

CODIFICATION

Section is based on section 4 of House Resolution No. 234, Ninety-eighth Congress, June 29, 1983, which was enacted into permanent law by Pub. L. 98-367.

EFFECTIVE DATE

Section effective June 29, 1983, see note set out under section 88c-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 88c-1 of this title.

§ 89. Certificates to pay rolls of employees of House

The Clerk, Sergeant at Arms, Doorkeeper, and Postmaster of the House of Representatives shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated. (Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968.)

ABOLITION OF OFFICE OF DOORKEEPER

Office of Doorkeeper of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

ABOLITION OF OFFICE OF POSTMASTER

Office of Postmaster of House of Representatives abolished by section 2 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 90, 91 of this title.

§ 89a. Certification of indebtedness of employees of House; withholding of amount

Whenever an employee of the House of Representatives becomes indebted to the House of Representatives, or to the trust fund account in the office of the Sergeant at Arms of the House of Representatives, and such employee fails to pay such indebtedness, the chairman of the committee, or the elected officer, of the House of Representatives having jurisdiction of the activity under which such indebtedness arose, is authorized to certify to the Clerk of the House of Representatives the amount of such indebtedness. The Clerk of the House of Representatives is authorized to withhold the amount so certified from any amount which is disbursed by him and which is due to, or on behalf of, such employee. Whenever an amount is withheld under this section, the appropriate account shall be credited in an amount equal to the amount so withheld. As used in this section, the term "employee of the House of Representatives" means any person in the legislative branch of the Government whose salary, wages, or other compensation is disbursed by the Clerk of the House of Representatives.

(Pub. L. 85-492, July 2, 1958, 72 Stat. 293.)

TRANSFER OF FUNCTIONS

Certain functions of Sergeant at Arms and Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

CROSS REFERENCES

Waiver by Speaker of claims for erroneous payment of pay or allowances, see section 130d of this title.

§ 90. Removal from office of employees of House

The violation of any of the provisions of sections 85 to 87 and 89 of this title shall, upon ascertainment thereof, be deemed to be cause for removal from office.

(Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 91 of this title.

§ 91. Inquiry by Committee on House Administration

It shall be the duty of the Committee on House Administration of the House of Representatives from time to time to inquire into the enforcement or violation of any of the provisions of sections 85 to 87, 89, and 90 of this title; and for this purpose they are authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

(Mar. 3, 1901, ch. 830, § 1, 31 Stat. 968; Aug. 2, 1946, ch. 753, § 121, 60 Stat. 822.)

AMENDMENTS

1946—Act Aug. 2, 1946, substituted "Committee on House Administration" for "Committee on Accounts".

CHANGE OF NAME

Committee on House Administration of House of Representatives changed to Committee on House Oversight of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that the amendment made by that act is effective Jan. 2, 1947.

§ 92. Payment of appropriations for clerk hire for Members of House, Delegates, and Resident Commissioners

Appropriations made by Congress for clerk hire for Members, Delegates, and Resident Commissioners shall be paid by the Clerk of the House of Representatives to those persons, not to exceed eight in number, to be designated by each Member, Delegate, or Resident Commissioner or, in the case of each Member, Delegate, and Resident Commissioner the population of whose constituency is five hundred thousand or more, as currently estimated by the Bureau of the Census, not to exceed the foregoing number increased by one, to be designated by each such Member, Delegate, and Resident Commissioner,

as the case may be, the names of such persons to be placed upon the roll of employees of the House of Representatives, together with the amount to be paid each; and Representatives, Delegates, and Resident Commissioners elected to Congress shall likewise be entitled to make such designations: *Provided*, That such persons shall be subject to removal at any time by such Member, Delegate, or Resident Commissioner with or without cause.

(Jan. 25, 1923, ch. 43, 42 Stat. 1217; July 25, 1939, ch. 352, §1, 53 Stat. 1080; Aug. 5, 1955, ch. 568, §11(b), 69 Stat. 509; Aug. 3, 1956, ch. 938, §1(b), 70 Stat. 990.)

AMENDMENTS

1956—Act Aug. 3, 1956, inserted provision that where constituency is five hundred thousand or more, the number of clerks permitted may be increased by one.

1955—Act Aug. 5, 1955, substituted “to those persons, not to exceed eight in number” for “to one, two, or three persons”.

1939—Act July 25, 1939, substituted “to one, two, or three persons” for “to one or two persons”.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Aug. 5, 1955, effective Aug. 1, 1955, see section 14 of that act.

EFFECTIVE DATE OF 1939 AMENDMENT

Amendment by act July 25, 1939, effective Jan. 1, 1940, see section 4 of that act.

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EMPLOYMENT OF PERMANENT CLERKS

House Resolution 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, provided: “That, notwithstanding any provision of law, rule, or other authority, each Member shall be entitled to employ not more than eighteen permanent clerks, except that not more than four employees designated by the Member to the Clerk of the House as falling into one of the following categories need not be counted as permanent clerks:

- “(1) Part-time employees.
- “(2) Employees drawing compensation from more than one employing authority of the House.
- “(3) Interns.
- “(4) Employees on leave without pay.
- “(5) Temporary employees.

All clerks authorized by this section shall be paid from the clerk hire allowance of the Member involved. Employees so designated by the Member as temporary employees or interns shall not be eligible to participate in the health and life insurance program, or to participate in the Civil Service Retirement Act.

“SEC. 2. The total of the salary payments by a Member from the clerk hire allowance for a monthly pay period shall not exceed one-tenth of the single per annum gross rate of the clerk hire allowance of such Member: *Provided, however*, That not more than one-fourth of a Member's total annual clerk hire allowance may be used in each quarterly period.

“SEC. 3. For purposes of this resolution—

“(1) part-time employees may not be compensated at a rate in excess of \$750 per month, or may not have a normally assigned work period that exceeds an average of fifteen full working days per month;

“(2) interns shall be employed primarily for their educational experience in Washington, District of Columbia, for a period not to exceed one hundred and twenty days in any one year and may not be compensated at a single per annum gross rate of more than \$7,800; and

“(3) temporary employees must be employed for a specific purpose or task and may not be employed by a Member for more than three months in any one year, except by written permission of the Committee on House Administration.

“SEC. 4. As used in this resolution, the term ‘Member’ means a Representative in, or Delegate or Resident Commissioner to the Congress.

“SEC. 5. The Committee on House Administration shall adopt such rules and regulations as are necessary to carry out this resolution. Except as otherwise provided by law, any funds necessary to carry out this resolution shall be paid from the contingent fund of the House.

“SEC. 6. This resolution shall take effect on the first day of the first month beginning after the month in which this resolution is agreed to [July 1979].”

House Resolution 357, Ninety-first Congress, June 25, 1969, as enacted into permanent law by Pub. L. 91-145, §103, Dec. 12, 1969, 83 Stat. 359, provided in part: “That, effective on the first day of the first month which begins after the date of adoption of this resolution [June 25, 1969], there shall be paid out of the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to increase the basic clerk hire allowance of each Member and the Resident Commissioner from Puerto Rico by an additional \$2,500 per annum, and each such Member and Resident Commissioner shall be entitled to one clerk in addition to those to which he is otherwise entitled.”

CROSS REFERENCES

Adjustment of allowances by Committee on House Administration, see section 57 of this title.

Delegates from Guam and Virgin Islands, clerk hire, see section 1715 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25b of this title.

§ 92-1. Clerk hire allowance payments; place of performance of services

No person shall be paid from any clerk hire allowance if such person does not perform the services for which he receives such compensation in the offices of such Member or Resident Commissioner in Washington, District of Columbia, or in the State or the district which such Member or Resident Commissioner represents.

(Pub. L. 89-90, §103, July 27, 1965, 79 Stat. 281.)

CODIFICATION

Section is based on section 2 of House Resolution 294, Eighty-eighth Congress, Aug. 14, 1964, as continued by House Resolution 7, Eighty-ninth Congress, Jan. 4, 1965, which was enacted into permanent law by Pub. L. 89-90.

§ 92a. 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