

§ 130d. Waiver by Speaker of House of claims of United States arising out of erroneous payments to officers or employees paid by Clerk of House

(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 an officer or employee whose pay is disbursed by the Clerk of the House of Representatives, 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 Speaker of the House, if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official.

(b) Investigation and report

An application for waiver of a claim shall be investigated by the Clerk of the House of Representatives who shall submit a written report of his investigation to the Speaker of the House.

(c) Prohibition of waiver

The Speaker of the House 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 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.

(d) Credit for waiver

In the audit and settlement of the 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.

(e) Effect of waiver

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

(f) 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.

(g) Rules and regulations

The Speaker of the House shall prescribe rules and regulations to carry out the provisions of this section.

(Pub. L. 93-359, § 3, July 25, 1974, 88 Stat. 395.)

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced

by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

CROSS REFERENCES

Claims for overpayment of pay or allowances to employees of agencies generally, see section 5584 of Title 5, Government Organization and Employees.

§ 130e. Special Services Office

There is established, as a joint office of Congress, the Special Services Office, which (under the supervision and control of a board, to be known as the Special Services Board, comprised of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, and the Architect of the Capitol) shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.

(Pub. L. 101-163, title III, § 310, Nov. 21, 1989, 103 Stat. 1065; Pub. L. 104-53, title I, § 112, Nov. 19, 1995, 109 Stat. 525.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 1990.

AMENDMENTS

1995—Pub. L. 104-53 substituted “Sergeant at Arms” for “Clerk” after “comprised of the” and “Architect of the Capitol” for “Librarian of Congress”.

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