

lating 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).

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

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Rows (a) and (b) showing code changes.

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

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row showing derivation from 5 U.S.C. 61h.

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 Printing 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 Printing 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 Printing 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 Printing 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.)

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 Gen-

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