

SUBCHAPTER G—STANDARDS FOR WAIVER OF CLAIMS FOR ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES, AND OF TRAVEL, TRANSPORTATION, AND RELOCATION EXPENSES AND ALLOWANCES

PART 91—STANDARDS FOR WAIVER

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AUTHORITY: 31 U.S.C. 711. Interpret or apply 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, as amended by Pub. L. 99-224, 99 Stat. 1741, December 28, 1985, Title X, sec. 1009, Pub. L. 100-702, 102 Stat. 4667, November 19, 1988, and Title VI, sec. 657, Pub. L. 102-190, 105 Stat. 1290, December 5, 1991.

SOURCE: 56 FR 49583, Sept. 30, 1991, unless otherwise noted.

§91.1 Purpose and scope of subchapter.

This subchapter implements 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716. It prescribes the effect of and the standards and procedures for waiver of claims of the United States arising out of erroneous payments of pay and allowances, and erroneous payments of travel, transportation, and relocation expenses and allowances, made to or on behalf of employees of an agency or members of the uniformed services, including the National Guard, the collection of which would be against equity and good conscience and not in the best interests of the United States. These regulations do not affect any authority under any other statute to litigate, settle, compromise, or waive any claim of the United States.

§91.2 Definitions.

(a) *Agency* means—

- (1) An executive agency as defined in 5 U.S.C. 105, including the General Accounting Office,
- (2) The Government Printing Office,
- (3) The Library of Congress,
- (4) The Office of the Architect of the Capitol,
- (5) The Botanic Garden, and

(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, U.S. Code. Section 610 defines “courts” to include the courts of appeals and district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, the United States Claims Court and the Court of International Trade.

(b) *Secretary concerned* shall have the same meaning as it does in section 101(5) of title 37, U.S. Code.

(c) *Head of an agency* means the head of each agency listed in paragraphs (a) (1) through (5) of this section and the Director, Administrative Office of the United States Courts, for the agencies and courts listed in paragraph (a)(6) of this section.

(d) *Uniformed services* means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

(e) *National Guard* means the Army National Guard, the Air National Guard, the Army National Guard of the United States, and Air National Guard of the United States.

(f) *Employee* means an officer or employee as defined in 5 U.S.C. 2104 and 2105 who is or was employed in a civilian capacity by an agency.

(g) As it relates to employees, the term—

(1) *Pay* means salary, wages, pay, compensation, emoluments, and remuneration for services. It includes but is not limited to overtime pay; night, standby, irregular and hazardous duty differential; pay for Sunday and holiday work; payment for accumulated and accrued leave; and severance pay.

(2) *Allowances* includes but is not limited to payments for quarters, uniforms, and overseas cost of living expenses.