

Public Law 92-453

AN ACT

October 2, 1972
[H. R. 7614]

To amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes.

Uniformed serv-
ices; National
Guard.

Erroneous pay-
ments, waiver of
claims.

70A Stat. 155;
76 Stat. 94,
10 USC 2771.

76 Stat. 451;
80 Stat. 1121.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 165 of title 10, United States Code, is amended—

(1) by adding the following new section:

“§ 2774. Claims for overpayment of pay and allowances, other than travel and transportation allowances

“(a) 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 allowances, made before or after the effective date of this section, to or on behalf of a member or former member of the uniformed services, as defined in section 101(3) of title 37, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

“(1) the Comptroller General; or

“(2) the Secretary concerned, as defined in section 101(5) of title 37, 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 officer or official; and

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

“(b) The Comptroller General or the Secretary concerned, 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 member or any other person having an interest in obtaining a waiver of the claim; or

“(2) 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 or allowances, other than travel and transportation allowances, was discovered.

Refund.

“(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 department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

“(d) In the audit and settlement of 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) An erroneous payment, the collection of which is waived under this section, is considered a valid payment for all purposes.

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

(2) by adding the following new item at the end of the analysis:

"2774. Claims for overpayment of pay and allowances, other than travel and transportation allowances."

SEC. 2. Chapter 7 of title 32, United States Code, is amended—

(1) by adding the following new section:

70A Stat. 612;
74 Stat. 878.
32 USC 701.

"§ 716. Claims for overpayment of pay and allowances, other than travel and transportation allowances

"(a) 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 allowances, made before or after the effective date of this section, to or on behalf of a member or former member of the National Guard, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

"(1) the Comptroller General; or

"(2) the Secretary concerned, as defined in section 101(5) of title 37, 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 officer or official; and

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

76 Stat. 451;
80 Stat. 1121.

"(b) The Comptroller General or the Secretary concerned, 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 member or any other person having an interest in obtaining a waiver of the claim; or

"(2) 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 or allowances, other than travel and transportation allowances, 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 department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

Refund.

"(d) In the audit and settlement of 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) An erroneous payment, the collection of which is waived under this section, is considered a valid payment for all purposes.

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

(2) by adding the following new item at the end of the analysis:

"716. Claims for overpayment of pay and allowances, other than travel and transportation allowances."

80 Stat. 475.
5 USC 5501.

82 Stat. 1212.

81 Stat. 204.

SEC. 3. Chapter 55 of title 5, United States Code, is amended as follows:

(1) Section 5584 is amended by—

(A) adding at the end of the catchline “and allowances, other than travel and transportation expenses and allowances and relocation expenses”;

(B) inserting after “pay” in subsection (a) “or allowances, other than travel and transportation expenses and allowances and relocation expenses payable under section 5724a of this title”;

(C) striking out “or” at the end of subsection (b) (1);

(D) adding at the beginning of subsection (b) (2) the words “if application for waiver is received in his office,” and by striking out from subsection (b) (2) “the effective date of this section” and inserting “October 21, 1968” in place thereof; and

(E) substituting “; or” for the period at the end of subsection (b) (2) and adding a new paragraph (3) to subsection (b) to read as follows:

“(3) 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 the effective date of the amendment authorizing the waiver of allowances, whichever is later.”

(2) The analysis is amended by adding “and allowances, other than travel and transportation expenses and allowances and relocation expenses” after “pay” in item 5584.

Approved October 2, 1972.

Public Law 92-454

AN ACT

October 2, 1972
[S. 1031]

To credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332 (b) of title 5, United States Code, is amended by—

(1) striking out the word “and” at the end of paragraph (7);

(2) striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word “and”; and

(3) inserting after paragraph (8) the following new paragraph:

“(9) subject to sections 8334 (c) and 8339 (h) of this title, service as a substitute teacher for the government of the District of Columbia after July 1, 1955, if such service is not credited for benefits under any other retirement system established by a law of the United States.”

SEC. 2. An annuity or survivor annuity based on the service of an employee or annuitant who performed service described in section 1 of this Act shall, upon application to the Civil Service Commission, be recomputed, effective on the first day of the first month following the date of enactment of this Act, in accordance with section 1 of this Act.

SEC. 3. Section 22 of Public Law 243, 84th Congress, enacted August 5, 1955 (69 Stat. 530), is repealed.

Approved October 2, 1972.

D.C., substitute teachers.
Civil service retirement credit.
80 Stat. 567;
84 Stat. 1191.

83 Stat. 136;
Ante, p. 144.

Annuities, re-computation.

Repeal.
D.C. Code 31-696.