repealed by Pub.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 Repealed.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 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.)

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.

§ 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 applicable accounts of the House of Representatives or the contingent fund of the Senate shall be held to have been a gift.

(June 5, 1952, ch. 369, Ch. I, 66 Stat. 101; Pub. L. 104–186, title II, §203(6), Aug. 20, 1996, 110 Stat. 1725.)

CODIFICATION

Section is also set out as section 125a of this title.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts of the House of Representatives or the contingent fund'' for ''contingent fund of the House of Representatives or''.

§ 39. Deductions for absence

The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives (upon certification by the Clerk of the House of Representatives), respectively, 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 Senate or House, respectively, 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. 20, 1996, 110 Stat. 1726.)

CODIFICATION

R.S. §40 derived from act Aug. 16, 1856, ch. 123, §6, 11 Stat. 49.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''the Chief Administrative Officer of the House of Representatives (upon certification by the Clerk of the House of Representatives)'' for ''Sergeant-at-Arms of the House''.

1981—Pub. L. 97–51 substituted ''from the monthly payments (or other periodic payments authorized by law)'' for ''from the monthly payments''.

EFFECTIVE DATE OF 1981 AMENDMENT

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

§ 40. Deductions for withdrawal

When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the