

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 L. 104-186 repealed former section 92 of this title.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 L. 104-186 repealed provisions formerly set out as notes under section 92 of this title.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 Rep-

resentatives, 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, 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 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*, 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.)

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