

96 Stat. 849; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

### Editorial Notes

#### CODIFICATION

Section was formerly classified to section 60c-1 of this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1982—Pub. L. 97-257 inserted reference to the Vice President.

1981—Pub. L. 97-51 substituted “Senators and officers and employees” for “officers (other than Senators) and employees”, struck out cl. (1) which provided that all compensation for the month of December be payable on the twentieth of December, inserted “purposes of title 26 and for” after “For” in second sentence, and struck out provisions that, in cases in which officers or employees of the Senate died during the month of December and the full compensation of that officer or employee for that month had been disbursed by the Secretary of the Senate before the Secretary received notice of the death, no recovery could be made of any portion of the compensation so disbursed.

1979—Pub. L. 96-38 provided that, in cases in which officers or employees of the Senate die during the month of December and the full compensation of that officer or employee for that month has been disbursed by the Secretary of the Senate before the Secretary receives notice of the death, no recovery shall be made of any portion of the compensation so disbursed.

1971—Cl. (2). Pub. L. 92-136 inserted “(including any holiday on which the banks of the District of Columbia are closed pursuant to law)” after “holiday”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-257, title I, §105(c), Sept. 10, 1982, 96 Stat. 849, provided that: “Amendments and repeals made by the preceding provisions of this section [amending this section and section 104 of Title 3, The President] shall be effective in the case of compensation payable for months after December 1981.”

#### EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-51, §111(b), Oct. 1, 1981, 95 Stat. 962, provided that: “The amendments made by subsection (a) [amending this section] shall be effective in the case of compensation payable for months after December 1982.”

Amendment by section 112(a) of 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 an Effective Date of 1981 Amendment note under section 6301 of this title.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-38, title I, §108(b), July 25, 1979, 93 Stat. 113, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1978.”

#### EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 92-136, §9(b), Oct. 11, 1971, 85 Stat. 378, provided that: “Sections 4 and 6 of this Act [enacting former section 60c-2 of this title and amending this section] shall become effective as of July 1, 1971.”

#### EFFECTIVE DATE

Pub. L. 86-426, §3, Apr. 20, 1960, 74 Stat. 54, provided that: “This joint resolution [enacting this section and

amending former sections 60d, 60e, and 60e-1 of this title] shall be effective with respect to compensation accruing on or after the first day of the month following the month in which it is enacted [Apr. 1, 1960].”

### § 4592. 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 Statutes<sup>1</sup> 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.)

### Editorial Notes

#### 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 5305 of this title.

#### CODIFICATION

Section was formerly classified to section 36a of this title prior to editorial reclassification and renumbering as this section.

#### 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.

### § 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

<sup>1</sup>See References in Text note below.

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.)

**Editorial Notes**

**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”.

**Statutory Notes and Related Subsidiaries**

**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.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first month commencing after the day on which the request is received in the Disbursing Office of the Senate, except that—

(A) when the Secretary first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Secretary may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the