

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 employed 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.)

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.)

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.)

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.)

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”.

#### 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 interns

#### (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, Dele-

gate, 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.)

#### 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”.

#### 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.”

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

When a Senator or Member of the House of Representatives or Delegate or Resident Commissioner dies during his term of office the clerical 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*,