

Public Law 90-616

October 21, 1968
[S. 4120]

AN ACT

To amend title 5, United States Code, to authorize the waiver, in certain cases, of claims of the United States arising out of erroneous payments of pay to employees of the executive agencies, and for other purposes.

Federal employees.
U.S. claims for overpayment, waiver.
80 Stat. 495.
5 USC 5581-5583.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter VIII of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 5584. Claims for overpayment of pay

“(a) A claim of the United States against a person arising out of an erroneous payment of pay, on or after July 1, 1960, to an employee of an executive 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 Comptroller General of the United States; or

“(2) the head of the executive agency when—

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

“(B) the claim is not the subject of an exception made by the Comptroller General in the account of any accountable official; and

“(C) the waiver is made in accordance with standards which the Comptroller General shall prescribe.

“(b) The Comptroller General or the head of the executive 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; or

“(2) after the expiration of three years immediately following the date on which the erroneous payment of pay was discovered or three years immediately following the effective date of this section, whichever is later.

“(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.”

(b) The table of contents of subchapter VIII of chapter 55 of title 5, United States Code, is amended by inserting the following new item immediately below item 5583:

“5584. Claims for overpayment of pay.”

Approved October 21, 1968.

Time limitation.

Refunds.

Savings provision.