

closure does not endanger the national security of the United States.

“(d) **EMPLOYEE NOTIFICATION OF FLAG BENEFIT.**—The head of an executive agency shall provide appropriate notice to employees of the agency of the flag benefit provided for under this section.

“(e) **REGULATIONS.**—The Director of the Office of Personnel Management, in coordination with the Secretary of Defense and the Secretary of Homeland Security, may prescribe regulations to implement this section. Any such regulations shall provide for the head of an executive agency to consider the conditions and circumstances surrounding the death of an employee and nature of the service of the employee.

“(f) **DEFINITIONS.**—In this section:

“(1) **EMPLOYEE.**—The term ‘employee’ has the meaning given that term in section 2105 of title 5, United States Code, and includes an officer or employee of the United States Postal Service or of the Postal Regulatory Commission.

“(2) **EXECUTIVE AGENCY.**—The term ‘executive agency’ has the meaning given that term in section 105 of title 5, United States Code, and includes the United States Postal Service and the Postal Regulatory Commission.”

Executive Documents

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of State to be exercised in consultation with the Secretary of Labor, see Ex. Ord. No. 12598, June 17, 1987, 52 F.R. 23421, set out as a note under section 5569 of this title.

SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

§ 5581. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title; and

(B) an individual employed by the government of the District of Columbia;

but does not include an employee of—

(i) a Federal land bank;

(ii) a Federal intermediate credit bank;

(iii) a regional bank for cooperatives; or

(iv) the Senate within the purview of section 36a of title 2;¹ and

(2) “money due” means the pay and allowances due on account of the services of a deceased employee for the Government of the United States or the government of the District of Columbia. It includes, but is not limited to—

(A) per diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith for which reimbursement is due;

(B) allowances on change of official station;

(C) quarters and cost-of-living allowances and overtime or premium pay;

(D) amounts due for payment of cash awards for employees’ suggestions;

(E) amounts due as refund of pay deductions for United States savings bonds;

(F) payment for accumulated and current accrued annual or vacation leave equal to

the pay the deceased employee would have received had he lived and remained in the service until the end of the period of annual or vacation leave;

(G) amounts of checks drawn for pay and allowances which were not delivered by the Government to the employee during his lifetime;

(H) amounts of unnegotiated checks returned to the Government because of the death of the employee; and

(I) retroactive pay under section 5344(a) (2) of this title.

It does not include benefits, refunds, or interest payable under subchapter III of chapter 83 of this title applicable to the service of the deceased employee, or amounts the disposition of which is otherwise expressly prescribed by Federal statute.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 495; Pub. L. 96-54, § 2(a)(34), Aug. 14, 1979, 93 Stat. 383.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1)	5 U.S.C. 61k.	Aug. 3, 1950, ch. 518, § 7, 64 Stat. 396. Apr. 30, 1954, ch. 177, § 2, 68 Stat. 65.
(2)	5 U.S.C. 61g.	Aug. 3, 1950, ch. 518, § 2, 64 Stat. 396. July 2, 1953, ch. 178, § 5, 67 Stat. 138. Sept. 1, 1954, ch. 1208, § 501, 68 Stat. 1115. Sept. 2, 1958, Pub. L. 85-914, § 1, 72 Stat. 1761.
	5 U.S.C. 61i.	Aug. 3, 1950, ch. 518, § 4, 64 Stat. 396.

Paragraph (1) is supplied for convenience and is based on the first 35 words of former section 61f, which is carried into section 5582, and former section 61k.

The exception for production credit corporations in section 7 of the Act of Aug. 3, 1950, is omitted as they were merged in the Federal intermediate credit banks by the Farm Credit Act of 1956, 70 Stat. 659.

The exception in paragraph (1)(iv) for employees of the Senate is added on authority of the Act of Jan. 6, 1951, ch. 1213, 64 Stat. 1124; 2 U.S.C. 36a.

In paragraph (2), the definition of “money due” is substituted for “unpaid compensation”. Paragraph (2)(I) is added on authority of former section 1182(a)(2), which is carried into section 5344.

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

Editorial Notes

REFERENCES IN TEXT

Section 36a of title 2, referred to in par. (1)(iv), was editorially reclassified as section 4592 of Title 2, The Congress.

Section 5344 of this title, referred to in par. (2)(I), was amended generally by Pub. L. 92-392 and provisions relating to retroactive pay formerly contained in section 5344(a)(2) are contained in section 5344(b)(2).

AMENDMENTS

1979—Par. (1). Pub. L. 96-54 inserted “and” after cl. (iv).

¹ See References in Text note below.

Statutory Notes and Related Subsidiaries

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.

§ 5582. Designation of beneficiary; order of precedence

(a) The employing agency shall notify each employee of his right to designate a beneficiary or beneficiaries to receive money due, and of the disposition of money due if a beneficiary is not designated. An employee may change or revoke a designation at any time under regulations promulgated—

(1) by the Director of the Office of Personnel Management or his designee, in the case of an employee of an executive agency;

(2) jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives, or their designee, in the case of an employee of the legislative branch; and

(3) by the Chief Justice of the United States or his or her designee, in the case of an employee of the judicial branch.

(b) In order to facilitate the settlement of the accounts of deceased employees, money due an employee at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order of precedence, and the payment bars recovery by another person of amounts so paid:

First, to the beneficiary or beneficiaries designated by the employee in a writing received in the employing agency before his death.

Second, if there is no designated beneficiary, to the widow or widower of the employee.

Third, if none of the above, to the child or children of the employee and descendants of deceased children by representation.

Fourth, if none of the above, to the parents of the employee or the survivor of them.

Fifth, if none of the above, to the duly appointed legal representative of the estate of the employee.

Sixth, if none of the above, to the person or persons entitled under the laws of the domicile of the employee at the time of his death.

(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.

Editorial Notes

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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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 applica-

tion 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.)

Editorial Notes

AMENDMENTS

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

¹ So in original. Probably should be “(h)”.

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

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

Statutory Notes and Related Subsidiaries

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

Editorial Notes

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