

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 495; Pub. L. 104-316, title I, §103(c), Oct. 19, 1996, 110 Stat. 3828.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 61j.	Aug. 3, 1950, ch. 518, §5, 64 Stat. 396.
(b)	5 U.S.C. 61f.	Aug. 3, 1950, ch. 518, §1, 64 Stat. 395.

Subsection (a) is restated for clarity. The word “officers” is omitted as included in “employee”.

In subsection (b), so much of the first 35 words of former section 61f as states the application is carried into the definition of “employee” in section 5581(1). The word “officer” is omitted as included in “employee”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-316 substituted “An employee may change or revoke a designation at any time under regulations promulgated—” for “An employee may change or revoke a designation at any time under such regulations as the Comptroller General of the United States may prescribe.” in introductory provisions and added pars. (1) to (3).

§ 5583. Payment of money due; settlement of accounts

(a) Under such regulations as the Director of the Office of Personnel Management may prescribe, the employing agency shall pay money due a deceased employee to the beneficiary designated by the employee under section 5582(b) of this title, or, if none, to the widow or widower of the employee.

(b) The Director may by regulation prescribe the method for settlement of accounts payable under subsection (a) of this section. However—

(1) accounts of employees of the government of the District of Columbia shall be paid by the District of Columbia; and

(2) accounts of employees of Government corporations or mixed ownership Government corporations may be paid by the corporations.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 496; Pub. L. 96-70, title III, §3302(e)(7), Sept. 27, 1979, 93 Stat. 498; Pub. L. 104-316, title II, §202(b), Oct. 19, 1996, 110 Stat. 3842.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 61h.	Aug. 3, 1950, ch. 518, §3, 64 Stat. 396. Apr. 30, 1954, ch. 177, §1, 68 Stat. 64.

In subsection (a), the word “officer” is omitted as included in “employee”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-316, §202(b)(1), substituted “Director of the Office of Personnel Management” for “Comptroller General of the United States”.

Subsec. (b). Pub. L. 104-316, §202(b)(2), substituted “The Director may by regulation prescribe the method

for settlement of accounts payable under subsection (a) of this section.” for “Except as the Comptroller General may by regulation otherwise authorize or direct, accounts not payable under subsection (a) of this section are payable on settlement of the General Accounting Office.”

1979—Subsec. (b). Pub. L. 96-70 struck out par. (2) providing that accounts of the employees of the Canal Zone Government be paid by the Canal Zone Government, and redesignated par. (3) as (2).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

§ 5584. Claims for overpayment of pay and allowances, and of travel, transportation and relocation expenses and allowances

(a) A claim of the United States against a person arising out of an erroneous payment of pay or allowances made on or after July 1, 1960, or arising out of an erroneous payment of travel, transportation or relocation expenses and allowances, to an employee of an agency, 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—

(1) the authorized official;

(2) the head of the agency when—

(A) the claim is in an amount aggregating not more than \$1,500; and

(B) the waiver is made in accordance with standards which the authorized official shall prescribe; or

(3) the Director of the Administrative Office of the United States Courts when the claim is in an amount aggregating not more than \$10,000 and involves an officer or employee of the Administrative Office of the United States Courts, the Federal Judicial Center, or any of the courts set forth in section 610 of title 28.

(b) The authorized official or the head of the agency, as the case may be, 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 employee or any other person having an interest in obtaining a waiver of the claim;

(2) except in the case of employees of the Government Publishing Office, the Library of Congress, the Office of the Architect of the Capitol, or the Botanic Garden, if application for waiver is received in his office, after the expiration of three years immediately following the date on which the erroneous payment of pay was discovered or three years immediately following October 21, 1968, whichever is later;

(3) except in the case of employees of the Government Publishing Office, the Library of Congress, the Office of the Architect of the Capitol, or the Botanic Garden, if application for waiver is received in his office after the expiration of three years immediately following the date on which the erroneous payment of

allowances was discovered or three years immediately following October 2, 1972, whichever is later;

(4) in the case of employees of the Government Publishing Office, the Library of Congress, the Office of the Architect of the Capitol, or the Botanic Garden, if 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 or 3 years immediately following July 25, 1974, whichever is later; or

(5) in the case of a claim involving an erroneous payment of travel, transportation or relocation expenses and allowances, if application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment was discovered.

(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the employing agency at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that employing agency for that refund within two years following the effective date of the waiver. The employing agency shall pay that refund in accordance with this section.

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

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

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

(g) For the purpose of this section, "agency" means—

- (1) an Executive agency;
- (2) the Government Publishing Office;
- (3) the Library of Congress;
- (4) the Office of the Architect of the Capitol;
- (5) the Botanic Garden;
- (6) the Administrative Office of the United States Courts, the Federal Judicial Center, and any of the courts set forth in section 610 of title 28; and
- (7) the Congressional Budget Office.

For purposes of this section, the Director of the Administrative Office of the United States Courts shall be the head of the agency in the case of those entities set forth in paragraph (6) of this subsection.

(g)¹ For the purpose of this section, the term "authorized official" means—

- (1) the head of an agency, with respect to an agency or employee in the legislative branch; or
- (2) the Director of the Office of Management and Budget, with respect to any other agency or employee.

(Added Pub. L. 90-616, §1(a), Oct. 21, 1968, 82 Stat. 1212; amended Pub. L. 92-453, §3(1), Oct. 2, 1972, 86 Stat. 760; Pub. L. 93-359, §1, July 25, 1974, 88 Stat. 393; Pub. L. 96-54, §2(a)(35), Aug. 14, 1979, 93 Stat. 383; Pub. L. 99-224, §1(a), Dec. 28, 1985, 99 Stat. 1741; Pub. L. 100-702, title X, §1009(a), Nov. 19, 1988, 102 Stat. 4667; Pub. L. 102-190, div. A, title VI, §657(a), Dec. 5, 1991, 105 Stat. 1393; Pub. L. 104-316, title I, §103(d), Oct. 19, 1996, 110 Stat. 3828; Pub. L. 109-55, title I, §1100(a), Aug. 2, 2005, 119 Stat. 577; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.)

AMENDMENTS

2005—Subsec. (g)(7). Pub. L. 109-55 added par. (7) in subsec. (g) defining "agency".

1996—Subsec. (a). Pub. L. 104-316, §103(d)(1), in par. (1) substituted "authorized official" for "Comptroller General of the United States", and in par. (2) inserted "and" at end of subpar. (A), redesignated subpar. (C) as (B) and substituted "authorized official" for "Comptroller General", and struck out former subpar. (B) which read as follows: "the claim is not the subject of an exception made by the Comptroller General in the account of any accountable official; and".

Subsec. (b). Pub. L. 104-316, §103(d)(2), substituted "authorized official" for "Comptroller General" in introductory provisions.

Subsec. (g). Pub. L. 104-316, §103(d)(3), added subsec. (g) defining "authorized official".

1991—Subsec. (a)(2)(A). Pub. L. 102-190 substituted "\$1,500" for "\$500".

1988—Subsec. (a)(3). Pub. L. 100-702, §1009(a)(1), added par. (3).

Subsec. (g). Pub. L. 100-702, §1009(a)(2), added par. (6) and last sentence.

1985—Pub. L. 99-224, §1(a)(1), substituted "and of travel, transportation and relocation expenses and allowances" for "other than travel and transportation expenses and allowances and relocation expenses" in section catchline.

Subsec. (a). Pub. L. 99-224, §1(a)(2), substituted "made on or after July 1, 1960, or arising out of an erroneous payment of travel, transportation or relocation expenses and allowances" for "other than travel and transportation expenses and allowances and relocation expenses payable under section 5724a of this title, on or after July 1, 1960".

Subsec. (b). Pub. L. 99-224, §1(a)(3), added par. (5).

1979—Subsec. (b)(4). Pub. L. 96-54 substituted "July 25, 1974" for "the date on which this clause (4) is enacted into law".

1974—Subsec. (a). Pub. L. 93-359, §1(1), substituted "agency" for "executive agency" in provisions preceding cl. (1) and in cl. (2) preceding subcl. (A).

Subsec. (b). Pub. L. 93-359, §1(1)-(4), substituted "agency" for "executive agency" in provisions preceding cl. (1), inserted "except in the case of employees of the Government Printing Office, the Library of Congress, the Office of the Architect of the Capitol, or the Botanic Garden," immediately following the designation "(2)" in cl. (2) and immediately following the designation "(3)" in cl. (3), struck out "or" at end of cl. (2), substituted "October 2, 1972, whichever is later; or" for "the effective date of the amendment authorizing the waiver of allowances, whichever is later" in cl. (3) and struck out the period at end of cl. (3), and added cl. (4).

Subsec. (g). Pub. L. 93-359, §1(5), added subsec. (g).

1972—Pub. L. 92-453 inserted "and allowances, other than travel and transportation expenses and allowances and relocation expenses" in section catchline, and substituted "payment of pay or allowances, other than travel and transportation expenses and allowances and relocation expenses payable under section 5724a of this title" for "payment of pay" in subsec. (a).

Subsec. (b)(2). Pub. L. 92-453 inserted "if application for waiver is received in his office" in cl. (2), and sub-

¹ So in original. Probably should be "(h)".

stituted “October 21, 1968” for “the effective date of this section.”

Subsec. (b)(3). Pub. L. 92-453 added cl. (3).

CHANGE OF NAME

“Government Publishing Office” substituted for “Government Printing Office” in subsecs. (b)(2) to (4) and (g)(2) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-55, title I, §1100(b), Aug. 2, 2005, 119 Stat. 577, provided that: “The amendments made by this section [amending this section] shall apply with respect to fiscal year 2006 and each succeeding fiscal year.”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-316 effective 60 days after Oct. 19, 1996, see section 101(e)(2) of Pub. L. 104-316, set out as a note under section 4593 of Title 2, The Congress.

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-702, title X, §1009(b), Nov. 19, 1988, 102 Stat. 4668, provided that: “The amendments made by this section [amending this section] shall apply with respect to any claim arising before the date of the enactment of this Act [Nov. 19, 1988] which is pending on such date, and to any claim which arises on or after such date of enactment.”

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-224, §4, Dec. 28, 1985, 99 Stat. 1742, provided that: “The amendments made by section 1 of this Act [amending this section] shall apply to any claim arising out of an erroneous payment of travel, transportation, or relocation expenses and allowances made on or after the date of the enactment of this Act [Dec. 28, 1985]. The amendments made by sections 2 and 3 of this Act [amending section 2774 of Title 10, Armed Forces, and section 716 of Title 32, National Guard] shall apply to any claim arising out of an erroneous payment of travel and transportation allowances made on or after the date of the enactment of this Act.”

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

SUBCHAPTER IX—SEVERANCE PAY AND BACK PAY

AMENDMENTS

1967—Pub. L. 90-83, §1(34)(A), Sept. 11, 1967, 81 Stat. 201, inserted “SEVERANCE PAY AND” before “BACK PAY” in subchapter heading.

§§ 5591 to 5594. Repealed. Pub. L. 90-83, §1(34)(B), Sept. 11, 1967, 81 Stat. 201]

HISTORICAL AND REVISION NOTES

This section deletes sections 5591, 5592, 5593, and 5594 of title 5, United States Code, to reflect the repeal of the source statutes of those sections by the act of March 30, 1966, Public Law 89-380, section 5, 80 Stat. 95.

[Sections, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 496, 497, related to back pay for individuals or preference eligibles reinstated or restored, and are covered by section 5596 of this title.]

§ 5595. Severance pay

- (a) For the purpose of this section—
- (1) “agency” means—
 - (A) an Executive agency;
 - (B) the Library of Congress;

(C) the Government Publishing Office;

(D) the government of the District of Columbia;

(E) the Administrative Office of the United States Courts, the Federal Judicial Center, and the courts named by section 610 of title 28; and

(F) the Office of the Architect of the Capitol; and

(2) “employee” means—

(A) an individual employed in or under an agency; and

(B) an individual employed by a county committee established under section 590h(b) of title 16;

but does not include—

(i) an employee (other than a member of the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or an employee whose pay is fixed under section 5376) whose rate of basic pay is fixed at a rate provided for one of the levels of the Executive Schedule or is in excess of the maximum rate for the Executive Schedule;

(ii) an employee serving under an appointment with a definite time limitation, except one so appointed for full-time employment without a break in service of more than 3 days following service under an appointment without time limitation;

(iii) an alien employee who occupies a position outside the several States, the District of Columbia, and the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979);

(iv) an employee who is subject to subchapter III of chapter 83 of this title or any other retirement statute or retirement system applicable to an employee as defined by section 2105 of this title or a member of a uniformed service and who, at the time of separation from the service, has fulfilled the requirements for immediate annuity under such a statute or system;

(v) an employee who, at the time of separation from the service, is receiving compensation under subchapter I of chapter 81 of this title, other than one receiving this compensation concurrently with pay or on account of the death of another individual;

(vi) an employee who, at the time of separation from the service, is entitled to receive benefits under section 609(b)(1) of the Foreign Service Act of 1980 or any other severance pay from the Government;

(vii) an employee of the Tennessee Valley Authority;

(viii) an employee of the Office of the Architect of the Capitol, who is employed on a temporary when actually employed basis;

(ix) an employee of the Government Publishing Office, who is employed on a temporary when actually employed basis; or

(x) such other employee as may be excluded by regulations of the President or such other officer or agency as he may designate.