

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

Section was formerly classified to section 34 of this title prior to editorial reclassification and renumbering as this section.

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

**§ 5302. 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

Section was formerly classified to section 35 of this title prior to editorial reclassification and renumbering as this section.

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

**§ 5303. End-of-the-month salary payment schedule inapplicable to Senators**

Section 5302 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

Section was formerly classified to section 35a of this title prior to editorial reclassification and renumbering as this section.

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 6301 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 6301 of this title.

**§ 5304. 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.)

CODIFICATION

Section was formerly classified to section 37 of this title prior to editorial reclassification and renumbering as this section.

**§ 5305. 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 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; Pub. L. 86-102, July 23, 1959, 73 Stat. 224; Pub. L. 104-186, title II, §203(5), Aug. 20, 1996, 110 Stat. 1725.)

CODIFICATION

Section was formerly classified to section 38a of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1996—Pub. L. 104-186 struck out “(including amounts held in the trust fund account in the office of the Sergeant at Arms)” after “due such individual” in first undesignated par. and substituted “Chief Administrative Officer of the House of Representatives and received by the Chief Administrative Officer” for “Sergeant at Arms, and received by the Sergeant at Arms” in second undesignated par.

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.

**§ 5306. Deductions for absence**

The Chief Administrative Officer of the House of Representatives (upon certification by the Clerk of the House of Representatives) shall deduct from the monthly payments (or other periodic payments authorized by law) of each Member or Delegate the amount of his salary for each day that he has been absent from the House, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

(R.S. §40; Pub. L. 97-51, §112(d), Oct. 1, 1981, 95 Stat. 963; Pub. L. 104-186, title II, §203(7), Aug.