

## General Accounting Office

## §91.4

(3) *Travel, transportation or relocation expenses and allowances* includes but is not limited to items referred to in 5 U.S.C. 5701-5709 and 5721-5734, 22 U.S.C. 4081, and other comparable provisions, payment of which is made on or after December 28, 1985.

(h) *Member* means a member or former member of the uniformed services, or member or former member of the National Guard.

(i) As it relates to members, the term—

(1) *Pay* includes but is not limited to base and longevity pay, basic pay, training duty pay, special and incentive pays, readjustment pay, severance pay, mustering-out pay, retainer pay, retired pay, retirement pay, lump-sum leave pay, and equivalent pay.

(2) *Allowances* includes but is not limited to payments in lieu of subsistence, quarters, uniforms, clothing, personal money allowance, family separation allowance, and overseas station allowance.

(3) *Travel and transportation allowances* includes but is not limited to items referred to in 37 U.S.C. 404-411 and other comparable provisions, payment of which is made on or after December 28, 1985.

(j) *Aggregate amount* means the gross amount of the claim against the employee, member, or other person from whom collection is sought.

### §91.3 Exclusions.

This part does not apply to:

(a) Employees of the District of Columbia Government,

(b) Employees of the legislative branch of the Government, except employees of the Architect of the Capitol, the Government Printing Office, the Library of Congress, the Botanic Garden, and the General Accounting Office.

### §91.4 Authority to waive.

(a) The Comptroller General of the United States, or his designee, may grant waiver in whole or in part of a claim of the United States in any amount arising out of an erroneous payment of pay or allowances made to employees on or after July 1, 1960, and to members on or after October 2, 1972, or an erroneous payment of travel,

transportation or relocation expenses or allowances made on or after December 28, 1985, to an employee or member, when all of the requirements for waiver are met. Claims referred to the Attorney General for litigation will not be considered for waiver by the Comptroller General of the United States without first having obtained the agreement of the Attorney General.

(b) The Director of the Administrative Office of the United States Courts may grant waiver in whole or in part of a claim of the United States in an amount aggregating not more than \$10,000 arising out of an erroneous payment of pay or allowances or an erroneous payment of travel, transportation or relocation expenses or allowances to an officer or employee of the Administrative Office of the United States Courts, the Federal Judicial Center, or any of the courts listed in §91.2(a)(6). This authority applies with respect to any claim arising before November 19, 1988, that was pending on that date and to any claim which arose on or after that date.

(c) The head of an agency or the Secretary concerned, or his designee—

(1) May grant waiver in whole or in part of a claim of the United States in an amount aggregating not more than \$1500, when all the requirements for waiver are met, except that the Director of the Administrative Office of the United States Courts may grant waiver in whole or in part of a claim in an amount aggregating not more than \$10,000;

(2) May deny waiver of a claim in any amount, provided that the employee, member, or other person from whom collection is sought must be advised of the right to appeal the denial to the General Accounting Office pursuant to the procedures set forth in part 92 of this subchapter; and

(3) May not grant waiver of any claim that is the subject of an exception made by the Comptroller General in the account of any accountable officer, or that has been referred to the General Accounting Office or to the Attorney General.

(d) The Government's claim against an employee or member for repayment