

§ 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 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. 20, 1996, 110 Stat. 1726; Pub. L. 109-55, title I, §5, Aug. 2, 2005, 119 Stat. 568.)

CODIFICATION

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

AMENDMENTS

2005—Pub. L. 109-55 struck out “Secretary of the Senate and the” before “Chief Administrative Officer”, “, respectively,” before “shall deduct from”, “, respectively” before “, unless such Member”, and “Senate or” after “absent from the”.

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 sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his mileage in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives respectively.

(R.S. § 41.)

CODIFICATION

R.S. § 41 derived from Res. July 17, 1862, No. 68, §2, 12 Stat. 628.

§ 40a. Deductions for delinquent indebtedness

Whenever a Representative, Delegate, Resident Commissioner, or a United States Senator, shall fail to pay any sum or sums due from such person to the House of Representatives or Senate, respectively, the appropriate committee or officer of the House of Representatives or Senate, as the case may be, having jurisdiction of the activity under which such debt arose, shall certify such delinquent sum or sums to the Chief Administrative Officer of the House of Representatives in the case of an indebtedness to the House of Representatives and to the Secretary of the Senate in the case of an indebtedness to the Senate, and such latter officials are authorized and directed, respectively, to deduct from any salary, mileage, or expense money due to any such delinquent such certified amounts or so much thereof as the balance or balances due such delinquent may cover. Sums so deducted by the Secretary of the Senate shall be disposed of by him in accordance with existing law, and sums so deducted by the Chief Administrative Officer of the House of Representatives shall be disposed of by him in accordance with existing law.

(June 19, 1934, ch. 648, title I, §1, 48 Stat. 1024; Pub. L. 104-186, title II, §203(8), Aug. 20, 1996, 110 Stat. 1726.)

AMENDMENTS

1996—Pub. L. 104-186 substituted “Chief Administrative Officer of the House of Representatives in” for “Sergeant at Arms of the House in” and “Chief Administrative Officer of the House of Representatives shall be” for “Sergeant at Arms of the House shall be paid to the Clerk of the House and”.

§§ 41, 42. Repealed. Pub. L. 104-186, title II, § 203(9)(A), (10), Aug. 20, 1996, 110 Stat. 1726

Section 41, R.S. § 43, provided that no Member or Delegate was entitled to any allowance for newspapers.

Section 42, based on H. Res. No. 420, Ninety-second Congress, May 18, 1971, enacted into permanent law by Pub. L. 92-184, ch. IV, Dec. 15, 1971, 85 Stat. 636, related to furnishing of postage stamps to Members, committees, and officers of House of Representatives.

A prior section 42, R.S. § 44, which proscribed compensation or allowance to Senators, Representatives, or Delegates for postage, was repealed by Pub. L. 104-186, title II, §203(11), Aug. 20, 1996, 110 Stat. 1726. See sections 42a and 46a of this title.

APPLICABILITY OF PROHIBITION DURING NINETY-FIFTH CONGRESS

Section 302(c) of H. Res. No. 287, Ninety-fifth Congress, Mar. 2, 1977, enacted into permanent law by Pub. L. 95-94, title I, §115, Aug. 5, 1977, 91 Stat. 668, which provided that former section 41 of this title was to have no effect during the Ninety-fifth Congress, was repealed by Pub. L. 104-186, title II, §203(9)(B), Aug. 20, 1996, 110 Stat. 1726.

§ 42a. Special delivery postage allowance for President of Senate

The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year

(commencing with the fiscal year ending September 30, 1982) to the President of the Senate, upon request by such person, United States special delivery postage stamps in such amount as may be necessary for the mailing of postal matters arising in connection with his official business.

(Pub. L. 97-51, §127(a)(1), Oct. 1, 1981, 95 Stat. 965.)

PRIOR PROVISIONS

A prior section 42a, acts July 1, 1941, ch. 268, 55 Stat. 450; June 26, 1944, ch. 277, title I, 58 Stat. 339; June 13, 1945, ch. 189, 59 Stat. 243; Oct. 11, 1951, ch. 485, 65 Stat. 391; July 2, 1954, ch. 455, title I, 68 Stat. 402; Aug. 5, 1955, ch. 568, 69 Stat. 503; June 27, 1956, ch. 453, 70 Stat. 359; July 31, 1958, Pub. L. 85-570, 72 Stat. 442; July 12, 1960, Pub. L. 86-628, 74 Stat. 449; Dec. 30, 1963, Pub. L. 88-248, 77 Stat. 805; July 27, 1965, Pub. L. 89-90, 79 Stat. 268; July 23, 1968, Pub. L. 90-417, 82 Stat. 400; Dec. 12, 1969, Pub. L. 91-145, 83 Stat. 342; July 9, 1971, Pub. L. 92-51, 85 Stat. 128; Oct. 31, 1972, Pub. L. 92-607, ch. V, §506(k)(1), formerly §506(h)(1), 86 Stat. 1508, redesignated §506(i)(1) by Pub. L. 95-391, title I, Sept. 30, 1978, 92 Stat. 773, redesignated §506(j)(1) by Pub. L. 96-304, title I, §101, July 8, 1980, 94 Stat. 889, and redesignated §506(k)(1) by Pub. L. 97-276, §101(e), Oct. 2, 1982, 96 Stat. 1189, provided for an airmail and special-delivery postage allowance for President of the Senate, prior to repeal by section 127(a)(2) of Pub. L. 97-51.

§§ 42a-1, 42b. Omitted

CODIFICATION

Section 42a-1, act July 2, 1954, ch. 455, title I, 68 Stat. 402, prescribed airmail and special-delivery postage allowances for Speaker and House majority and minority leaders and whips, and was omitted from the Code as superseded by former section 42d of this title.

Section 42b, acts June 22, 1949, ch. 235, 63 Stat. 222; July 2, 1954, ch. 455, title I, 68 Stat. 402, prescribed airmail and special-delivery postage allowances for each House standing committee, and was omitted from the Code as superseded by former section 42c of this title.

§§ 42c, 42d. Repealed. Pub. L. 104-186, title II, § 203(12), Aug. 20, 1996, 110 Stat. 1726

Section 42c, Pub. L. 85-778, §1, Aug. 27, 1958, 72 Stat. 934; H. Res. No. 532, Eighty-eighth Congress, Oct. 2, 1963, enacted into permanent law by Pub. L. 88-454, §103, Aug. 20, 1964, 78 Stat. 550; H. Res. No. 1003, Ninetieth Congress, Dec. 14, 1967, enacted into permanent law by Pub. L. 90-392, title I, July 9, 1968, 82 Stat. 318, related to airmail and special delivery stamps for House Members and standing committees.

Section 42d, Pub. L. 85-778, §2, Aug. 27, 1958, 72 Stat. 934; H. Res. No. 532, Eighty-eighth Congress, Oct. 2, 1963, enacted into permanent law by Pub. L. 88-454, §103, Aug. 20, 1964, 78 Stat. 550; H. Res. No. 1003, Ninetieth Congress, Dec. 14, 1967, enacted into permanent law by Pub. L. 90-392, title I, July 9, 1968, 82 Stat. 318, related to airmail and special delivery stamps for House Speaker, leaders, whips, and officers.

EXISTING ENTITLEMENTS

Sections 3 and 4 of Pub. L. 85-778, which provided that Members, committees, and officers of the House of Representatives retained their existing entitlements to airmail and special delivery postage stamps until June 30, 1959, and thereafter the airmail and special delivery stamps made available under former sections 42c and 42d of this title were to be in lieu of any made available under any other law, were repealed by Pub. L. 104-186, title II, §203(12), Aug. 20, 1996, 110 Stat. 1726.

§§ 43, 43a. Omitted

CODIFICATION

Section 43, acts July 28, 1866, ch. 296, §17, 14 Stat. 323; Aug. 11, 1993, Pub. L. 103-69, title III, §310(a), 107 Stat. 712, provided for Senators to receive mileage for travel to and from regular sessions, and was omitted from the Code in view of the termination of mileage under this section for Senators by section 1(a) of Pub. L. 104-53, set out below.

Section 43a, acts July 8, 1935, ch. 374, 49 Stat. 459; Aug. 11, 1993, Pub. L. 103-69, title III, §310(b), 107 Stat. 712, provided for President of Senate to be paid mileage, and was omitted from the Code in view of the termination of mileage under this section for President of Senate by section 1(b) of Pub. L. 104-53, set out below.

TERMINATION OF MILEAGE FOR SENATORS AND PRESIDENT OF SENATE

Pub. L. 104-53, title I, §1, Nov. 19, 1995, 109 Stat. 517, provided that:

“(a) On and after October 1, 1995, no Senator shall receive mileage under section 17 of the Act of July 28, 1866 (2 U.S.C. 43).

“(b) On and after October 1, 1995, the President of the Senate shall not receive mileage under the first section of the Act of July 8, 1935 (2 U.S.C. 43a).”

§§ 43b, 43b-1. Repealed. Pub. L. 104-186, title II, § 203(13), (14), Aug. 20, 1996, 110 Stat. 1726

Section 43b, Pub. L. 85-570, July 31, 1958, 72 Stat. 443; Pub. L. 86-176, Aug. 21, 1959, 73 Stat. 401; Pub. L. 88-70, July 19, 1963, 77 Stat. 82; Pub. L. 89-90, July 27, 1965, 79 Stat. 269; Pub. L. 89-147, §1, Aug. 28, 1965, 79 Stat. 583; Pub. L. 89-545, Aug. 27, 1966, 80 Stat. 358; Pub. L. 90-86, §1, Sept. 17, 1967, 81 Stat. 226; Pub. L. 91-145, Dec. 12, 1969, 83 Stat. 343; Pub. L. 92-51, July 9, 1971, 85 Stat. 128; Pub. L. 92-607, ch. V, §§502, 506(k)(2), formerly §506(h)(2), Oct. 31, 1972, 86 Stat. 1504, 1508, renumbered §506(i)(2), Pub. L. 95-391, title I, §108(a), Sept. 30, 1978, 92 Stat. 773, renumbered §506(j)(2), Pub. L. 96-304, title I, §101, July 8, 1980, 94 Stat. 889, renumbered §506(k)(2), Pub. L. 97-276, §101(e), Oct. 2, 1982, 96 Stat. 1189, provided for reimbursement of House Members for additional transportation expenses.

Section 43b-1, Pub. L. 89-147, §2, Aug. 28, 1965, 79 Stat. 583; Pub. L. 90-86, §2, Sept. 17, 1967, 81 Stat. 226, authorized election by House Members of lump sum transportation payments in lieu of reimbursement of transportation expenses.

§43b-2. Staff expenses for House Members attending organizational caucus or conference

(a) In general

Each Member-elect (other than an incumbent Member reelected to the ensuing Congress) who attends a caucus or conference called under section 29a(a) of this title, and each incumbent Member reelected to the ensuing Congress who attends any such caucus or conference convening after the adjournment sine die of the Congress in the year involved, shall be entitled to designate one staff person to be paid for one round trip between that person's place of residence, provided such place of residence is in the district which the Member-elect or incumbent Member represents, and Washington, District of Columbia, for the purpose of accompanying that Member-elect or incumbent Member to such caucus or conference.

(b) Per diem expenses of staff person

Each Member-elect (other than an incumbent Member reelected to the ensuing Congress) who attends a caucus or conference called under such