

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.”

§ 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 Statutes¹ shall not be effective as to persons included within the foregoing.

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

REFERENCES IN TEXT

Section 50 of the Revised Statutes, referred to in text, was classified to section 38 of this title and was repealed by Pub. L. 104-186, title II, § 203(4), Aug. 20, 1996, 110 Stat. 1725. See 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.)

§ 38. Repealed. Pub. L. 104-186, title II, § 203(4), Aug. 20, 1996, 110 Stat. 1725

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. See 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 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 Chief Administrative Officer of the House of Representatives and received by the Chief Administrative Officer 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

¹See References in Text note below.