

**§ 4593. Waiver by Secretary of Senate of claims of United States arising out of erroneous payments to Vice President, Senator, or Senate employee paid by Secretary of Senate**

**(a) Waiver of claim for erroneous payment of pay or allowances**

A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, on or after July 25, 1974, to the Vice President, a Senator, or to an officer or employee whose pay is disbursed by the Secretary of the Senate, the collection of which would be against equity and good conscience and not in the best interests of the United States, may be waived in whole or in part by the Secretary of the Senate. An application for waiver shall be investigated by the Financial Clerk of the Senate who shall submit a written report of his investigation to the Secretary of the Senate. An application for waiver of a claim in an amount aggregating more than \$1,500 may also be investigated by the Comptroller General of the United States who shall submit a written report of his investigation to the Secretary of the Senate.

**(b) Prohibition of waiver**

The Secretary of the Senate may not exercise his authority under this section to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the Vice President, the Senator, the officer or employee, or any other person having an interest in obtaining a waiver of the claim; or

(2) if the application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment of pay or allowances was discovered.

**(c) Credit for waiver**

In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

**(d) Effect of waiver**

An erroneous payment, the collection of which is waived under this section, is deemed a valid payment for all purposes.

**(e) Construction with other laws**

This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

**(f) Rules and regulations**

The Secretary of the Senate shall promulgate rules and regulations to carry out the provisions of this section.

(Pub. L. 93-359, §2, July 25, 1974, 88 Stat. 394; Pub. L. 103-69, title III, §315, Aug. 11, 1993, 107 Stat. 713; Pub. L. 104-316, title I, §102(b), Oct. 19, 1996, 110 Stat. 3828.)

CODIFICATION

Section was formerly classified to section 130c of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-316 in first sentence struck out “, if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official” after “in part by the Secretary of the Senate”, and in third sentence substituted “\$1,500 may also” for “\$1,500 shall also”.

1993—Subsec. (a). Pub. L. 103-69 substituted “\$1,500” for “\$500”.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-316, title I, §101(e), Oct. 19, 1996, 110 Stat. 3827, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), this title [see Tables for classification] shall take effect on the date of enactment of this Act [Oct. 19, 1996].

“(2) EXCEPTIONS.—Sections 103(d), 105(b), and 116 [amending section 5584 of Title 5, Government Organization and Employees, section 2774 of Title 10, Armed Forces, and section 716 of Title 32, National Guard] shall take effect 60 days after the date of enactment of this Act.”

**§ 4594. Withholding and remittance of State income tax by Secretary of Senate**

**(a) Agreement by Secretary with appropriate State official; covered individuals**

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Secretary of the Senate is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) whose pay is disbursed by the Secretary; and

(B) who request the Secretary to make such withholdings for remittance to that State.

**(b) Number of remittances authorized**

Any agreement entered into under subsection (a) of this section shall not require the Secretary to remit such sums more often than once each calendar quarter.

**(c) Requests by individuals of Secretary for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations**

(1) An individual whose pay is disbursed by the Secretary may request the Secretary to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.