

which for purposes of codification was translated as “title 26” thus requiring no change in text.

§ 33. Senators’ salaries

Senators elected, whose term of office begins on the 3d day of January, and whose credentials in due form of law shall have been presented in the Senate, may receive their compensation from the beginning of their term.

(June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1022; Oct. 1, 1981, Pub. L. 97-51, § 112(b)(2), 95 Stat. 963.)

PRIOR PROVISIONS

A prior section 33, act Mar. 3, 1883, ch. 143, 22 Stat. 632, entitled Senators to receive their compensation monthly, from the beginning of their term, prior to repeal by section 112(b)(1) of Pub. L. 97-51.

AMENDMENTS

1981—Pub. L. 97-51 struck out “monthly” after “may receive their compensation”.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 112(e) of Pub. L. 97-51 provided that: “The amendments and repeals made by this section [enacting section 35a of this title and amending this section and sections 39 and 60c-1 of this title] shall be effective in the case of compensation payable for months after December 1981.”

CROSS REFERENCES

Claims for overpayment of pay or allowances to Senators, see section 130c of this title.

§ 34. Representatives’ and Delegates’ salaries payable monthly

Representatives and Delegates-elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 26 of this title, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker.

(R.S. § 38; Mar. 3, 1875, ch. 130, § 1, 18 Stat. 389.)

CODIFICATION

R.S. § 38 derived from act Mar. 3, 1873, ch. 226, § 1, 17 Stat. 488.

SECTION REFERRED TO IN OTHER SECTIONS

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

§ 35. Salaries payable monthly after taking oath

Each Member and Delegate, after he has taken and subscribed the required oath, is entitled to receive his salary at the end of each month.

(R.S. § 39.)

CODIFICATION

R.S. § 39 derived from Res. Mar. 29, 1867, No. 18, 15 Stat. 24.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 25b, 35a of this title.

§ 35a. End-of-the-month salary payment schedule inapplicable to Senators

Section 35 of this title shall not be construed as being applicable to a Senator.

(Pub. L. 97-51, § 112(c), Oct. 1, 1981, 95 Stat. 963.)

CODIFICATION

Provisions of subsec. (c) of section 112 of Pub. L. 97-51 that such subsec. (c) would apply on and after the effective date of the amendments and repeals made by section 112 of Pub. L. 97-51 were omitted in the codification of this section since their impact was identical to that of the effective date provisions of subsec. (e) of section 112 of Pub. L. 97-51, set out as an Effective Date of 1981 Amendment note under section 33 of this title. See Effective Date note below.

EFFECTIVE DATE

Section effective in the case of compensation payable for months after December 1981, see section 112(e) of Pub. L. 97-51, set out as an Effective Date of 1981 Amendment note under section 33 of this title.

§ 36. Salaries of Senators

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified: *Provided*, That when Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

Salaries of Senators elected during a session to succeed appointees shall commence on the day they qualify: *Provided*, That when Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election.

(Feb. 10, 1923, ch. 68, 42 Stat. 1225; Feb. 6, 1931, ch. 111, 46 Stat. 1065; June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1022; Feb. 13, 1935, ch. 6, § 1, 49 Stat. 22, 23.)

PRIOR PROVISIONS

July 31, 1894, ch. 174, 28 Stat. 162.
R.S. § 51.

AMENDMENTS

1935—Act Feb. 13, 1935, inserted proviso as to commencement of salaries of Senators elected during a sine die adjournment on day following their election and provision as to commencement of salaries of Senators elected during a session to succeed appointees on day they qualify but that upon failure to qualify their salaries are to commence on day following sine die adjournment of Senate and struck out provision that salaries of Senators elected to fill vacancies are to commence on day they qualify

1934—Act June 19, 1934, made nonsubstantive changes in grammar and punctuation.

1931—Act Feb. 6, 1931, made nonsubstantive changes in grammar and punctuation and struck out “to fill such vacancies” after “When no appointments have been made”.

CONSTITUTIONAL PROVISIONS

The first section of amendment XX to the Constitution provides in part: “ * * * the terms of Senators and

Representatives [shall end] at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.”

CROSS REFERENCES

Claims for overpayment or pay or allowances to Senators, see section 130c of this title.

§ 36a. Payment of sums due deceased Senators and Senate personnel

Under regulations prescribed by the Secretary of the Senate, a person serving as a Senator or officer or employee whose compensation is disbursed by the Secretary of the Senate may designate a beneficiary or beneficiaries to be paid any unpaid balance of salary or other sums due such person at the time of his death. When any person dies while so serving, any such unpaid balance shall be paid by the disbursing officer of the Senate to the designated beneficiary or beneficiaries. If no designation has been made, such unpaid balance shall be paid to the widow or widower of that person, or if there is no widow or widower, to the next of kin or heirs at law of that person.

Section 50 of the Revised Statutes shall not be effective as to persons included within the foregoing.

(Jan. 6, 1951, ch. 1213, Ch. I, §1, 64 Stat. 1224; Oct. 31, 1972, Pub. L. 92-607, ch. V, §503, 86 Stat. 1505.)

REFERENCES IN TEXT

Section 50 of the Revised Statutes, referred to in text, which required payment of not less than three months' salary to the widow or heirs at law of a deceased Member of or Delegate in Congress, was classified to section 38 of this title and was omitted from the Code as superseded by section 38a of this title.

AMENDMENTS

1972—Pub. L. 92-607 inserted provisions for designation of a beneficiary by Senators and officers and employees whose compensation is disbursed by Secretary of Senate to whom shall be paid any unpaid balance of salary or other sums due such person at time of death.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5581.

§ 37. Salaries of Representatives, Delegates, and Resident Commissioners elected for unexpired terms

The salaries of Representatives in Congress, Delegates from Territories, and Resident Commissioners, elected for unexpired terms, shall commence on the date of their election and not before.

(July 16, 1914, ch. 141, §1, 38 Stat. 458.)

CROSS REFERENCES

Resident Commissioner of Puerto Rico, see section 891 et seq. of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

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

§ 38. Omitted

CODIFICATION

Section, R.S. §§49, 50; acts Jan. 20, 1874, ch. 11, 18 Stat. 4; Mar. 4, 1925, ch. 549, §4, 43 Stat. 1301, related to

pay of member dying after commencement of Congress, and was omitted from the Code as superseded by section 38a of this title.

§ 38a. Disposition of unpaid salary and other sums on death of Representative or Resident Commissioner

When any individual who has been elected a Member of, or Resident Commissioner to, the House of Representatives dies after the commencement of the Congress to which he has been elected, any unpaid balance of salary and other sums due such individual (including amounts held in the trust fund account in the office of the Sergeant at Arms) shall be paid to the person or persons surviving at the date of death, in the following order of precedence, and such payment shall be a bar to the recovery by any other person of amounts so paid:

First, to the beneficiary or beneficiaries designated by such individual in writing to receive such unpaid balance and other sums due filed with the Sergeant at Arms, and received by the Sergeant at Arms prior to such individual's death;

Second, if there be no such beneficiary, to the widow or widower of such individual;

Third, if there be no beneficiary or surviving spouse, to the child or children of such individual, and descendants of deceased children, by representation;

Fourth, if none of the above, to the parents of such individual, or the survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased individual, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased individual.

(July 2, 1954, ch. 455, title I, §105, 68 Stat. 409; July 23, 1959, Pub. L. 86-102, 73 Stat. 224.)

AMENDMENTS

1959—Pub. L. 86-102 inserted provisions including amounts held in trust fund account, authorizing an individual to designate a beneficiary or beneficiaries, and prescribing order of precedence in cases where no designation of beneficiary has been made.

TRANSFER OF FUNCTIONS

Certain functions of Sergeant at Arms 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

Settlement of accounts of employees generally, see section 5581 et seq. of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

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

§ 38b. Death gratuity payments as gifts

Any death gratuity payment at any time specifically appropriated by any Act of Congress or at any time made out of the contingent fund of the House of Representatives or of the Senate shall be held to have been a gift.