

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.

Section is comprised of section 104 of Pub. L. 104-186. Subsec. (e)(1) of section 104 of Pub. L. 104-186 repealed former section 92 of this title. Subsec. (e)(2) and (3) of section 104 of Pub. L. 104-186 repealed provisions formerly set out as notes under section 92 of this title.

#### AMENDMENTS

1999—Pub. L. 106-57, §103(b)(2), struck out “Clerk hire” before “Employees” in section catchline.

Subsec. (a). Pub. L. 106-57, §103(b)(1), struck out “clerk hire” before “employees” in two places in introductory provisions.

1997—Subsec. (c)(2). Pub. L. 105-55 struck out “in the District of Columbia” after “office of the Member”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

##### EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-57 applicable with respect to the first session of the One Hundred Sixth Congress and each succeeding session of Congress, see section 103(c) of Pub. L. 106-57, set out as a note under section 4313 of this title.

##### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-55, title I, §104(b), Oct. 7, 1997, 111 Stat. 1184, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal years beginning on or after October 1, 1997.”

##### EMPLOYMENT OF PERMANENT CLERKS

House Resolution No. 359, Ninety-sixth Congress, July 20, 1979, as enacted into permanent law by H.R. 7593, as passed the House of Representatives on July 21, 1980, and enacted into permanent law by Pub. L. 96-536, §101(c), Dec. 16, 1980, 94 Stat. 3167, which related to the employment of employees by Members of House of Representatives, Delegates, and Resident Commissioners, was repealed by Pub. L. 104-186, title I, §104(e)(2), Aug. 20, 1996, 110 Stat. 1721.

House Resolution No. 357, Ninety-first Congress, June 25, 1969, as enacted into permanent law by Pub. L. 91-145, §103, Dec. 12, 1969, 83 Stat. 359, which increased base Clerk Hire allowance of Members of House of Representatives and Resident Commissioner from Puerto Rico and authorized them to employ one additional clerk each, was repealed by Pub. L. 104-186, title I, §104(e)(3), Aug. 20, 1996, 110 Stat. 1721.

#### § 5322. Lyndon Baines Johnson congressional intern- terms

##### (a) Hiring authority of House Members, Delegates, and Resident Commissioners; allowance for payment of compensation

Until otherwise provided by law and notwithstanding any other provision of law, each Member of, Delegate to, and Resident Commissioner in, the House of Representatives is authorized to hire for two months in any year one additional employee to be known as a Lyndon Baines Johnson congressional intern in honor of the former President. Each such intern shall be a student or a teacher and certified as such under subsection (b) of this section. Each such Member, Delegate, or Resident Commissioner shall have available for payment of compensation to such intern a total allowance of \$1,000, to be payable to such intern at a rate not to exceed \$500 per month,

out of the applicable accounts of the House of Representatives. Such intern and such allowance shall be in addition to all personnel and allowances made available to such Member, Delegate, or Resident Commissioner under other provisions of law or other authority.

##### (b) Certification of intern status; filing

No person shall be paid compensation as a Lyndon Baines Johnson congressional intern who does not have on file with the Chief Administrative Officer of the House of Representatives, at all times during the period of his employment as such intern, an appropriate certificate which is applicable to his intern status, as described below:

(1) if the intern is a student, a certificate that such intern was during the academic year immediately preceding his employment, a bona fide student at a college, university, or similar institution of higher learning; or

(2) if the intern is a teacher, a certificate that such intern was, in the year immediately preceding his employment, a bona fide teacher in government or social studies at a secondary school or a postsecondary school.

##### (c) Regulations by Committee on House Oversight

The Committee on House Oversight shall prescribe such regulations as may be necessary to carry out this section.

(Pub. L. 93-245, ch. VI, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 104-186, title II, §204(6), (7), Aug. 20, 1996, 110 Stat. 1730.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 60g-2 of this title prior to editorial reclassification and renumbering as this section.

Section is based on section 1 of House Resolution No. 420, Ninety-third Congress, Sept. 18, 1973, which was enacted into permanent law by Pub. L. 93-245.

##### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-186, §204(7)(A), substituted “applicable accounts of the House of Representatives” for “contingent fund of the House”.

Subsec. (b). Pub. L. 104-186, §204(6), substituted “Chief Administrative Officer” for “Clerk”.

Subsec. (c). Pub. L. 104-186, §204(7)(B), substituted “House Oversight” for “House Administration”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

##### EFFECTIVE DATE

Section 3 of House Resolution No. 420, Ninety-third Congress, as enacted into permanent law by Pub. L. 93-245, ch. VI, Jan. 3, 1974, 87 Stat. 1079, provided that: “The provisions of this resolution [enacting this section and repealing House Resolution No. 416, Eighty-ninth Congress, formerly classified to section 60g-2 of this title] shall become effective on January 1, 1974.”

**§ 5322a. Allowance for compensation of interns in member offices**

**(a) Establishment of allowance**

There is established for the House of Representatives an allowance which shall be available for the compensation of interns who serve in the offices of Members of the House of Representatives.

**(b) Cap on amount available per office**

An office of a Member of the House of Representatives may not use more than \$20,000 of the allowance under this section during any calendar year.

**(c) Benefit exclusion**

Section 5321(b) of this title shall apply with respect to an intern who is compensated under the allowance under this section in the same manner as such section applies with respect to an intern who is compensated under the Members' Representational Allowance.

**(d) No effect on payment of interns under Members' Representational Allowance**

Nothing in this section may be construed to affect the use of the Members' Representational Allowance for the compensation of interns, as provided under section 5321 of this title.

**(e) Definitions**

In this section—

- (1) the term “intern” has the meaning given such term in section 5321(c)(2) of this title; and
- (2) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

**(f) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$8,800,000 for fiscal year 2019, and such sums as may be necessary for fiscal year 2020 and each succeeding fiscal year.

(Pub. L. 115–244, div. B, title I, §120, Sept. 21, 2018, 132 Stat. 2931; Pub. L. 116–94, div. E, title I, §112(a), Dec. 20, 2019, 133 Stat. 2759.)

**Editorial Notes**

**AMENDMENTS**

2019—Subsec. (f). Pub. L. 116–94 substituted “, and such sums as may be necessary for fiscal year 2020 and each succeeding fiscal year.” for period at end.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2019 AMENDMENT**

Pub. L. 116–94, div. E, title I, §112(c), Dec. 20, 2019, 133 Stat. 2759, provided that: “The amendments made by this section [amending this section and section 5507 of this title] shall take effect as if included in the enactment of section 120 of the Legislative Branch Appropriations Act, 2019 (2 U.S.C. 5322a).”

**§ 5323. Pay of clerical assistants as affected by death of Senator or Representative**

When a Senator<sup>1</sup> or Member of the House of Representatives or Delegate or Resident Commissioner dies during his term of office the cler-

ical assistants appointed by him, and then borne upon the pay rolls of the Senate or House of Representatives, shall be continued on such pay rolls in their respective positions and be paid for a period not longer than one month: *Provided*, That this shall not apply to clerical assistants of standing committees of the Senate or House of Representatives, when their service otherwise would continue beyond such period.

(Feb. 23, 1927, ch. 168, §1, 44 Stat. 1148.)

**Editorial Notes**

**CODIFICATION**

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

**Statutory Notes and Related Subsidiaries**

**INAPPLICABILITY TO EMPLOYEES OF SENATE**

Pub. L. 98–473, title I, §123A(a), Oct. 12, 1984, 98 Stat. 1969, provided that this section shall not apply to any employee of the Senate.

**§ 5324. Pay of clerical assistants as affected by death or resignation of Member of House**

Notwithstanding the provisions of section 5323 of this title, in case of the death or resignation of a Member of the House during his term of office, the clerical assistants designated by him and borne upon the clerk hire pay rolls of the House of Representatives on the date of such death or resignation shall be continued upon such pay rolls at their respective salaries until the successor to such Member of the House is elected to fill the vacancy.

(Aug. 21, 1935, ch. 600, §1, 49 Stat. 679; Apr. 24, 1950, ch. 96, 64 Stat. 82; July 15, 1952, ch. 759, §1, 66 Stat. 662; Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 657.)

**Editorial Notes**

**CODIFICATION**

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

**AMENDMENTS**

1966—Pub. L. 89–554 struck out sentence which related to retirement service credit.

1952—Joint Res. July 15, 1952, provided retirement credit to employees for time they were separated from employment following death or resignation of a Member and before election of his successor.

1950—Joint Res. Apr. 24, 1950, struck out second sentence which limited continuance of clerical assistants of deceased or resigned House Members on pay roll to six months.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Act Aug. 21, 1935, ch. 600, §4, 49 Stat. 680, provided that: “This joint resolution [enacting sections 5324 to 5326 of this title] shall be effective as of the beginning of the Seventy-fourth Congress, January 3, 1935.”

**§ 5325. Performance of duties by clerical assistants of dead or resigned Member of House**

Any clerical assistants who continue on the House pay rolls under the provisions of section

<sup>1</sup> See Inapplicability to Employees of Senate note below.

5324 of this title shall, while so continued, perform their duties under the direction of the Clerk of the House, and he is authorized and directed to remove from such pay rolls any such clerks who are not attending to the duties for which their services are continued.

(Aug. 21, 1935, ch. 600, § 2, 49 Stat. 680.)

#### Editorial Notes

##### CODIFICATION

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

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Jan. 3, 1935, see section 4 of act Aug. 21, 1935, set out as a note under section 5324 of this title.

#### § 5326. “Member of the House” defined

As used in section 5324 of this title the phrase “Member of the House” shall mean a Representative, Representative-elect, Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect.

(Aug. 21, 1935, ch. 600, § 3, 49 Stat. 680.)

#### Editorial Notes

##### CODIFICATION

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

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Jan. 3, 1935, see section 4 of act Aug. 21, 1935, set out as a note under section 5324 of this title.

#### § 5327. Termination of service of Members of House

(a) Until otherwise provided by law, for purposes of sections 5324, 5325, and 5326 of this title, any termination of service during a term of office of a Member of the House that is not described in section 5324 of this title shall be treated as if such termination were described in such section.

(b) The Clerk of the House shall take such action as may be necessary to apply the principles of section 5325 of this title in the carrying out of sections 5327 to 5329 of this title.

(Pub. L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 92b–1 of this title prior to editorial reclassification and renumbering as this section.

Section is based on section 1 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97–51.

#### § 5328. Authority to prescribe regulations

The Committee on House Oversight of the House of Representatives shall have authority

to prescribe regulations for the carrying out of sections 5327 to 5329 of this title.

(Pub. L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959; Pub. L. 104–186, title II, § 204(44), Aug. 20, 1996, 110 Stat. 1736.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 92b–2 of this title prior to editorial reclassification and renumbering as this section.

Section is based on section 2 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97–51.

##### AMENDMENTS

1996—Pub. L. 104–186 substituted “House Oversight of the House of Representatives” for “House Administration”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

#### § 5329. Vouchers

Payments under sections 5327 to 5329 of this title shall be made on vouchers approved by the Committee on House Oversight of the House of Representatives and signed by the chairman of such committee.

(Pub. L. 97–51, § 101(c), Oct. 1, 1981, 95 Stat. 959; Pub. L. 104–186, title II, § 204(44), Aug. 20, 1996, 110 Stat. 1736.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 92b–3 of this title prior to editorial reclassification and renumbering as this section.

Section is based on section 3 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97–51.

##### AMENDMENTS

1996—Pub. L. 104–186 substituted “House Oversight of the House of Representatives” for “House Administration”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

### SUBCHAPTER III—EXPENSES AND ALLOWANCES

#### § 5341. Representational allowance for Members of House of Representatives

##### (a) In general

There is established for the House of Representatives a single allowance, to be known as