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SUBCHAPTER I—MEMBER PAY

§ 5301. Representatives’ and Delegates’ salaries payable monthly

Representatives and Delegates-elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 26 of this title, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker.

(R.S. §38; Mar. 3, 1875, ch. 130, §1, 18 Stat. 389.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 34 of this title prior to editorial reclassification and renumbering as this section.

R.S. §38 derived from act Mar. 3, 1873, ch. 226, §1, 17 Stat. 488.

§5302. Salaries payable monthly after taking oath

Each Member and Delegate, after he has taken and subscribed the required oath, is entitled to receive his salary at the end of each month.

(R.S. §39.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 35 of this title prior to editorial reclassification and renumbering as this section.

R.S. §39 derived from Res. Mar. 29, 1867, No. 18, 15 Stat. 24.

§5303. End-of-the-month salary payment schedule inapplicable to Senators

Section 5302 of this title shall not be construed as being applicable to a Senator.

(Pub. L. 97-51, §112(c), Oct. 1, 1981, 95 Stat. 963.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 35a of this title prior to editorial reclassification and renumbering as this section.

Provisions of subsec. (c) of section 112 of Pub. L. 97-51 that such subsec. (c) would apply on and after the effective date of the amendments and repeals made by section 112 of Pub. L. 97-51 were omitted in the codification of this section since their impact was identical to that of the effective date provisions of subsec. (e) of section 112 of Pub. L. 97-51, set out as an Effective Date of 1981 Amendment note under section 6301 of this title. See Effective Date note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective in the case of compensation payable for months after December 1981, see section 112(e) of Pub. L. 97-51, set out as an Effective Date of 1981 Amendment note under section 6301 of this title.

§5304. Salaries of Representatives, Delegates, and Resident Commissioners elected for unexpired terms

The salaries of Representatives in Congress, Delegates from Territories, and Resident Commissioners, elected for unexpired terms, shall commence on the date of their election and not before.

(July 16, 1914, ch. 141, §1, 38 Stat. 458.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 37 of this title prior to editorial reclassification and renumbering as this section.

§ 5305. Disposition of unpaid salary and other sums on death of Representative or Resident Commissioner

When any individual who has been elected a Member of, or Resident Commissioner to, the House of Representatives dies after the commencement of the Congress to which he has been elected, any unpaid balance of salary and other sums due such individual shall be paid to the person or persons surviving at the date of death, in the following order of precedence, and such payment shall be a bar to the recovery by any other person of amounts so paid:

First, to the beneficiary or beneficiaries designated by such individual in writing to receive such unpaid balance and other sums due filed with the Chief Administrative Officer of the House of Representatives and received by the Chief Administrative Officer prior to such individual's death;

Second, if there be no such beneficiary, to the widow or widower of such individual;

Third, if there be no beneficiary or surviving spouse, to the child or children of such individual, and descendants of deceased children, by representation;

Fourth, if none of the above, to the parents of such individual, or the survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased individual, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased individual.

(July 2, 1954, ch. 455, title I, §105, 68 Stat. 409; Pub. L. 86-102, July 23, 1959, 73 Stat. 224; Pub. L. 104-186, title II, §203(5), Aug. 20, 1996, 110 Stat. 1725.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 38a of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1996—Pub. L. 104-186 struck out “(including amounts held in the trust fund account in the office of the Sergeant at Arms)” after “due such individual” in first undesignated par. and substituted “Chief Administrative Officer of the House of Representatives and received by the Chief Administrative Officer” for “Sergeant at Arms, and received by the Sergeant at Arms” in second undesignated par.

1959—Pub. L. 86-102 inserted provisions including amounts held in trust fund account, authorizing an individual to designate a beneficiary or beneficiaries, and prescribing order of precedence in cases where no designation of beneficiary has been made.

§ 5306. 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, title I, §5, Aug. 2, 2005, 119 Stat. 568.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 39 of this title prior to editorial reclassification and renumbering as this section.

R.S. §40 derived from act Aug. 16, 1856, ch. 123, §6, 11 Stat. 49.

AMENDMENTS

2005—Pub. L. 109-55 struck out “Secretary of the Senate and the” before “Chief Administrative Officer”, “, respectively,” before “shall deduct from”, “, respectively” before “, unless such Member”, and “Senate or” after “absent from the”.

1996—Pub. L. 104-186 substituted “the Chief Administrative Officer of the House of Representatives (upon certification by the Clerk of the House of Representatives)” for “Sergeant-at-Arms of the House”.

1981—Pub. L. 97-51 substituted “from the monthly payments (or other periodic payments authorized by law)” for “from the monthly payments”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-51 effective in the case of compensation payable for months after December 1981, see section 112(e) of Pub. L. 97-51, set out as a note under section 6301 of this title.

§ 5307. 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; Pub. L. 108-447, div. G, title I, §11, Dec. 8, 2004, 118 Stat. 3171.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 48 of this title prior to editorial reclassification and renumbering as this section.

R.S. §47 derived from acts July 28, 1866, ch. 296, §17, 14 Stat. 323, and Jan. 22, 1818, ch. 5, §3, 3 Stat. 404.

R.S. §48 derived from act Sept. 30, 1850, ch. 90, §1, 9 Stat. 523.

R.S. §47 constitutes first clause and R.S. §48 constitutes remainder.

Words “mileage accounts” substituted for words “accounts for traveling expenses in going to and returning from Congress” based on text of section 17 of act July 28, 1866, ch. 296, 14 Stat. 323.

AMENDMENTS

2004—Pub. L. 108-447 substituted “of Representatives and Delegates shall be certified” for “of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates”.

§ 5308. Substitute to sign certificates for salary and accounts

The Speaker is authorized to designate from time to time some one from among those appointed by him and appropriated for and em-

ployed in his office, whose duty it shall be under the direction of the Speaker to sign in his name and for him all certificates required by section 5307 of this title for salary and accounts for traveling expenses in going to and returning from Congress of Representatives and Delegates. (Nov. 12, 1903, P. Res. No. 1, 33 Stat. 1.)

Editorial Notes

REFERENCES IN TEXT

Section 5307 of this title, referred to in text, was in the original “section forty-seven of the Revised Statutes”, which initially enacted part of section 48 of this title and was subsequently reclassified as section 5307 of this title. See Codification notes under sections 48 and 5307 of this title.

CODIFICATION

Section was formerly classified to section 50 of this title prior to editorial reclassification and renumbering as this section.

§ 5309. Disbursement of compensation of House Members by Chief Administrative Officer

The moneys which have been, or may be, appropriated for the compensation and mileage of Members and Delegates shall be paid at the Treasury on requisitions drawn by the Chief Administrative Officer of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law, and he shall be a disbursing officer, but he shall not be entitled to any compensation additional to the salary fixed by law.

(Oct. 1, 1890, ch. 1256, §3, 26 Stat. 645; Pub. L. 104-186, title II, §204(25)(B), Aug. 20, 1996, 110 Stat. 1734.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 80 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1996—Pub. L. 104-186 substituted “Chief Administrative Officer” for “Sergeant-at-Arms”.

§ 5310. Certificate of salary during recess

The Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress after the first session and until the first day of the second session, the certificates for the monthly compensation of Members and Delegates in Congress, which certificate shall be in the form in use on August 15, 1876, and shall have the like force and effect as is given to the certificate of the Speaker.

(Aug. 15, 1876, ch. 287, §1, 19 Stat. 145.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 49 of this title prior to editorial reclassification and renumbering as this section.

SUBCHAPTER II—EMPLOYEES

§ 5321. Employees of Members of House of Representatives

(a) In general

Under the Members’ Representational Allowance, each Member of the House of Representatives may employ not more than 18 permanent employees and a total of not more than 4 additional employees in the following categories:

- (1) Interns.
- (2) Part-time employees.
- (3) Shared employees.
- (4) Temporary employees.
- (5) Employees on leave without pay.

(b) Benefit exclusion

For purposes of this section, interns and temporary employees shall be excluded from the operation of the following provisions of title 5:

- (1) Chapter 84 (relating to the Federal Employees’ Retirement System).
- (2) Chapter 87 (relating to life insurance).
- (3) Chapter 89 (relating to health insurance).

(c) Definitions

As used in this section—

(1) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term “intern” means, with respect to a Member of the House of Representatives, an individual who serves in the office of the Member for not more than 120 days in a 12-month period and whose service is primarily for the educational experience of the individual;

(3) the term “part-time employee” means, with respect to a Member of the House of Representatives, an individual who is employed by the Member and whose normally assigned work schedule is not more than the equivalent of 15 full working days per month;

(4) the term “temporary employee” means, with respect to a Member of the House of Representatives, an individual who is employed for a specific purpose or task and who is employed for not more than 90 days in a 12-month period, except that the term of such employment may be extended with the written approval of the Committee on House Oversight; and

(5) the term “shared employee” means an employee who is paid by more than one employing authority of the House of Representatives.

(d) Regulations

The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(Pub. L. 104-186, title I, §104, Aug. 20, 1996, 110 Stat. 1720; Pub. L. 105-55, title I, §104(a), Oct. 7, 1997, 111 Stat. 1183; Pub. L. 106-57, title I, §103(b), Sept. 29, 1999, 113 Stat. 416.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 92 of this title prior to editorial reclassification and renumbering as this section.