

EFFECTIVE DATE

Section effective June 29, 1983, see note set out under section 88c-2 of this title.

§ 89. Certificates to pay rolls of employees of House

The Clerk, Sergeant at Arms, and Chief Administrative Officer 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; Aug. 20, 1996, Pub. L. 104-186, title II, §204(41), 110 Stat. 1736.)

AMENDMENTS

1996—Pub. L. 104-186 substituted “and Chief Administrative Officer” for “Doorkeeper, and Postmaster”.

§ 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 and fails to pay the indebtedness, the chairman of the committee or the elected officer of the House of Representatives that has jurisdiction over the activity under which the indebtedness arises may certify to the Chief Administrative Officer of the House of Representatives the amount of the indebtedness. The Chief Administrative Officer 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 Chief Administrative Officer of the House of Representatives.

(Pub. L. 85-492, July 2, 1958, 72 Stat. 293; Pub. L. 104-186, title II, §204(42), Aug. 20, 1996, 110 Stat. 1736.)

AMENDMENTS

1996—Pub. L. 104-186 substituted “and fails to pay the indebtedness, the chairman of the committee or the elected officer of the House of Representatives that has jurisdiction over the activity under which the indebtedness arises may certify to the Chief Administrative Officer of the House of Representatives the amount of the indebtedness” for “, 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” in first sentence and “Chief Administrative Officer” for “Clerk” in second and last sentences.

CROSS REFERENCES

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

§§ 90, 91. Repealed. Pub. L. 104-186, title II, § 204(33), Aug. 20, 1996, 110 Stat. 1734

Section 90, act Mar. 3, 1901, ch. 830, §1, 31 Stat. 968, related to removal from office of employees of House for violation of sections 85 to 87 and 89 of this title.

Section 91, acts Mar. 3, 1901, ch. 830, §1, 31 Stat. 968; Aug. 2, 1946, ch. 753, §121, 60 Stat. 822, related to investigations of violations of sections 85 to 87, 89, and 90 of this title.

§ 92. Clerk hire 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 clerk hire employees and a total of not more than 4 additional clerk hire 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 in the District of Columbia 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 em-

ploying 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.)

CODIFICATION

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 below.

PRIOR PROVISIONS

A prior section 92, acts 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, related to payment of appropriations for clerk hire for Members of House of Representatives, Delegates, and Resident Commissioners, prior to repeal by Pub. L. 104-186, title I, §104(e)(1), Aug. 20, 1996, 110 Stat. 1721.

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.

CROSS REFERENCES

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

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

For provisions establishing Members' Representational Allowance, see section 57b of this title.

§ 92-1. Repealed. Pub. L. 104-186, title II, § 204(43), Aug. 20, 1996, 110 Stat. 1736

Section, based on H. Res. No. 294, §2, Eighty-eighth Congress, Aug. 14, 1964, as continued by H. Res. No. 7, Eighty-ninth Congress, Jan. 4, 1965, which was enacted into permanent law by Pub. L. 89-90, §103, July 27, 1965, 79 Stat. 281, related to place of performance of services for which clerk hire allowances were paid.

§ 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 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.)

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 Senate.

CROSS REFERENCES

Pay of clerical assistants to be continued until successor of deceased or resigned Member of House is elected, see section 92b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 92b of this title.

§ 92b. Pay of clerical assistants as affected by death or resignation of Member of House

Notwithstanding the provisions of section 92a 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; Sept. 6, 1966, Pub. L. 89-554, §8(a), 80 Stat. 657.)

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.

EFFECTIVE DATE

Section 4 of act Aug. 21, 1935, provided that: "This joint resolution [enacting sections 92b to 92d of this title] shall be effective as of the beginning of the Seventy-fourth Congress, January 3, 1935."

CROSS REFERENCES

Pay of clerical assistants as affected by death of Senator or Representative, see section 92a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 92b-1, 92c, 92d of this title.

§ 92b-1. Termination of service of Members of House

(a) Until otherwise provided by law, for purposes of sections 92b, 92c, and 92d of this title, any termination of service during a term of office of a Member of the House that is not described in section 92b 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