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Provisions of this section, which included in the definition of "election" an election by the Philippine Legislature of a Resident Commissioner from the Philippine Islands, were omitted in view of the independence of the Philippine Islands proclaimed by the President of the United States in Proc. No. 2695. Said proclamation, which is set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse, was issued under direction of that section. The Philippine Islands now exchange ambassadors with the United States.

CROSS REFERENCES

Terms used in Hatch Political Activity Act to have meaning assigned to them in this section, see section 610 of Title 18, Crimes and Criminal Procedure.

§ 242. Chairman and treasurer of political committee; duties as to contributions; accounts and receipts.

(a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) All contributions made to or for such committee;

(2) The name and address of every person making any such contribution, and the date thereof;

(3) All expenditures made by or on behalf of such committee; and

(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding \$10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items. (Feb. 28, 1925, ch. 368, title III, § 303, 43 Stat. 1071.)

§ 243. Accounts of contributions received.

Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received. (Feb. 28, 1925, ch. 368, title III, § 304, 43 Stat. 1071.)

§ 244. Statements by treasurer filed with Clerk of House of Representatives.

(a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such committee during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

(b) The statements required to be filed by subdivision (a) of this section 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 statement only the amount need be carried forward.

(c) The statement filed on the 1st day of January shall cover the preceding calendar year. (Feb. 28, 1925, ch. 368, title III, § 305, 43 Stat. 1071.)

§ 245. Statements by others than political committee filed with Clerk of House of Representatives.

Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating \$50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 244 of this title. (Feb. 28, 1925, ch. 368, title III, § 306, 43 Stat. 1072.)

§ 246. Statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives.

(a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 248 of this title need be stated;

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) of this section shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the

candidate seeks, at the general election next preceding the election at which he is a candidate. (Feb. 28, 1925, ch. 368, title III, § 307, 43 Stat. 1072.)

§ 247. Statements; verification; filing; preservation; inspection.

A statement required by this chapter to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection. (Feb. 28, 1925, ch. 368, title III, § 308, 43 Stat. 1072.)

§ 248. Limitation upon amount of expenditures by candidate.

(a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this chapter and section 208 of Title 18.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) of this section as the limit of campaign expenses of a candidate. (Feb. 28, 1925, ch. 368, title III, § 309, 43 Stat. 1073.)

REFERENCES IN TEXT

Section 208 of Title 18, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and is now covered by section 602 of Title 18, Crimes and Criminal Procedure.

§§ 249—251. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 249, act Feb. 28, 1925, ch. 368, title III, § 310, 43 Stat. 1073, related to promises or pledges by candidates, and is now covered by section 599 of Title 18, Crimes and Criminal Procedure.

Section 250, act Feb. 28, 1925, ch. 368, title III, § 311, 43 Stat. 1073, related to expenditures to influence voting, and is now covered by section 597 of Title 18, Crimes and Criminal Procedure.

Section 251, acts Feb. 28, 1925, ch. 368, title III, § 313, 43 Stat. 1074; June 20, 1947, ch. 120, title III, § 304, 61 Stat. 159, related to political contributions by national banks, corporations, or labor unions, and is now covered by section 610 of Title 18, Crimes and Criminal Procedure.

§ 252. General penalties for violations.

(a) Any person who violates any of the foregoing provisions of this chapter, except those for which a specific penalty is imposed by section 208 of Title 18, and section 251 of this title, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this chapter, except those for which a specific penalty is imposed by section 208 of Title 18, and section 251 of this title, shall be fined not more than \$10,000 and imprisoned not more than two years. (Feb. 28, 1925, ch. 368, title III, § 314, 43 Stat. 1074.)

REFERENCES IN TEXT

Section 208 of Title 18, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and is covered by section 602 of Title 18, Crimes and Criminal Procedure.

Section 251, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862.

CROSS REFERENCES

Penalties provided by this section to apply to violations of Hatch Political Activity Act, see section 610 of Title 18, Crimes and Criminal Procedure.

§ 253. Expenses of election contests.

This chapter and section 208 of Title 18 shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election. (Feb. 28, 1925, ch. 368, title III, § 315, 43 Stat. 1074.)

REFERENCES IN TEXT

Section 208 of Title 18, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and is covered by section 602 of Title 18, Crimes and Criminal Procedure.

§ 254. State laws not affected.

This chapter and section 208 of Title 18 shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this chapter and section 208 of Title 18, or to exempt any candidate from complying with such State laws. (Feb. 28, 1925, ch. 368, title III, § 316, 43 Stat. 1074.)

REFERENCES IN TEXT

Section 208 of Title 18, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and is covered by section 602 of Title 18, Crimes and Criminal Procedure.

§ 255. Partial invalidity.

If any provision of this chapter and section 208 of Title 18, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of said chapter and section and of the application of such provision to other persons and circumstances shall not be affected thereby. (Feb. 28, 1925, ch. 368, title III, § 317, 43 Stat. 1074.)

REFERENCES IN TEXT

Section 208 of Title 18, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and is covered by section 602 of Title 18, Crimes and Criminal Procedure.

§ 256. Citation.

This chapter and section 208 of Title 18 may be cited as the "Federal Corrupt Practices Act." (Feb. 28, 1925, ch. 368, title III, § 301, 43 Stat. 1070.)

REFERENCES IN TEXT

Section 208 of Title 18, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and is covered by section 602 of Title 18, Crimes and Criminal Procedure.

Chapter 8A.—REGULATION OF LOBBYING

Sec.

- 261. Definitions.
- 262. Detailed accounts of contributions; retention of receipted bills of expenditures.
- 263. Receipts for contributions.
- 264. Statements of accounts filed with Clerk of House.
- 265. Preservation of statements.
- 266. Persons to whom chapter is applicable.
- 267. Registration of lobbyists with Secretary of the Senate and Clerk of House; compilation of information.
- 268. Reports and statements under oath.
- 269. Penalties and prohibitions.
- 270. Exemptions from chapter.

CROSS REFERENCES

Corrupt practices, see section 241 et seq. of this title.
Hatch Political Activity Act to restrain pernicious political activity, see sections 594, 595, 598, 600, 601, 604, 605, 608, 610, and 611 of Title 18, Crimes and Criminal Procedure, and sections 1181—118n of Title 5, Executive Departments and Government Officers and Employees.

§ 261. Definitions.

When used in this chapter—

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject