§ 4503. Agency awards
The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—
(1) by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations; or
(2) performs a special act or service in the public interest in connection with or related to his official employment.

§ 4504. Presidential awards
The President may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—
(1) by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations; or
(2) performs an exceptionally meritorious special act or service in the public interest in connection with or related to his official employment.
A Presidential award may be in addition to an agency award under section 4503 of this title.

§ 4505. Awards to former employees
An agency may pay or grant an award under this chapter notwithstanding the death or separation from the service of the employee concerned, if the suggestion, invention, superior accomplishment, other personal effort, or special act or service in the public interest for which the award is proposed was made or performed while the employee was in the employ of the Government.

§ 4506. Regulations
The Civil Service Commission may prescribe regulations and instructions under which the agency awards program set forth by this chapter shall be carried out.

SUBPART D—PAY AND ALLOWANCES
CHAPTER 51—CLASSIFICATION

§ 5101. Purpose
It is the purpose of this chapter to provide a plan for classification of positions whereby—
(1) in determining the rate of basic pay which an employee will receive—
(A) the principle of equal pay for substantially equal work will be followed; and
(B) variations in rates of basic pay paid to different employees will be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work performed and to the contributions of employees to efficiency and economy in the service; and

(2) individual positions will, in accordance with their duties, responsibilities, and qualification requirements, be so grouped and identified by classes and grades, as defined by section 5102 of this title, and the various classes will be so described in published standards, as provided by section 5105 of this title, that the resulting position-classification system can be used in all phases of personnel administration.

§ 5102. Definitions; application

(a) For the purpose of this chapter—

(1) "agency" means—

(A) an Executive agency;

(B) the Administrative Office of the United States Courts;

(C) the Library of Congress;

(D) the Botanic Garden;

(E) the Government Printing Office;

(F) the Office of the Architect of the Capitol; and

(G) the government of the District of Columbia;

but does not include—

(i) a Government controlled corporation;

(ii) the Tennessee Valley Authority;

(iii) The Alaska Railroad;

(iv) the Virgin Islands Corporation;

(v) the Atomic Energy Commission;

(vi) the Central Intelligence Agency;

(vii) the Panama Canal Company; or

(viii) the National Security Agency, Department of Defense;

(2) "employee" means an individual employed in or under an agency;

(3) "position" means the work, consisting of the duties and responsibilities, assignable to an employee;

(4) "class" or "class of positions" includes all positions which are sufficiently similar, as to—

(A) kind or subject-matter of work;

(B) level of difficulty and responsibility; and

(C) the qualification requirements of the work;

to warrant similar treatment in personnel and pay administration; and

(5) "grade" includes all classes of positions which, although different with respect to kind or subject-matter of work, are sufficiently equivalent as to—

(A) level of difficulty and responsibility; and

(B) level of qualification requirements of the work;

to warrant their inclusion within one range of rates of basic pay in the General Schedule.

(b) Except as provided by subsections (c) and (d) of this section, this chapter applies to all civilian positions and employees in or under an agency.

(c) This chapter does not apply to—

(1) employees in the postal field service whose pay is fixed under chapter 45 of title 39;
(2) employees in the Foreign Service of the United States whose pay is fixed under chapter 14 of title 22; and positions in or under the Department of State which are—

(A) connected with the representation of the United States to international organizations; or

(B) specifically exempted by statute from this chapter or other classification or pay statute;

(3) physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery, Veterans' Administration, whose pay is fixed under chapter 73 of title 38;

(4) teachers, school officials, and employees of the Board of Education of the District of Columbia whose pay is fixed under chapter 15 of title 31, District of Columbia Code; and the chief judge and the associate judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia;

(5) members of the Metropolitan Police, the Fire Department of the District of Columbia, the United States Park Police, and the White House Police;

(6) lighthouse keepers and civilian employees on lightships and vessels of the Coast Guard whose pay is fixed under section 432 (f) and (g) of title 14;

(7) employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, and employees in the Bureau of Engraving and Printing whose duties are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

(8) officers and members of crews of vessels;

(9) employees of the Government Printing Office whose pay is fixed under section 40 of title 44;

(10) civilian professors, lecturers, and instructors at the Naval War College and the Naval Academy whose pay is fixed under sections 6852 and 7478 of title 10; senior professors, professors, associate and assistant professors, and instructors at the Naval Postgraduate School whose pay is fixed under section 7044 of title 10; and the Academic Dean of the Postgraduate School of the Naval Academy whose pay is fixed under section 7043 of title 10;

(11) aliens or noncitizens of the United States who occupy positions outside the United States;

(12) (A) employees of an agency who are stationed in the Canal Zone; and

(B) on approval by the Civil Service Commission of the request of an agency which has employees stationed in both the Republic of Panama and the Canal Zone, employees of the agency who are stationed in the Republic of Panama;

(13) employees who serve without pay or at nominal rates of pay;

(14) employees whose pay is not wholly from appropriated funds of the United States, except that with respect to the Veterans' Canteen Service, Veterans' Administration, this paragraph applies only to employees necessary for the transaction of the busi-
ness of the Service at canteens, warehouses, and storage depots whose employment is authorized by section 4202 of title 38;

(15) employees who pay is fixed under a cooperative agreement between the United States and—

(A) a State or territory or possession of the United States, or political subdivision thereof; or

(B) an individual or organization outside the service of the Government of the United States;

(16) student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, student occupational therapists, and other student employees, assigned or attached to a hospital, clinic, or laboratory primarily for training purposes, whose pay is fixed under subchapter V of chapter 53 of this title or section 4114 of title 38;

(17) inmates, patients, or beneficiaries receiving care or treatment or living in Government agencies or institutions;

(18) experts or consultants, when employed temporarily or intermittently in accordance with section 3109 of this title;

(19) emergency or seasonal employees whose employment is of uncertain or purely temporary duration, or who are employed for brief periods at intervals;

(20) employees employed on a fee, contract, or piece work basis;

(21) employees who may lawfully perform their duties concurrently with their private profession, business, or other employment, and whose duties require only a portion of their time, when it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Government of the United States;

(22) "teachers" and "teaching positions" as defined by section 901 of title 20;

(23) examiners-in-chief and designated examiners-in-chief in the Patent Office, Department of Commerce;

(24) temporary positions in the Bureau of the Census established under section 23 of title 13, and enumerator positions in the Bureau of the Census; or

(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by other statute, at or in excess of the maximum rate for GS-18.

d) This chapter does not apply to an employee of the Office of the Architect of the Capitol whose pay is fixed by other statute. Subsection (c) of this section, except paragraph (7), does not apply to the Office of the Architect of the Capitol.

§ 5103. Determination of applicability

The Civil Service Commission shall determine finally the applicability of section 5102 of this title to specific positions and employees, except for positions and employees in the Office of the Architect of the Capitol.

§ 5104. Basis for grading positions

The General Schedule, the symbol for which is "GS", is the basic pay schedule for positions to which this chapter applies. The General Schedule is divided into 18 grades of difficulty and responsibility of work, as follows:

(1) Grade GS-1 includes those classes of positions the duties of which are to perform, under immediate supervision, with little or no latitude for the exercise of independent judgment—

(A) the simplest routine work in office, business, or fiscal operations; or
(B) elementary work of a subordinate technical character in a professional, scientific, or technical field.

(2) Grade GS-2 includes those classes of positions the duties of which are—

(A) to perform, under immediate supervision, with limited latitude for the exercise of independent judgment, routine work in office, business, or fiscal operations, or comparable subordinate technical work of limited scope in a professional, scientific, or technical field, requiring some training or experience; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(3) Grade GS-3 includes those classes of positions the duties of which are—

(A) to perform, under immediate or general supervision, with limited latitude for the exercise of independent judgment, routine work in office, business, or fiscal operations, or comparable subordinate technical work of limited scope in a professional, scientific, or technical field, requiring some training or experience; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(4) Grade GS-4 includes those classes of positions the duties of which are—

(A) to perform, under immediate or general supervision, moderately difficult and responsible work in office, business, or fiscal operations, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) some training or experience;

(ii) working knowledge of a special subject matter; or

(iii) to some extent the exercise of independent judgment in accordance with well-established policies, procedures, and techniques; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(5) Grade GS-5 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special subject matter or of office, laboratory, engineering, scientific, or other procedure and practice; and

(iii) the exercise of independent judgment in a limited field;
(B) to perform, under immediate supervision, and with little opportunity for the exercise of independent judgment, simple and elementary work requiring professional, scientific, or technical training; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(6) Grade GS–6 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special and complex subject matter, procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(7) Grade GS–7 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, work of considerable difficulty and responsibility along special technical or supervisory lines in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable specialized or supervisory training and experience;

(ii) comprehensive working knowledge of a special and complex subject matter, procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment;

(B) under immediate or general supervision, to perform somewhat difficult work requiring—

(i) professional, scientific, or technical training; and

(ii) to a limited extent, the exercise of independent technical judgment; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(8) Grade GS–8 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, very difficult and responsible work along special technical or supervisory lines in office, business, or fiscal administration, requiring—

(i) considerable specialized or supervisory training and experience;

(ii) comprehensive and thorough working knowledge of a specialized and complex subject matter, procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment; or
(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(9) Grade GS-9 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, very difficult and responsible work along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) somewhat extended specialized training and considerable specialized, supervisory, or administrative experience which has demonstrated capacity for sound independent work;

(ii) thorough and fundamental knowledge of a special and complex subject matter, or of the profession, art, or science involved; and

(iii) considerable latitude for the exercise of independent judgment;

(B) with considerable latitude for the exercise of independent judgment, to perform moderately difficult and responsible work, requiring—

(i) professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing; and

(ii) considerable additional professional, scientific, or technical training or experience which has demonstrated capacity for sound independent work; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(10) Grade GS-10 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, highly difficult and responsible work along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) somewhat extended specialized, supervisory, or administrative training and experience which has demonstrated capacity for sound independent work;

(ii) thorough and fundamental knowledge of a specialized and complex subject matter, or of the profession, art, or science involved; and

(iii) considerable latitude for the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(11) Grade GS-11 includes those classes of positions the duties of which are—

(A) to perform, under general administrative supervision and with wide latitude for the exercise of independent judgment, work of marked difficulty and responsibility along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) extended specialized, supervisory, or administrative training and experience which has demonstrated important attainments and marked capacity for sound independent action or decision; and
(ii) intimate grasp of a specialized and complex subject matter, or of the profession, art, or science involved, or of administrative work of marked difficulty;

(B) with wide latitude for the exercise of independent judgment, to perform responsible work of considerable difficulty requiring somewhat extended professional, scientific, or technical training and experience which has demonstrated important attainments and marked capacity for independent work; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(12) Grade GS–12 includes those classes of positions the duties of which are—

(A) to perform, under general administrative supervision, with wide latitude for the exercise of independent judgment, work of a very high order of difficulty and responsibility along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) extended specialized, supervisory, or administrative training and experience which has demonstrated leadership and attainments of a high order in specialized or administrative work; and

(ii) intimate grasp of a specialized and complex subject matter or of the profession, art, or science involved;

(B) under general administrative supervision, and with wide latitude for the exercise of independent judgment, to perform professional, scientific, or technical work of marked difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and attainments of a high order in professional, scientific, or technical research, practice, or administration; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(13) Grade GS–13 includes those classes of positions the duties of which are—

(A) to perform, under administrative direction, with wide latitude for the exercise of independent judgment, work of unusual difficulty and responsibility along special technical, supervisory, or administrative lines, requiring extended specialized, supervisory, or administrative training and experience which has demonstrated leadership and marked attainments;

(B) to serve as assistant head of a major organization involving work of comparable level within a bureau;

(C) to perform, under administrative direction, with wide latitude for the exercise of independent judgment, work of unusual difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and marked attainments in professional, scientific, or technical research, practice, or administration; or

(D) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(14) Grade GS–14 includes those classes of positions the duties of which are—

(A) to perform, under general administrative direction, with wide latitude for the exercise of independent judgment,
work of exceptional difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and unusual attainments;

(B) to serve as head of a major organization within a bureau involving work of comparable level;

(C) to plan and direct or to plan and execute major professional, scientific, technical, administrative, fiscal, or other specialized programs, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(15) Grade GS-15 includes those classes of positions the duties of which are—

(A) to perform, under general administrative direction, with very wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and exceptional attainments;

(B) to serve as head of a major organization within a bureau involving work of comparable level;

(C) to plan and direct or to plan and execute specialized programs of marked difficulty, responsibility, and national significance, along professional, scientific, technical, administrative, fiscal, or other lines, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(16) Grade GS-16 includes those classes of positions the duties of which are—

(A) to perform, under general administrative direction, with unusual latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and exceptional attainments;

(B) to serve as the head of a major organization involving work of comparable level;

(C) to plan and direct or to plan and execute professional, scientific, technical, administrative, fiscal, or other specialized programs of unusual difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated leadership and exceptional attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of
equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(17) Grade GS–17 includes those classes of positions the duties of which are—

(A) to serve as the head of a bureau where the position, considering the kind and extent of the authorities and responsibilities vested in it, and the scope, complexity, and degree of difficulty of the activities carried on, is of a high order among the whole group of positions of heads of bureaus;

(B) to plan and direct or to plan and execute professional, scientific, technical, administrative, fiscal, or other specialized programs of exceptional difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated exceptional leadership and attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(C) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(18) Grade GS–18 includes those classes of positions the duties of which are—

(A) to serve as the head of a bureau where the position, considering the kind and extent of the authorities and responsibilities vested in it, and the scope, complexity, and degree of difficulty of the activities carried on, is exceptional and outstanding among the whole group of positions of heads of bureaus;

(B) to plan and direct or to plan and execute frontier or unprecedented professional, scientific, technical, administrative, fiscal, or other specialized programs of outstanding difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated outstanding leadership and attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(C) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

§ 5105. Standards for classification of positions

(a) The Civil Service Commission, after consulting the agencies, shall prepare standards for placing positions in their proper classes and grades. The Commission may make such inquiries or investigations of the duties, responsibilities, and qualification requirements of positions as it considers necessary for this purpose. The agencies, on request of the Commission, shall furnish information for and cooperate in the preparation of the standards. In the standards, which shall be published in such form as the Commission may determine, the Commission shall—

(1) define the various classes of positions in terms of duties, responsibilities, and qualification requirements;

(2) establish the official class titles; and

(3) set forth the grades in which the classes have been placed by the Commission.
(b) The Commission, after consulting the agencies to the extent considered necessary, shall revise, supplement, or abolish existing standards, or prepare new standards, so that, as nearly as may be practicable, positions existing at any given time will be covered by current published standards.

(c) The official class titles established under subsection (a)(2) of this section shall be used for personnel, budget, and fiscal purposes. However, this requirement does not prevent the use of organizational or other titles for internal administration, public convenience, law enforcement, or similar purposes.

§ 5106. Basis for classifying positions

(a) Each position shall be placed in its appropriate class. The basis for determining the appropriate class is the duties and responsibilities of the position and the qualifications required by the duties and responsibilities.

(b) Each class shall be placed in its appropriate grade. The basis for determining the appropriate grade is the level of difficulty, responsibility, and qualification requirements of the work of the class.

(c) Appropriated funds may not be used to pay an employee who places a supervisory position in a class and grade solely on the basis of the size of the organization unit or the number of subordinates supervised. These factors may be given effect only to the extent warranted by the work load of the organization unit and then only in combination with other factors, such as the kind, difficulty, and complexity of work supervised, the degree and scope of responsibility delegated to the supervisor, and the kind, degree, and character of the supervision exercised.

§ 5107. Classification of positions

Except as otherwise provided by this chapter, each agency shall place each position under its jurisdiction in its appropriate class and grade in conformance with standards published by the Civil Service Commission or, if no published standards apply directly, consistently with published standards. When facts warrant, an agency may change a position which it has placed in a class or grade under this section from that class or grade to another class or grade. Subject to section 5337 of this title, these actions of an agency are the basis for pay and personnel transactions until changed by certificate of the Commission.

§ 5108. Classification of positions at GS-16, 17, and 18

(a) A majority of the Civil Service Commissioners may establish, and from time to time revise, the maximum numbers of positions (not to exceed an aggregate of 2,400, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades, and in addition to 240 hearing examiner positions under section 3105 of this title which may be placed in GS-16 and 9 such positions which may be placed in GS-17) which may be placed in GS-16, 17, and 18 at any one time. However, under this authority—

(1) not to exceed 25 percent of the aggregate number may be placed in GS-17 and not to exceed 12 percent of the aggregate number may be placed in GS-18;

(2) 50 of the positions are available only for allocation, with the approval of the President, for an agency or function created after October 4, 1961;
(3) 14 of the positions are available only for allocation to the United States Arms Control and Disarmament Agency;
(4) 6 of the positions are available only for allocation to the Immigration and Naturalization Service, Department of Justice; and
(5) 4 of the positions are available only for allocation to the Federal Home Loan Bank Board.

A position may be placed in GS–16, 17, or 18 only by action of, or after prior approval by, a majority of the Civil Service Commissioners.

(b) The number of positions of senior specialists in the Legislative Reference Service, Library of Congress, placed in GS–16, 17, and 18 under the proviso in section 166(b) (1) of title 2 are in addition to the number of positions authorized by subsection (a) of this section.

(c) In addition to the number of positions authorized by subsection (a) of this section—

(1) the Comptroller General of the United States, subject to the procedures prescribed by this section, may place a total of 39 positions in the General Accounting Office in GS–16, 17, and 18;
(2) the Director of the Federal Bureau of Investigation, without regard to any other provision of this section, may place a total of 75 positions in the Federal Bureau of Investigation in GS–16, 17, and 18;
(3) the Director of the Administrative Office of the United States Courts may place a total of 4 positions in GS–17;
(4) the Commissioner of Immigration and Naturalization may place a total of 11 positions in GS–17;
(5) the Secretary of Defense, subject to the standards and procedures prescribed by this chapter, may place a total of 407 positions (in addition to any professional engineering positions primarily concerned with research and development and professional engineering positions in the physical and natural sciences which may be placed in these grades) in the Department of Defense in GS–16, 17, and 18;
(6) the Administrator of the National Aeronautics and Space Administration, subject to the standards and procedures prescribed by this chapter, may place a total of 5 positions in the National Aeronautics and Space Administration in GS–16, 17, and 18;
(7) the Attorney General, without regard to any other provision of this section, may place a total of—
(A) 10 positions of Warden in the Bureau of Prisons in GS–16; and
(B) 8 positions of Member of the Board of Parole in GS–17;
(8) the Attorney General, without regard to this chapter (except section 5114), may place 1 position in GS–16; and
(9) the Railroad Retirement Board may place 4 positions in GS–16, 4 in GS–17, and 1 in GS–18, for the purpose of its administration of chapter 9 or 11 of title 45, or both.

(d) When a general appropriation statute authorizes an agency to place additional positions in GS–16, 17, and 18, the total number of positions authorized to be placed in these grades by this section (except subsection (c) (8) and (9)) is reduced by the number of positions authorized by the appropriation statute, unless otherwise specifically provided. The reduction is made in the following order—first, from any number specifically authorized for the agency by this section (except subsection (c) (8) and (9)); and
second, from the maximum number of positions authorized by subsection (a) of this section irrespective of the agency to which the positions are allocated.

§ 5109. Positions classified by statute

(a) The position held by an employee of the Department of Agriculture while he, under section 450d of title 7, is designated and vested with a delegated regulatory function or part thereof shall be classified in accordance with this chapter, but not lower than GS-14.

(b) The position held by the employee appointed under section 1104(a)(2) of this title to have such functions and duties with respect to retirement, life insurance, and health benefits programs as the Civil Service Commission may prescribe is classified at GS-18, and is in addition to the number of positions authorized by section 5108(a) of this title.

(c) Each of the following positions on the police force authorized for the National Zoological Park by section 193n of title 40 is classified as follows:

(1) Private—GS-5.
(2) Sergeant—GS-6.
(3) Lieutenant—GS-7.
(4) Captain—GS-8.

§ 5110. Review of classification of positions

(a) The Civil Service Commission, from time to time, shall review such number of positions in each agency as will enable the Commission to determine whether the agency is placing positions in classes and grades in conformance with or consistently with published standards.

(b) When the Commission finds under subsection (a) of this section that a position is not placed in its proper class and grade in conformance with published standards or that a position for which there is no published standard is not placed in the class and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate class and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

§ 5111. Revocation and restoration of authority to classify positions

(a) When the Civil Service Commission finds that an agency is not placing positions in classes and grades in conformance with or consistently with published standards, it may revoke or suspend the authority granted to the agency by section 5107 of this title and require that prior approval of the Commission be secured before an action placing a position in a class and grade becomes effective for payroll and other personnel purposes. The Commission may limit the revocation or suspension to—

(1) the departmental or field service, or any part thereof;
(2) a geographic area;
(3) an organization unit or group of organization units;
(4) certain types of classification actions;
(5) classes in particular occupational groups or grades; or
(6) classes for which standards have not been published.

(b) After revocation or suspension, the Commission may restore the authority to the extent that it is satisfied that later actions placing
positions in classes and grades will be in conformance with or con-
sistent with published standards.

§ 5112. General authority of the Civil Service Commission
(a) Notwithstanding section 5107 of this title, the Civil Service
Commission may—
(1) ascertain currently the facts as to the duties, responsibili-
ties, and qualification requirements of a position;
(2) place in an appropriate class and grade a newly created
position or a position coming initially under this chapter;
(3) decide whether a position is in its appropriate class and
grade; and
(4) change a position from one class or grade to another class
or grade when the facts warrant.
The Commission shall certify to the agency concerned its action under
paragraph (2) or (4) of this subsection. The agency shall act in
accordance with the certificate, and the certificate is binding on all ad-
ministrative, certifying, payroll, disbursing, and accounting officials.
(b) An employee affected or an agency may request at any time that
the Commission exercise the authority granted to it by subsection (a)
of this section and the Commission shall act on the request.

§ 5113. Classification records
The Civil Service Commission may—
(1) prescribe the form in which each agency shall record the
duties and responsibilities of positions and the places where these
records shall be maintained;
(2) examine these or other pertinent records of the agency; and
(3) interview employees of the agency who have knowledge of
the duties and responsibilities of positions and information as to
the reasons for placing a position in a class or grade.

§ 5114. Reports; positions in GS-16, 17, and 18
(a) The Civil Service Commission, with respect to positions under
section 5108(a) of this title, the head of the agency concerned, with
respect to positions under sections 5108 (b), (c) and 5109(b) of this
title, and the appropriate authority, with respect to positions under
jurisdiction of the authority which are allocated to or placed in GS-16,
17, and 18, including positions so allocated or placed on a temporary
or present incumbency basis, under reorganization plan or statute,
except sections 5108 and 5109 of this title, shall submit, so long as the
reorganization plan or statute remains in effect, to Congress, not
later than February 1 of each year, a report setting forth—
(1) the total number of positions allocated to or placed in all
these grades during the immediately preceding calendar year, the
total number of positions allocated to or placed in each of these
grades during the immediately preceding calendar year, and the
total number of these positions in existence during the immediately
preceding calendar year and the grades to or in which the total
number of positions in existence are allocated or placed;
(2) the name, rate of pay, and description of the qualifications
of the incumbent of each of these positions, together with the
position title and a statement of the duties and responsibilities
performed by the incumbent;
(3) the position or positions in or outside the Government of
the United States held by each of these incumbents, and his rate
or rates of pay, during the 5-year period immediately preceding
the date of his appointment to the position; and
(4) such other information as the Commission, the head of the agency, or other appropriate authority submitting the report may consider appropriate or as may be required by Congress or a committee thereof.

This subsection does not require the resubmission of information required by paragraphs (2) and (3) of this subsection which has been reported under this subsection and which remains unchanged.

(b) When the Commission, the head of the agency, or other appropriate authority considers full public disclosure of any or all of the items specified by subsection (a) of this section to be detrimental to the national security, the Commission, the head of the agency, or authority may—

(1) omit from the annual report those items with respect to which full public disclosure is found to be detrimental to the national security;

(2) inform Congress of the omission; and

(3) at the request of the Congressional committee to which the report is referred, present all information concerning those items.

§ 5115. Regulations

The Civil Service Commission may prescribe regulations necessary for the administration of this chapter, except sections 5109 and 5114.

CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER I—PAY COMPARABILITY SYSTEM

§ 5301. Policy.
It is the policy of Congress that Federal pay fixing be based on the principles that—
(1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and
(2) Federal pay rates be comparable with private enterprise pay rates for the same levels of work.
Pay levels for the several Federal statutory pay systems shall be inter-related, and pay levels shall be set and adjusted in accordance with these principles.

§ 5302. Annual reports on pay comparability
In order to carry out the policy stated by section 5301 of this title, the President shall—
(1) direct such agency as he considers appropriate, to prepare and submit to him annually a report which compares the rates of pay fixed by statute for employees with the rates of pay paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics; and
(2) after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, report annually to Congress—
(A) this comparison of Federal and private enterprise pay rates; and
(B) such recommendations for revision of statutory pay schedules, pay structures, and pay policy, as he considers advisable.

§ 5303. Higher minimum rates; Presidential authority
(a) When the President finds that the pay rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the pay rates of statutory pay schedules as to handicap significantly the Government’s recruitment or retention of well-qualified individuals in positions paid under—
(1) section 5332 of this title;
(2) the provisions of part III of title 39 relating to employees in the postal field service;
the pay scales for physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans’ Administration, under chapter 73 of title 38; or

(4) sections 867 and 870 of title 22;

he may establish for the areas or locations higher minimum rates of basic pay for one or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each such grade or level. However, a minimum rate so established may not exceed the seventh pay rate prescribed by statute for the grade or level. The President may authorize the exercise of the authority conferred on him by this section by the Civil Service Commission or, in the case of individuals not subject to the provisions of this title governing appointment in the competitive service, by such other agency as he may designate.

(b) Within the limitations of subsection (a) of this section, rates of basic pay established under that subsection may be revised from time to time by the President or by such agency as he may designate. The actions and revisions have the force and effect of statute.

(c) An increase in rate of basic pay established under this section is not an equivalent increase in pay within the meaning of section 5335(a) of this title and section 3552 of title 39.

(d) The rate of basic pay, established under this section, and received by an individual immediately before the effective date of a statutory increase in the pay schedules of the pay systems specified in subsection (a) of this section shall be initially adjusted on the effective date of the new pay schedules under conversion regulations prescribed by the President or by such agency as he may designate.

§ 5304. Presidential policies and regulations

The functions, duties, and regulations of the agencies and the Civil Service Commission with respect to this subchapter, subchapter III of this chapter, chapter 51 of this title, the provisions of part III of title 39 relating to employees in the postal field service, chapter 14 of title 22, and the provisions of chapter 73 of title 38 relating to employees in the Department of Medicine and Surgery, Veterans’ Administration, are subject to such policies and regulations as the President may prescribe. Among other things, the policies and regulations of the President may provide for—

(1) preparing and reporting to him the annual comparison of Federal pay rates with private enterprise rates;

(2) obtaining and reporting to him the views of employee organizations on the annual comparison, and on other pay matters;

(3) reviewing and reporting to him on the adequacy of the Federal statutory pay structures for the Federal programs to which they apply;

(4) reviewing the relationship of Federal statutory pay rates and private enterprise pay rates in specific occupation and local areas; and

(5) providing step-increases in recognition of high quality performance and providing for properly relating supervisory pay rates paid under one system to those of subordinates paid under another system.

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

§ 5311. The Executive Schedule

The Executive Schedule, which is divided into five pay levels, is the basic pay schedule for positions to which this subchapter applies.
§ 5312. Positions at level I

Level I of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is $35,000:

1. Secretary of State.
2. Secretary of the Treasury.
5. Postmaster General.
7. Secretary of Agriculture.
8. Secretary of Commerce.
9. Secretary of Labor.
10. Secretary of Health, Education, and Welfare.

§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is $30,000:

1. Deputy Secretary of Defense.
2. Under Secretary of State.
3. Administrator, Agency for International Development.
4. Administrator of the National Aeronautics and Space Administration.
5. Administrator of Veterans’ Affairs.
6. Administrator of the Housing and Home Finance Agency.
7. Administrator of the Federal Aviation Agency.
9. Chairman, Council of Economic Advisers.
10. Chairman, Board of Governors of the Federal Reserve System.
11. Director of the Bureau of the Budget.
12. Director of the Office of Science and Technology.
13. Director of the United States Arms Control and Disarmament Agency.
14. Director of the United States Information Agency.
15. Director of Central Intelligence.
16. Secretary of the Air Force.
17. Secretary of the Army.
18. Secretary of the Navy.

§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is $28,500:

1. Deputy Attorney General.
2. Solicitor General of the United States.
3. Deputy Postmaster General.
4. Under Secretary of Agriculture.
5. Under Secretary of Commerce.
6. Under Secretary of Commerce for Transportation.
8. Under Secretary of the Interior.
10. Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs.
11. Under Secretary of the Treasury.
12. Under Secretary of the Treasury for Monetary Affairs.
15. Deputy Administrator of Veterans’ Affairs.
(16) Deputy Administrator, Agency for International Development.
(17) Chairman, Civil Aeronautics Board.
(18) Chairman of the United States Civil Service Commission.
(19) Chairman, Federal Communications Commission.
(20) Chairman, Board of Directors, Federal Deposit Insurance Corporation.
(21) Chairman of the Federal Home Loan Bank Board.
(22) Chairman, Federal Power Commission.
(23) Chairman, Federal Trade Commission.
(24) Chairman, Interstate Commerce Commission.
(25) Chairman, National Labor Relations Board.
(26) Chairman, Securities and Exchange Commission.
(27) Chairman, Board of Directors of the Tennessee Valley Authority.
(28) Chairman, National Mediation Board.
(29) Chairman, Railroad Retirement Board.
(30) Chairman, Federal Maritime Commission.
(31) Comptroller of the Currency.
(32) Commissioner of Internal Revenue.
(33) Director of Defense Research and Engineering, Department of Defense.
(34) Deputy Administrator of the National Aeronautics and Space Administration.
(35) Deputy Director of the Bureau of the Budget.
(36) Deputy Director of Central Intelligence.
(37) Director of the Office of Emergency Planning.
(38) Director of the Peace Corps.
(39) Chief Medical Director in the Department of Medicine and Surgery, Veterans' Administration.
(40) Director of the National Science Foundation.
(41) Deputy Administrator of the Housing and Home Finance Agency.
(42) President of the Export-Import Bank of Washington.
(43) Members, Atomic Energy Commission.
(44) Members, Board of Governors of the Federal Reserve System.
(45) Director of the Federal Bureau of Investigation, Department of Justice.

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is $27,000:

(1) Administrator, Bureau of Security and Consular Affairs, Department of State.
(2) Deputy Administrator of the Federal Aviation Agency.
(3) Deputy Administrator of General Services.
(4) Associate Administrator of the National Aeronautics and Space Administration.
(5) Assistant Administrators, Agency for International Development (6).
(6) Regional Assistant Administrators, Agency for International Development (4).
(7) Under Secretary of the Air Force.
(8) Under Secretary of the Army.
(9) Under Secretary of the Navy.
(10) Deputy Under Secretaries of State (2).
(11) Assistant Secretaries of Agriculture (3).
(12) Assistant Secretaries of Commerce (4).
(13) Assistant Secretaries of Defense (7).
(14) Assistant Secretaries of the Air Force (3).
(15) Assistant Secretaries of the Army (3).
(16) Assistant Secretaries of the Navy (3).
(18) Assistant Secretaries of the Interior (4).
(19) Assistant Attorneys General (9).
(20) Assistant Secretaries of Labor (4).
(21) Assistant Postmasters General (5).
(22) Assistant Secretaries of State (11).
(23) Assistant Secretaries of the Treasury (4).
(24) Chairman of the United States Tariff Commission.
(25) Commissioner, Community Facilities Administration.
(26) Commissioner, Federal Housing Administration.
(27) Commissioner, Public Housing Administration.
(28) Commissioner, Urban Renewal Administration.
(29) Director of Civil Defense, Department of the Army.
(30) Director of the Federal Mediation and Conciliation Service.

(31) Deputy Chief Medical Director in the Department of Medicine and Surgery, Veterans' Administration.
(32) Deputy Director of the Office of Emergency Planning.
(33) Deputy Director of the Office of Science and Technology.
(34) Deputy Director of the Peace Corps.
(35) Deputy Director of the United States Arms Control and Disarmament Agency.
(36) Deputy Director of the United States Information Agency.
(37) Assistant Directors of the Bureau of the Budget (3).
(38) General Counsel of the Department of Agriculture.
(39) General Counsel of the Department of Commerce.
(40) General Counsel of the Department of Defense.
(41) General Counsel of the Department of Health, Education, and Welfare.
(42) Solicitor of the Department of the Interior.
(43) Solicitor of the Department of Labor.
(44) General Counsel of the National Labor Relations Board.
(45) General Counsel of the Post Office Department.
(46) Counselor of the Department of State.
(47) Legal Adviser of the Department of State.
(48) General Counsel of the Department of the Treasury.
(49) First Vice President of the Export-Import Bank of Washington.
(50) General Manager of the Atomic Energy Commission.
(51) Governor of the Farm Credit Administration.
(52) Inspector General, Foreign Assistance.
(53) Deputy Inspector General, Foreign Assistance.
(54) Members, Civil Aeronautics Board.
(55) Members, Council of Economic Advisers.
(56) Members, Board of Directors of the Export-Import Bank of Washington.
(57) Members, Federal Communications Commission.
(58) Member, Board of Directors of the Federal Deposit Insurance Corporation.
(59) Members, Federal Home Loan Bank Board.
(60) Members, Federal Power Commission.
(62) Members, Interstate Commerce Commission.
(63) Members, National Labor Relations Board.
(64) Members, Securities and Exchange Commission.
(65) Members, Board of Directors of the Tennessee Valley Authority.
(66) Members, United States Civil Service Commission.
(67) Members, Federal Maritime Commission.
(68) Members, National Mediation Board.
(69) Members, Railroad Retirement Board.
(70) Director of Selective Service.
(71) Associate Director of the Federal Bureau of Investigation, Department of Justice.
(72) Chairman, Equal Employment Opportunity Commission.
(73) Chief of Protocol, Department of State.
(74) Director, Bureau of Intelligence and Research, Department of State.
(75) Director, Community Relations Service.
(76) United States Attorney for the District of Columbia.
(77) United States Attorney for the Southern District of New York.

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is $26,000:

1. Administrator, Agricultural Marketing Service, Department of Agriculture.
2. Administrator, Agricultural Research Service, Department of Agriculture.
3. Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.
4. Administrator, Farmers Home Administration.
5. Administrator, Foreign Agricultural Service, Department of Agriculture.
6. Administrator, Rural Electrification Administration, Department of Agriculture.
7. Administrator, Soil Conservation Service, Department of Agriculture.
8. Administrator, Bonneville Power Administration, Department of the Interior.
9. Administrator of the National Capital Transportation Agency.
10. Administrator of the Saint Lawrence Seaway Development Corporation.
11. Deputy Administrators of the Small Business Administration (4).
12. Associate Administrator for Administration, Federal Aviation Agency.
14. Associate Administrator for Programs, Federal Aviation Agency.
15. Associate Administrator for Advanced Research and Technology, National Aeronautics and Space Administration.
16. Associate Administrator for Space Science and Applications, National Aeronautics and Space Administration.
(17) Associate Administrator for Manned Space Flight, National Aeronautics and Space Administration.
(18) Associate Deputy Administrator, National Aeronautics and Space Administration.
(19) Deputy Associate Administrator, National Aeronautics and Space Administration.
(20) Associate Deputy Administrator of Veterans’ Affairs.
(21) Archivist of the United States.
(22) Area Redevelopment Administrator, Department of Commerce.
(23) Assistant Secretary of Agriculture for Administration.
(24) Assistant Secretary of Health, Education, and Welfare for Administration.
(25) Assistant Secretary of the Interior for Administration.
(26) Assistant Attorney General for Administration.
(27) Assistant Secretary of Labor for Administration.
(28) Assistant Secretary of the Treasury for Administration.
(29) Assistant General Manager, Atomic Energy Commission.
(30) Assistant and Science Adviser to the Secretary of the Interior.
(31) Chairman, Foreign Claims Settlement Commission of the United States.
(32) Chairman of the Military Liaison Committee to the Atomic Energy Commission, Department of Defense.
(33) Chairman of the Renegotiation Board.
(34) Chairman of the Subversive Activities Control Board.
(35) Chief Counsel for the Internal Revenue Service, Department of the Treasury.
(36) Chief Forester of the Forest Service, Department of Agriculture.
(37) Chief Postal Inspector, Post Office Department.
(38) Chief, Weather Bureau, Department of Commerce.
(39) Commissioner of Customs, Department of the Treasury.
(40) Commissioner, Federal Supply Service, General Services Administration.
(42) Commissioner of Fish and Wildlife, Department of the Interior.
(43) Commissioner of Food and Drugs, Department of Health, Education, and Welfare.
(44) Commissioner of Immigration and Naturalization, Department of Justice.
(45) Commissioner of Indian Affairs, Department of the Interior.
(46) Chief Commissioner, Indian Claims Commission.
(47) Associate Commissioners, Indian Claims Commission (2).
(48) Commissioner of Patents, Department of Commerce.
(49) Commissioner, Public Buildings Service, General Services Administration.
(50) Commissioner of Reclamation, Department of the Interior.
(52) Commissioner of Vocational Rehabilitation, Department of Health, Education, and Welfare.
(54) Director, Advanced Research Projects Agency, Department of Defense.
(55) Director of Agricultural Economics, Department of Agriculture.
(56) Director, Bureau of the Census, Department of Commerce.
(57) Director, Bureau of Mines, Department of the Interior.
(58) Director, Bureau of Prisons, Department of Justice.
(59) Director, Geological Survey, Department of the Interior.
(60) Director, Office of Research and Engineering, Post Office Department.
(61) Director, National Bureau of Standards, Department of Commerce.
(62) Director of Regulation, Atomic Energy Commission.
(63) Director of Science and Education, Department of Agriculture.
(64) Deputy Under Secretary for Monetary Affairs, Department of the Treasury.
(65) Deputy Commissioner of Internal Revenue, Department of the Treasury.
(66) Deputy Director, National Science Foundation.
(67) Deputy Director, Policy and Plans, United States Information Agency.
(68) Deputy General Counsel, Department of Defense.
(69) Deputy General Manager, Atomic Energy Commission.
(70) Associate Director of the Federal Mediation and Conciliation Service.
(71) Associate Director for Volunteers, Peace Corps.
(72) Associate Director for Program Development and Operations, Peace Corps.
(73) Assistants to the Director of the Federal Bureau of Investigation, Department of Justice (2).
(74) Assistant Directors, Office of Emergency Planning (3).
(75) Assistant Directors, United States Arms Control and Disarmament Agency (4).
(76) Federal Highway Administrator, Department of Commerce.
(77) Fiscal Assistant Secretary of the Treasury.
(78) General Counsel of the Agency for International Development.
(79) General Counsel of the Department of the Air Force.
(80) General Counsel of the Department of the Army.
(81) General Counsel of the Atomic Energy Commission.
(82) General Counsel of the Federal Aviation Agency.
(83) General Counsel of the Housing and Home Finance Agency.
(84) General Counsel of the Department of the Navy.
(85) General Counsel of the United States Arms Control and Disarmament Agency.
(86) General Counsel of the National Aeronautics and Space Administration.
(87) Governor of the Canal Zone.
(88) Manpower Administrator, Department of Labor.
(89) Maritime Administrator, Department of Commerce.
(90) Members, Foreign Claims Settlement Commission of the United States.
(91) Members, Renegotiation Board.
(92) Members, Subversive Activities Control Board.
(93) Members, United States Tariff Commission.
(94) President of the Federal National Mortgage Association.
(95) Special Assistant to the Secretary (Health and Medical Affairs), Department of Health, Education, and Welfare.
(96) Deputy Directors of Defense Research and Engineering, Department of Defense (4).
(97) Assistant Administrator of General Services.
(98) Director, United States Travel Service, Department of Commerce.
(99) Executive Director of the United States Civil Service Commission.
(100) Administrator, Wage and Hour and Public Contracts Division, Department of Labor.
(101) Assistant Director (Program Planning, Analysis and Research), Office of Economic Opportunity.
(102) Assistant General Managers, Atomic Energy Commission (3).
(103) Associate Director (Policy and Plans), United States Information Agency.
(104) Chief Benefits Director, Veterans' Administration.
(106) Deputy Director, National Security Agency.
(107) Director, Bureau of Land Management, Department of the Interior.
(108) Director, National Park Service, Department of the Interior.
(109) Director of International Scientific Affairs, Department of State.
(110) General Counsel of the Veterans' Administration.
(112) National Export Expansion Coordinator, Department of Commerce.
(113) Special Assistant to the Secretary of Defense.
(114) Staff Director, Commission on Civil Rights.
(115) United States Attorney for the Northern District of Illinois.
(116) United States Attorney for the Southern District of California.
§ 5317. Presidential authority to place positions at levels IV and V

In addition to the positions listed in sections 5315 and 5316 of this title, the President, from time to time, may place in levels IV and V of the Executive Schedule positions held by not to exceed 30 individuals when he considers that action necessary to reflect changes in organization, management responsibilities, or workload in an Executive agency. Such an action with respect to a position to which appointment is made by the President by and with the advice and consent of the Senate is effective only at the time of a new appointment to the position. Notice of each action taken under this section shall be published in the Federal Register, except when the President determines that the publication would be contrary to the interest of national security. The President may not take action under this section with respect to a position the pay for which is fixed at a specific rate by this subchapter or by statute enacted after August 14, 1964.

SUBCHAPTER III—GENERAL SCHEDULE PAY RATES

§ 5331. Definitions; application

(a) For the purpose of this subchapter, "agency", "employee", "position", "class", and "grade" have the meanings given them by section 5102 of this title.

(b) This subchapter applies to employees and positions to which chapter 51 of this title applies.

§ 5332. The General Schedule

(a) The General Schedule, the symbol for which is "GS", is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies is entitled to basic pay in accordance with the General Schedule.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Annual rates and steps</th>
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<tr>
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<td>GS-3</td>
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<td>GS-8</td>
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<tr>
<td>GS-18</td>
<td>24,300</td>
</tr>
</tbody>
</table>

(b) When payment is made on the basis of an hourly, daily, weekly, or biweekly rate, the rate is computed from the appropriate annual rate of basic pay named by subsection (a) of this section in accordance with the rules prescribed by section 5504(b) of this title.

§ 5333. Minimum rate for new appointments; higher rates for supervisors of wage-board employees

(a) New appointments shall be made at the minimum rate of the appropriate grade. However, under regulations prescribed by the Civil Service Commission which provide for such considerations as
the existing pay or unusually high or unique qualifications of the candidate, or a special need of the Government for his services, the head of an agency may appoint, with the approval of the Commission in each specific case, an individual to a position in GS-13 or above at such a rate above the minimum rate of the appropriate grade as the Commission may authorize for this purpose. The approval of the Commission in each specific case is not required with respect to an appointment made by the Librarian of Congress.

(b) Under regulations prescribed by the Civil Service Commission, an employee in a position to which this subchapter applies, who regularly has responsibility for supervision (including supervision over the technical aspects of the work concerned) over employees whose pay is fixed and adjusted from time to time by wage boards or similar administrative authority as nearly as is consistent with the public interest in accordance with prevailing rates, may be paid at one of the rates for his grade which is above the highest rate of basic pay being paid to any such prevailing-rate employee regularly supervised, or at the maximum rate for his grade, as provided by the regulations.

§ 5334. Rate on change of position or type of appointment; regulations

(a) The rate of basic pay to which an employee is entitled is governed by regulations prescribed by the Civil Service Commission in conformity with this subchapter and chapter 51 of this title when—

(1) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter does not apply;

(2) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter applies to another such position;

(3) he is demoted to a position in a lower grade;

(4) he is reinstated, reappointed, or reemployed in a position to which this subchapter applies following service in any position in the legislative, judicial, or executive branch;

(5) his type of appointment is changed;

(6) his employment status is otherwise changed; or

(7) his position is changed from one grade to another grade.

(b) An employee who is promoted or transferred to a position in a higher grade is entitled to basic pay at the lowest rate of the higher grade which exceeds his existing rate of basic pay by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of an employee so promoted or transferred who is receiving basic pay at a rate in excess of the maximum rate of his grade, there is no rate in the higher grade which is at least two step-increases above his existing rate of basic pay, he is entitled to—

(1) the maximum rate of the higher grade; or

(2) his existing rate of basic pay, if that rate is the higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to him under section 5337 of this title on reduction in grade, he is entitled to—

(A) basic pay at a rate two steps above the rate which he would be receiving if section 5337 of this title were not applicable to him; or

(B) his existing rate of basic pay, if that rate is the higher.

(c) An employee in the legislative branch who is paid by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an em-

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ployee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have his initial rate of pay fixed—

(1) at the minimum rate of the appropriate grade; or

(2) at a step of the appropriate grade that does not exceed the highest previous rate of pay received by him during that service in the legislative branch.

(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter and chapter 51 of this title. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter and chapter 51 of this title, his rate of basic pay is determined under section 5337 of this title. However, for the purpose of section 5337 of this title, service in the position which was brought under this subchapter and chapter 51 of this title is deemed service under this subchapter and chapter 51 of this title.

(e) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (a) of this section is deemed increased by 20 percent to determine the yearly rate of pay of the position.

§ 5335. Periodic step-increases

(a) An employee paid on an annual basis, and occupying a permanent position within the scope of the General Schedule, who has not reached the maximum rate of pay for the grade in which his position is placed, shall be advanced in pay successively to the next higher rate within the grade at the beginning of the next pay period following the completion of—

(1) each 52 calendar weeks of service in pay rates 1, 2, and 3;

(2) each 104 calendar weeks of service in pay rates 4, 5, and 6; or

(3) each 156 calendar weeks of service in pay rates 7, 8, and 9;

subject to the following conditions:

(A) the employee did not receive an equivalent increase in pay from any cause during that period; and

(B) the work of the employee, except a hearing examiner appointed under section 3105 of this title, is of an acceptable level of competence as determined by the head of the agency.

(b) Under regulations prescribed by the Civil Service Commission, the benefit of successive step-increases shall be preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency.

(c) An increase in pay granted by statute is not an equivalent increase in pay within the meaning of subsection (a) of this section.

(d) This section does not apply to the pay of an individual appointed by the President, by and with the advice and consent of the Senate.

§ 5336. Additional step-increases

(a) Within the limit of available appropriations and under regulations prescribed by the Civil Service Commission, the head of each agency may grant additional step-increases in recognition of high quality performance above that ordinarily found in the type of position concerned. However, an employee is eligible under this section for only one additional step-increase within any 52-week period.
(b) A step-increase under this section is in addition to those under section 5335 of this title and is not an equivalent increase in pay within the meaning of section 5335(a) of this title.

c) This section does not apply to the pay of an individual appointed by the President, by and with the advice and consent of the Senate.

§ 5337. Pay saving

(a) Subject to the limitation in subsection (b) of this section, an employee—

1) who is reduced in grade from a grade of the General Schedule;

2) who holds a career or career-conditional appointment in the competitive service, or an appointment of equivalent tenure in the excepted service or in the government of the District of Columbia;

3) whose reduction in grade is not (A) caused by a demotion for personal cause, (B) at his request, (C) effected in a reduction in force due to lack of funds or curtailment of work, or (D) with respect to a temporary promotion occurring after September 20, 1961, a condition of the temporary promotion to a higher grade;

4) who, for 2 continuous years immediately before the reduction in grade, served (A) in the same agency and (B) in a grade or grades higher than the grade to which demoted; and

5) whose work performance during the 2-year period is satisfactory or better;

is entitled to basic pay at the rate to which he was entitled immediately before the reduction in grade (including each increase in rate of basic pay provided by statute) for a period of 2 years from the effective date of the reduction in grade, so long as he—

(A) continues in the same agency without a break in service of one workday or more;

(B) is not entitled to a higher rate of basic pay by operation of this subchapter or chapter 51 of this title; and

(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force due to lack of funds or curtailment of work.

(b) The rate of basic pay to which an employee is entitled under subsection (a) of this section with respect to each reduction in grade to which this section applies may not exceed the sum of—

1) the minimum rate of the grade to which he is reduced under each reduction in grade to which this section applies (including each increase in rate of basic pay provided by statute); and

2) the difference between his rate immediately before the first reduction in grade to which this section applies (including each increase in rate of basic pay provided by statute) and the minimum rate of that grade which is three grades lower than the grade from which he was reduced under the first of the reductions in grade (including each increase in the rate of basic pay provided by statute).

§ 5338. Regulations

The Civil Service Commission may prescribe regulations necessary for the administration of this subchapter.
SUBCHAPTER IV—PREVAILING RATE SYSTEMS

§ 5341. Trades and crafts
(a) The pay of employees excepted from chapter 51 of this title by section 5102(c)(7) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates.
(b) When the Civil Service Commission concurs in a finding by the employing agency that in a given area the number of employees to whom this section applies is so few as to make prevailing rate determinations impracticable, these employees are subject to the provisions of subchapter III of this chapter and chapter 51 of this title which are applicable to positions of equivalent difficulty or responsibility.

§ 5342. Crews of vessels
(a) Except as provided by subsection (b) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.
(b) Vessel employees of the Panama Canal Company may be paid in accordance with the wage practices of the maritime industry.

§ 5343. Effective date of pay increase
Each increase in rates of basic pay granted, pursuant to a wage survey, to employees whose pay is fixed and adjusted under section 5341 of this title is effective, as follows:
(1) If the wage survey is made by an agency, either alone or with another agency, with respect to its own employees, the increase is effective for its employees not later than the first day of the first pay period which begins after the 44th day, excluding Saturdays and Sundays, following the date on which the wage survey was ordered to be made.
(2) If the wage survey is made by an agency, either alone or with another agency, and is used by an agency which did not participate in making the survey, the increase is effective for the employees of the agency which did not participate in the survey not later than the first day of the first pay period which begins after the 19th day, excluding Saturdays and Sundays, following the date on which the agency which did not participate receives the data collected in the survey necessary for the granting of the increase.

§ 5344. Retroactive pay
(a) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in section 5343 of this title only when—
(1) the individual is in the service of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or
(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.
(b) For the purpose of this section, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service in the armed forces or discharged from hospitalization following that training and service.
§ 5351. Definitions
For the purpose of this subchapter—
(1) "agency" means an Executive agency, a military department, and the government of the District of Columbia; and
(2) "student-employee" means—
(A) a student nurse, medical or dental intern, resident-in-training, student dietitian, student physical therapist, and student occupational therapist, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by an agency; and
(B) any other student-employee, assigned or attached primarily for training purposes to a hospital, clinic, or medical or dental laboratory operated by an agency, who is designated by the head of the agency with the approval of the Civil Service Commission.

§ 5352. Stipends
The head of each agency shall fix the stipends of his student-employees. The stipend may not exceed the applicable maximum prescribed by the Civil Service Commission.

§ 5353. Quarters, subsistence, and laundry
An agency may provide living quarters, subsistence, and laundering to student-employees while at the hospitals, clinics, or laboratories. The reasonable value of the accommodations, when furnished, shall be deducted from the stipend of the student-employee. The head of the agency concerned shall fix the reasonable value of the accommodations at an amount not less than the lowest deduction applicable to regular employees at the same hospital, clinic, or laboratory for similar accommodations.

§ 5354. Effect of detail or affiliation; travel expenses
(a) Status as a student-employee is not terminated by a temporary detail to or affiliation with another Government or non-Government institution to procure necessary supplementary training or experience pursuant to an order of the head of the agency. A student-employee may receive his stipend and other perquisites provided under this subchapter from the hospital, clinic, or laboratory to which he is assigned or attached for not more than 60 days of a detail or affiliation for each training year, as defined by the head of the agency.
(b) When the detail or affiliation under subsection (a) of this section is to or with another Federal institution, the student-employee is entitled to necessary expenses of travel to and from the institution in accordance with subchapter I of chapter 57 of this title.

§ 5355. Effect on other statutes
This subchapter does not limit the authority conferred on the Administrator of Veterans' Affairs by chapter 73 of title 38.

§ 5356. Appropriations
Funds appropriated to an agency for expenses of its hospitals, clinics, and laboratories to which student-employees are assigned or attached are available to carry out the provisions of this subchapter.
SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 5361. Scientific and professional positions

Subject to the approval of the Civil Service Commission, the head of the agency concerned shall fix the annual rate of basic pay for scientific and professional positions established under section 3104 of this title at not less than the minimum rate for GS-16 nor more than the maximum rate for GS-18.

§ 5362. Hearing examiners

Hearing examiners appointed under section 3105 of this title are entitled to pay prescribed by the Civil Service Commission independently of agency recommendations or ratings and in accordance with subchapter III of this chapter and chapter 51 of this title.

§ 5363. Limitation on pay fixed by administrative action

Except as provided by the Government Employees Salary Reform Act of 1964 (78 Stat. 400) and notwithstanding the provisions of other statutes, the head of an Executive agency or military department who is authorized to fix by administrative action the annual rate of basic pay for a position or employee may not fix the rate at more than the maximum rate for GS-18. This section does not impair the authorities provided by—

(1) section 121 of title 2, Canal Zone Code (76A Stat. 15);
(2) sections 248, 481, and 1819 of title 12;
(3) section 831b of title 16; or
(4) sections 403a–403c, 403e–403h, and 403j of title 50.

§ 5364. Miscellaneous positions in the executive branch

The head of the agency concerned shall fix the annual rate of basic pay for each position in the executive branch specifically referred to in, or covered by, a conforming change in statute made by section 305 of the Government Employees Salary Reform Act of 1964 (78 Stat. 422), or other position in the executive branch for which the annual pay is fixed at a rate of $18,500 or more under special provision of statute enacted before August 14, 1964, which is not placed in a level of the Executive Schedule set forth in subchapter II of this chapter, at a rate equal to the pay rate of a grade and step of the General Schedule set forth in section 5332 of this title. The head of the agency concerned shall report each action taken under this section to the Civil Service Commission and publish a notice thereof in the Federal Register, except when the President determines that the report and publication would be contrary to the interest of national security.

CHAPTER 55—PAY ADMINISTRATION

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SUBCHAPTER I—GENERAL PROVISIONS

§ 5501. Disposition of money accruing from lapsed salaries or unused appropriations for salaries
Money accruing from lapsed salaries or from unused appropriations for salaries shall be covered into the Treasury of the United States. An individual who violates this section shall be removed from the service.

§ 5502. Unauthorized office; prohibition on use of funds
(a) Payment for services may not be made from the Treasury of the United States to an individual acting or assuming to act as an officer in the civil service or uniformed services in an office which is not authorized by existing law, unless the office is later sanctioned by law.
(b) Except as otherwise provided by statute, public money and appropriations may not be used for pay or allowance for an individual employed by an official of the United States retired from active service.

§ 5503. Recess appointments
(a) Payment for services may not be made from the Treasury of the United States to an individual appointed during a recess of the Senate to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until the appointee has been confirmed by the Senate. This subsection does not apply—
(1) if the vacancy arose within 30 days before the end of the session of the Senate;
(2) if, at the end of the session, a nomination for the office, other than the nomination of an individual appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or
(3) if a nomination for the office was rejected by the Senate within 30 days before the end of the session and an individual other than the one whose nomination was rejected thereafter receives a recess appointment.
(b) A nomination to fill a vacancy referred to by paragraph (1), (2), or (3) of subsection (a) of this section shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate.

§ 5504. Biweekly pay periods; computation of pay
(a) The pay period for an employee covers two administrative workweeks. For the purpose of this subsection, “employee” means—
(1) an employee in or under an Executive agency;
(2) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(c) of this title; and

(3) an individual employed by the government of the District of Columbia;

but does not include—

(A) an employee on the Isthmus of Panama in the service of the Canal Zone Government or the Panama Canal Company; or

(B) an employee or individual excluded from the definition of employee in section 5541(2) of this title.

(b) For pay computation purposes affecting an employee, the annual rate of basic pay established by or under statute is deemed payment for employment during 52 basic administrative workweeks of 40 hours. When it is necessary for computation of pay under this subsection to convert an annual rate of basic pay to a basic hourly, daily, weekly, or biweekly rate, the following rules govern:

(1) To derive an hourly rate, divide the annual rate by 2,080.

(2) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required.

(3) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

Rates are computed to the nearest cent, counting one-half and over as a whole cent. For the purpose of this subsection, “employee” means—

(A) an employee in or under an Executive agency;

(B) an employee in or under the judicial branch;

(C) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(c) of this title; and

(D) an individual employed by the government of the District of Columbia;

but does not include an employee or individual excluded from the definition of employee in section 5541(2) of this title.

(c) The Civil Service Commission may prescribe regulations, subject to the approval of the President, necessary for the administration of this section insofar as this section affects employees in or under an Executive agency.

§ 5505. Monthly pay periods; computation of pay

The pay period for an individual in the service of the United States whose pay is monthly or annual covers one calendar month, and the following rules for division of time and computation of pay for services performed govern:

(1) A month’s pay is one-twelfth of a year’s pay.

(2) A day’s pay is one-thirtieth of a month’s pay.

(3) The 31st day of a calendar month is ignored in computing pay, except that one day’s pay is forfeited for one day’s unauthorized absence on the 31st day of a calendar month.

(4) For each day of the month elapsing before entering the service, one day’s pay is deducted from the first month’s pay of the individual.

This section does not apply to an employee whose pay is computed under section 5504(b) of this title.

§ 5506. Computation of extra pay based on standard or daylight saving time

When an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia
is entitled to extra pay for services performed between or after certain named hours of the day or night, the extra pay is computed on the basis of either standard or daylight saving time, depending on the time observed by law, custom, or practice where the services are performed.

§ 5507. Officer affidavit; condition to pay
An officer required by section 3332 of this title to file an affidavit may not be paid until the affidavit has been filed.

§ 5508. Officer entitled to leave; effect on pay status
An officer in the executive branch and an officer of the government of the District of Columbia to whom subchapter I of chapter 63 of this title applies are not entitled to the pay of their offices solely because of their status as officers.

§ 5509. Appropriations
There are authorized to be appropriated sums necessary to carry out the provisions of this title.

SUBCHAPTER II—WITHHOLDING PAY

§ 5511. Withholding pay; employees removed for cause
(a) Except as provided by subsection (b) of this section, the earned pay of an employee removed for cause may not be withheld or confiscated.

(b) If an employee indebted to the United States is removed for cause, the pay accruing to the employee shall be applied in whole or in part to the satisfaction of any claim or indebtedness due the United States.

§ 5512. Withholding pay; individuals in arrears
(a) The pay of an individual in arrears to the United States shall be withheld until he has accounted for and paid into the Treasury of the United States all sums for which he is liable.

(b) When pay is withheld under subsection (a) of this section, the General Accounting Office, on request of the individual, his agent, or his attorney, shall report immediately to the Attorney General the balance due; and the Attorney General, within 60 days, shall order suit to be commenced against the individual and his sureties.

§ 5513. Withholding pay; credit disallowed or charge raised for payment
When the General Accounting Office, on a statement of the account of a disbursing or certifying official of the United States, disallows credit or raises a charge for a payment to an individual in or under an Executive agency otherwise entitled to pay, the pay of the payee shall be withheld in whole or in part until full reimbursement is made under regulations prescribed by the head of the Executive agency from which the payee is entitled to receive pay. This section does not repeal or modify existing statutes relating to the collection of the indebtedness of an accountable, certifying, or disbursing official.

§ 5514. Installment deduction for indebtedness because of erroneous payment
(a) When the head of the agency concerned or his designee determines that an employee, a member of the armed forces, or a Reserve of the armed forces, is indebted to the United States because of an erroneous payment made by the agency to or on behalf of the individual, the amount of the indebtedness may be collected in monthly installments, or at officially established regular pay period

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intervals, by deduction in reasonable amounts from the current pay account of the individual. The deductions may be made only from basic pay, special pay, incentive pay, retired pay, retainer pay, or, in the case of an individual not entitled to basic pay, other authorized pay. Collection shall be made over a period not greater than the anticipated period of active duty or employment, as the case may be. The amount deducted for any period may not exceed two-thirds of the pay from which the deduction is made, unless the deduction of a greater amount is necessary to make the collection within the period of anticipated active duty or employment. If the individual retires or resigns, or if his employment or period of active duty otherwise ends, before collection of the amount of the indebtedness is completed, deduction shall be made from later payments of any nature due the individual from the agency concerned.

(b) The head of each agency shall prescribe regulations, subject to the approval of the Director of the Bureau of the Budget, to carry out this section and section 581d of title 31. Regulations prescribed by the Secretaries of the military departments shall be uniform for the military services insofar as practicable.

(c) Subsection (a) of this section does not modify existing statutes which provide for forfeiture of pay or allowances. This section and section 581d of title 31 do not repeal, modify, or amend section 4837(d) or 9837 (d) of title 10 or section 1007 (b), (c) of title 37.

§ 5515. Crediting amounts received for jury service in State courts

An amount received by an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia for jury service in a State court for a period during which the employee or individual is entitled to leave under section 6322 of this title shall be credited against pay payable by the United States or the District of Columbia to the employee or individual.

§ 5516. Withholding District of Columbia income taxes

(a) The Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the Commissioners of the District of Columbia within 120 days of a request for agreement from the Commissioners. The agreement shall provide that the head of each agency of the United States shall comply with the requirements of subchapter II of chapter 15 of title 47, District of Columbia Code, in the case of employees of the agency who are subject to income taxes imposed by that subchapter and whose regular place of employment is within the District of Columbia. The agreement may not apply to pay for service as a member of the armed forces, or to pay of an employee who is not a resident of the District of Columbia as defined in subchapter II of chapter 15 of title 47, District of Columbia Code. For the purpose of this subsection, "employee" has the meaning given it by section 1551c(z) of title 47, District of Columbia Code.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section.

§ 5517. Withholding State income taxes

(a) When a State statute—

(1) provides for the collection of a tax by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the State; and
(2) imposes the duty to withhold generally with respect to the pay of employees who are residents of the State;

the Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the head of each agency of the United States shall comply with the requirements of the State withholding statute in the case of employees of the agency who are subject to the tax and whose regular place of Federal employment is within the State with which the agreement is made. The agreement may not apply to pay for service as a member of the armed forces.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section. An agency of the United States may not accept pay from a State for services performed in withholding State income taxes from the pay of the employees of the agency.

(c) For the purpose of this section, “State” means a State or territory or possession of the United States.

§ 5518. Deductions for State retirement systems; National Guard employees

When—

(1) a State statute provides for the payment of employee contributions to a State employee retirement system or to a State sponsored plan providing retirement, disability, or death benefits, by withholding sums from the pay of State employees and making returns of the sums withheld to State authorities or to the person or organization designated by State authorities to receive sums withheld for the program; and

(2) individuals employed by the Army National Guard and the Air National Guard, except employees of the National Guard Bureau, are eligible for membership in a State employee retirement system or other State sponsored plan;

the Secretary of Defense, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Department of Defense shall comply with the requirements of State statute as to the individuals named by paragraph (2) of this section who are eligible for membership in the State employee retirement system. The disbursing officials paying these individuals shall withhold and pay to the State employee retirement system or to the person or organization designated by State authorities to receive sums withheld for the program the employee contributions for these individuals. For the purpose of this section, “State” means a State or territory or possession of the United States including the Commonwealth of Puerto Rico.

SUBCHAPTER III—ADVANCEMENT, ALLOTMENT, AND ASSIGNMENT OF PAY

§ 5521. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency;

(B) the judicial branch;

(C) the Library of Congress;

(D) the Government Printing Office; and

(E) the government of the District of Columbia;
(2) "employee" means an individual employed in or under an agency;
(3) "head of each agency" means—
   (A) the Director of the Administrative Office of the United States Courts with respect to the judicial branch; and
   (B) the Board of Commissioners of the District of Columbia with respect to the government of the District of Columbia; and
(4) "United States", when used in a geographical sense, means the several States and the District of Columbia.

§ 5522. Advance payments; rates; amounts recoverable
(a) The head of each agency may provide for the advance payment of the pay, allowances, and differentials, or any of them, covering a period of not more than 80 days, to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency) whose evacuation (or that of his dependents or immediate family, as the case may be) from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life or lives of the employee or of his dependents or immediate family.
(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, the advance payment of pay, allowances, and differentials is at rates currently authorized with respect to the employee on the date the advance payment is made under agency procedures governing advance payments under this subsection. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the evacuation order.
(c) An advance of funds under subsection (a) of this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or his estate by—
   (1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and
   (2) such other method as is provided by law.
The head of the agency concerned may waive in whole or in part a right of recovery of an advance of funds under subsection (a) of this section, if it is shown that the recovery would be against equity and good conscience or against the public interest.

§ 5523. Duration of payments; rates; active service period
(a) The head of each agency may provide for—
   (1) the payment of monetary amounts covering a period of not more than 60 days to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency)—
      (A) whose evacuation from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life of the employee; and
      (B) who is prevented, by circumstances beyond his control and beyond the control of the Government of the United States or the government of the District of Columbia, or both, as the case may be, from performing the duties of the posi-
tion which he held immediately before issuance of the evacuation order; and
(2) the termination of payment of the monetary amounts.
The President, with respect to the Executive agencies, may extend the
60-day period for not more than 120 additional days if he determines
that the extension of the period is in the interest of the United States.
(b) Subject to adjustment of the account of an employee under
section 5524 of this title and other applicable statute, each payment
under this section is at rates of pay, allowances, and differentials, or
any of them, currently authorized with respect to the employee on the
date payment is made under agency procedures governing payments
under this section. The rates so authorized may not exceed the rates
to which the employee was entitled immediately before issuance of the
evacuation order. An employee in an Executive agency may be
granted such additional allowance payments as the President deter-
mines necessary to offset the direct added expenses incident to the
evacuation.
(c) Each period for which payment of amounts is made under this
section to or for the account of an employee is deemed, for all purposes
with respect to the employee, a period of active service, without break
in service, performed by the employee in the employment of the Gov-
ernment of the United States or the government of the District of
Columbia.
§ 5524. Review of accounts
The head of each agency shall provide for—
(1) the review of the account of each employee of the agency
in receipt of payments under section 5522 or 5523 of this title, or
both, as the case may be; and
(2) the adjustment of the amounts of the payments on the
basis of—
(A) the rates of pay, allowances, and differentials to which
the employee would have been entitled under applicable
statute other than this subchapter for the respective periods
covered by the payments, if he had performed active service
under the terms of his appointment during each period in the
position he held immediately before the issuance of the appli-
cable evacuation order; and
(B) such additional amounts as the employee is author-
ized to receive in accordance with a determination of the
President under section 5523(b) of this title.
§ 5525. Allotment and assignment of pay
The head of each agency may establish procedures under which each
employee of the agency is permitted to make allotments and assign-
ments of amounts out of his pay for such purpose as the head of the
agency considers appropriate.
§ 5526. Funds available on reimbursable basis
Funds available to an agency for payment of pay, allowances, and
differentials to or for the accounts of employees of the agency are
available on a reimbursable basis for payment of pay, allowances, and
differentials to or for the accounts of employees of another agency
under this subchapter.
§ 5527. Regulations
(a) To the extent practicable in the public interest, the President
shall coordinate the policies and procedures of the respective Execu-
tive agencies under this subchapter.
(b) The President, with respect to the Executive agencies, and the head of the agency concerned, with respect to the appropriate agency outside the executive branch, shall prescribe and issue, or provide for the formulation and issuance of, regulations necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration of this subchapter.

(c) The head of each Executive agency may prescribe and issue regulations, not inconsistent with the regulations of the President issued under subsection (b) of this section, necessary and appropriate to carry out his functions under this subchapter.

SUBCHAPTER IV—DUAL PAY AND DUAL EMPLOYMENT

§ 5531. Definitions
For the purpose of sections 5532 and 5533 of this title—

(1) "officer" has the meaning given it by section 101 of title 37;

and

(2) "position" means a civilian office or position (including a temporary, part-time, or intermittent position), appointive or elective, in the legislative, executive, or judicial branch of the Government of the United States (including a Government corporation and a nonappropriated fund instrumentality under the jurisdiction of the armed forces) or in the government of the District of Columbia.

§ 5532. Employment of retired officers of the uniformed services; reduction in retired or retirement pay; exceptions
(a) For the purpose of this section, "period for which he receives pay" means the full calendar period for which a retired officer of a regular component of a uniformed service receives the pay of a position when employed on a full-time basis, but only the days for which he actually receives that pay when employed on a part-time or intermittent basis.

(b) A retired officer of a regular component of a uniformed service who holds a position is entitled to receive the full pay of the position, but during the period for which he receives pay, his retired or retirement pay shall be reduced to an annual rate equal to the first $2,000 of the retired or retirement pay plus one-half of the remainder, if any. In the operation of the formula for the reduction of retired or retirement pay under this subsection, the amount of $2,000 shall be increased, from time to time, by appropriate percentage, in direct proportion to each increase in retired or retirement pay under section 1401a(b) of title 10 to reflect changes in the Consumer Price Index.

(c) The reduction in retired or retirement pay required by subsection (b) of this section does not apply to a retired officer of a regular component of a uniformed service—

(1) whose retirement was based on disability—

(A) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(B) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by sections 101 and 301 of title 38; or

(2) employed on a temporary (full-time or part-time) basis, any other part-time basis, or an intermittent basis, for the first 30-day period for which he receives pay.
The exemption from reduction in retired or retirement pay under paragraph (2) of this subsection does not apply longer than—

(i) the first 30-day period for which he receives pay under one appointment from the position in which he is employed, if he is serving under not more than one appointment; and

(ii) the first period for which he receives pay under more than one appointment, in a fiscal year, which consists in the aggregate of 30 days, from all positions in which he is employed, if he is serving under more than one appointment in that fiscal year.

(d) Except as otherwise provided by this subsection, the Civil Service Commission, subject to the supervision and control of the President, may prescribe regulations under which exceptions may be made to the restrictions in subsection (b) of this section when appropriate authority determines that the exceptions are warranted because of special or emergency employment needs which otherwise cannot be readily met. The President of the Senate with respect to the United States Senate, the Speaker of the House of Representatives with respect to the United States House of Representatives, and the Architect of the Capitol with respect to the Office of the Architect of the Capitol each may provide for a means by which exceptions may be made to the restrictions in subsection (b) of this section when he determines that the exceptions are warranted because of special or emergency employment needs which otherwise cannot be readily met. The Administrator of the National Aeronautics and Space Administration may except, at any time, an individual appointed to a scientific, engineering, or administrative position under section 2473(b)(2)(A) of title 42 from the restrictions in subsection (b) of this section when he determines that the exception is warranted because of special or emergency employment needs which otherwise cannot be readily met, but not more than 30 exceptions may exist at any one time under this authority.

§ 5533. Dual pay from more than one position; limitations; exceptions

(a) Except as provided by subsections (b), (c), and (d) of this section, an individual is not entitled to receive basic pay from more than one position for more than an aggregate of 40 hours of work in one calendar week (Sunday through Saturday).

(b) Except as otherwise provided by subsection (c) of this section, the Civil Service Commission, subject to the supervision and control of the President, may prescribe regulations under which exceptions may be made to the restrictions in subsection (a) of this section when appropriate authority determines that the exceptions are warranted because personal services otherwise cannot be readily obtained.

(c) Unless otherwise authorized by law, appropriated funds are not available for payment to an individual of pay from more than one position if the aggregate amount of the basic pay from the positions is more than $2,000 a year, and if—

(1) the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) one of the positions is under the Office of the Architect of the Capitol.

(d) Subsection (a) of this section does not apply to—

(1) pay on a when-actually-employed basis received from more than one consultant or expert position if the pay is not received for the same hours of the same day;

(2) pay consisting of fees paid on other than a time basis;

(3) pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period;
(4) pay paid by the Tennessee Valley Authority to an employee performing part-time or intermittent work in addition to his normal duties when the Authority considers it to be in the interest of efficiency and economy;
(5) pay received by an individual holding a position—
(A) the pay of which is paid by the Secretary of the Senate or the Clerk of the House of Representatives; or
(B) under the Architect of the Capitol;
(6) pay paid by the United States Coast Guard to an employee occupying a part-time position of lamplighter; and
(7) pay within the purview of any of the following statutes:
(A) section 162 of title 2;
(B) section 23(b) of title 13;
(C) section 327 of title 15;
(D) section 907 of title 20;
(E) section 873 of title 33;
(F) section 3335(a) or (c) of title 39;
(G) section 631 or 631a of title 31, District of Columbia Code; or
(H) section 102 of title 2, Canal Zone Code.
(e) This section does not apply to an individual employed under sections 174j-1 to 174j-7 or 174k of title 40.
§ 5534. Dual employment and pay of Reserves and National Guardsmen
A Reserve of the armed forces or member of the National Guard may accept a civilian office or position under the Government of the United States or the government of the District of Columbia, and he is entitled to receive the pay of that office or position in addition to pay and allowances as a Reserve or member of the National Guard.
§ 5535. Extra pay for details prohibited
(a) An officer may not receive pay in addition to the pay for his regular office for performing the duties of a vacant office as authorized by sections 3345–3347 of this title.
(b) An employee may not receive—
(1) additional pay or allowances for performing the duties of another employee; or
(2) pay in addition to the regular pay received for employment held before his appointment or designation as acting for or instead of an occupant of another position or employment.
This subsection does not prevent a regular and permanent appointment by promotion from a lower to a higher grade of employment.
§ 5536. Extra pay for extra services prohibited
An employee or a member of a uniformed service whose pay or allowance is fixed by statute or regulation may not receive additional pay or allowance for the disbursement of public money or for any other service or duty, unless specifically authorized by law and the appropriation therefor specifically states that it is for the additional pay or allowance.
§ 5537. Fees for jury service in courts of the United States
An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia may not receive fees for jury service in a court of the United States.
§ 5541. Definitions
For the purpose of this subchapter—
(1) "agency" means—
   (A) an Executive agency;
   (B) a military department;
   (C) an agency in the judicial branch;
   (D) the Library of Congress;
   (E) the Botanic Garden;
   (F) the Office of the Architect of the Capitol; and
   (G) the government of the District of Columbia; and
(2) "employee" means—
   (A) an employee in or under an Executive agency;
   (B) an individual employed by the government of the
       District of Columbia; and
   (C) an employee in or under the judicial branch, the
       Library of Congress, the Botanic Garden, and the Office of
       the Architect of the Capitol, who occupies a position subject
       to chapter 51 and subchapter III of chapter 53 of this title;
but does not include—
   (i) a justice or judge of the United States;
   (ii) the head of an agency other than the government of
        the District of Columbia;
   (iii) a teacher, school official, or employee of the Board
        of Education of the District of Columbia, whose pay is fixed
        under chapter 15 of title 31, District of Columbia Code;
   (iv) a member of the Metropolitan Police, the Fire De-
        partment of the District of Columbia, the United States
        Park Police, or the White House Police;
   (v) a student-employee as defined by section 5351 of this
       title;
   (vi) an employee in the postal field service;
   (vii) an employee outside the continental United States
        or in Alaska who is paid in accordance with local native
        prevailing wage rates for the area in which employed;
   (viii) an employee of the Tennessee Valley Authority;
   (ix) an individual to whom section 1291(a) of title 50,
        appendix, applies;
   (x) an employee of a Federal land bank, a Federal inter-
       mediate credit bank, or a bank for cooperatives;
   (xi) an employee whose basic pay is fixed and adjusted
        from time to time in accordance with prevailing rates by
        a wage board or similar administrative authority serving the
        same purpose, except as provided by section 5544 of this title;
   (xii) an employee of the Transportation Corps of the
        Army on a vessel operated by the United States, a vessel
        employee of the Coast and Geodetic Survey, a vessel employee
        of the Department of the Interior, or a vessel employee of
        the Panama Canal Company; or
   (xiii) a “teacher” or an individual holding a “teaching
        position” as defined by section 901 of title 20.
§ 5542. Overtime rates; computation
(a) Hours of work officially ordered or approved in excess of 40
    hours in an administrative workweek performed by an employee are
    overtime work and shall be paid for, except as otherwise provided by
    this subchapter, at the following rates:
   (1) For an employee whose basic pay is at a rate which does
       not exceed the minimum rate of basic pay for GS–9, the overtime
hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.

(2) For an employee whose basic pay is at a rate which exceeds the minimum rate of basic pay for GS-9, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of the minimum rate of basic pay for GS-9, and all that amount is premium pay.

(b) For the purpose of this subchapter—

(1) unscheduled overtime work performed by an employee on a day when work was not scheduled for him, or for which he is required to return to his place of employment, is deemed at least 2 hours in duration; and

(2) time spent in a travel status away from the official-duty station of an employee is not hours of employment unless—

(A) the time spent is within the days and hours of the regularly scheduled administrative workweek of the employee, including regularly scheduled overtime hours; or

(B) the travel involves the performance of work while traveling or is carried out under arduous conditions.

§ 5543. Compensatory time off

(a) The head of an agency may—

(1) on request of an employee, grant the employee compensatory time off from his scheduled tour of duty instead of payment for an equal amount of time spent in irregular or occasional overtime work; and

(2) provide that an employee whose rate of basic pay is in excess of the maximum rate of basic pay for GS-9 shall be granted compensatory time off from his scheduled tour of duty equal to the amount of time spent in irregular or occasional overtime work instead of being paid for that work under section 5542 of this title.

(b) The Architect of the Capitol may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work.

§ 5544. Wage-board overtime rates; computation

(a) An employee whose basic rate of pay is fixed and adjusted from time to time in accordance with prevailing rates by a wage board or similar administrative authority serving the same purpose is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week. However, an employee subject to this subsection who regularly is required to remain at or within the confines of his post of duty in excess of 8 hours a day in a standby or on-call status is entitled to overtime pay only for hours of duty, exclusive of eating and sleeping time, in excess of 40 a week. The overtime hourly rate of pay is computed as follows:

(1) If the basic rate of pay of the employee is fixed on a basis other than an annual or monthly basis, multiply the basic hourly rate of pay by not less than one and one-half.

(2) If the basic rate of pay of the employee is fixed on an annual basis, divide the basic annual rate of pay by 2,080, and multiply the quotient by one and one-half.

(3) If the basic rate of pay of the employee is fixed on a monthly basis, multiply the basic monthly rate of pay by 12 to derive a basic annual rate of pay, divide the basic annual rate of pay by 2,080, and multiply the quotient by one and one-half.

(b) An employee under the Office of the Architect of the Capitol who is paid on a daily or hourly basis and who is not subject to chapter
51 and subchapter III of chapter 53 of this title is entitled to overtime pay for overtime work in accordance with subsection (a) of this section. The overtime hourly rate of pay is computed in accordance with subsection (a) (1) of this section.

§ 5545. Night, standby, and irregular duty differential
(a) Except as provided by subsection (b) of this section, nightwork is regularly scheduled work between the hours of 6:00 p.m. and 6:00 a.m., and includes—

(1) periods of absence with pay during these hours due to holidays; and

(2) periods of leave with pay during these hours if the periods of leave with pay during a pay period total less than 8 hours.

Except as otherwise provided by subsection (c) of this section, an employee is entitled to pay for nightwork at his rate of basic pay plus premium pay amounting to 10 percent of that basic rate. This subsection and subsection (b) of this section do not modify section 180 of title 31, or other statute authorizing additional pay for nightwork.

(b) The head of an agency may designate a time after 6:00 p.m. and a time before 6:00 a.m. as the beginning and end, respectively, of nightwork for the purpose of subsection (a) of this section, at a post outside the United States where the customary hours of business extend into the hours of nightwork provided by subsection (a) of this section.

(c) The head of an agency, with the approval of the Civil Service Commission, may provide that—

(1) an employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-9, by taking into consideration the number of hours of actual work required in the position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of the position are made more onerous by night or holiday work, or by being extended over periods of more than 40 hours a week, and other relevant factors; or

(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime duty. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 15 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-9, by taking into consideration the frequency and duration of night, holiday, and unscheduled overtime duty required in the position.
§ 5546. Pay for holiday work
(a) An employee who performs work on a holiday designated by Federal statute, Executive order, or with respect to an employee of the government of the District of Columbia, by order of the Board of Commissioners of the District of Columbia, is entitled to pay at the rate of his basic pay, plus premium pay at a rate equal to the rate of his basic pay, for that holiday work which is not—
   (1) in excess of 8 hours; or
   (2) overtime work as defined by section 5542(a) of this title.
(b) An employee who is required to perform any work on a designated holiday is entitled to pay for at least 2 hours of holiday work.
(c) An employee who performs overtime work as defined by section 5542(a) of this title on a Sunday or a designated holiday is entitled to pay for that overtime work in accordance with section 5542(a) of this title.
(d) Premium pay under this section is in addition to premium pay which may be due for the same work under section 5545 (a) and (b) of this title, providing premium pay for nightwork.

§ 5547. Limitation on premium pay
An employee may be paid premium pay under this subchapter only to the extent that the payment does not cause his aggregate rate of pay for any pay period to exceed the maximum rate for GS-15.

§ 5548. Regulations
The Civil Service Commission may prescribe regulations, subject to the approval of the President, necessary for the administration of this subchapter, except section 5544, insofar as this subchapter affects employees in or under an Executive agency.

§ 5549. Effect on other statutes
This subchapter does not prevent payment for overtime services or for Sunday or holiday work under any of the following statutes—
   (1) section 394 of title 7;
   (2) sections 1353a and 1353b of title 8;
   (3) sections 261, 267, 1450, 1451, 1451a, and 1452 of title 19;
   (4) section 382b of title 46; and
   (5) section 154(f) (3) of title 47.
However, an employee may not receive premium pay under this subchapter for the same services for which he is paid under one of these statutes.

SUBCHAPTER VI—PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE

§ 5551. Lump-sum payment for accumulated and accrued leave on separation
(a) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is separated from the service or elects to receive a lump-sum payment for leave under section 5552 of this title, is entitled to receive a lump-sum payment for accumulated and current accrued annual or vacation leave to which he is entitled by statute. The lump-sum payment shall equal the pay the employee or individual would have received had he remained in the service until expiration of the period of the annual or vacation leave, except that it may not exceed pay for a period of annual or vacation leave in excess of 30 days or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is greater. The lump-sum payment is considered pay for taxation purposes only.
(b) The accumulated and current accrued annual leave to which an officer excepted from subchapter I of chapter 63 of this title by section 6301(2)(x)-(xii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump-sum payment in accordance with subsection (a) of this section or sub-


chapter VIII of this chapter, except that the payment is—

1. based on the rate of pay which he was receiving immediately before the date on which section 6301(2)(x)-(xii) of this title became applicable to him; and

2. made without regard to the limitation in subsection (a) of this section on the amount of leave compensable.

§ 5552. Lump-sum payment for accumulated and accrued leave on entering active duty; election

An employee as defined by section 2105 of this title or an individual employed by a territory or possession of the United States or the government of the District of Columbia who enters on active duty in the armed forces is entitled to—

1. receive, in addition to his pay and allowances from the armed forces, a lump-sum payment for accumulated and current accrued annual or vacation leave in accordance with section 5551 of this title; or

2. elect to have the leave remain to his credit until his return from active duty.

SUBCHAPTER VII—PAYMENTS TO MISSING EMPLOYEES

§ 5561. Definitions

For the purpose of this subchapter—

1. “agency” means an Executive agency and a military department;

2. “employee” means an employee in or under an agency who is a citizen or national of the United States or an alien admitted to the United States for permanent residence, but does not include a part-time or intermittent employee or native labor casually hired on an hourly or daily basis. However, such an employee who enters a status listed in paragraph (5)(A)-(E) of this section—

(A) inside the continental United States; or

(B) who is a resident at or in the vicinity of his place of employment in a territory or possession of the United States or in a foreign country and who was not living there solely as a result of his employment;

is an employee for the purpose of this subchapter only on a determination by the head of the agency concerned that this status is the proximate result of employment by the agency;

3. “dependent” means—

(A) a wife;

(B) an unmarried child (including an unmarried depend-

ent stepchild or adopted child) under 21 years of age;

(C) a dependent mother or father;

(D) a dependent designated in official records; and

(E) an individual determined to be dependent by the head of the agency concerned or his designee;

4. “active service” means active Federal service by an employee;
(5) “missing status” means the status of an employee who is in active service and is officially carried or determined to be absent in a status of—

(A) missing;
(B) missing in action;
(C) interned in a foreign country;
(D) captured, beleaguered, or besieged by a hostile force;

or

(E) detained in a foreign country against his will;

but does not include the status of an employee for a period during which he is officially determined to be absent from his post of duty without authority; and

(6) “pay and allowances” means—

(A) basic pay;
(B) special pay;
(C) incentive pay;
(D) basic allowance for quarters;
(E) basic allowance for subsistence; and
(F) station per diem allowances for not more than 90 days.

§ 5562. Pay and allowances; continuance while in a missing status; limitations

(a) An employee in a missing status is entitled to receive or have credited to his account, for the period he is in that status, the same pay and allowances to which he was entitled at the beginning of that period or may become entitled thereafter.

(b) Entitlement to pay and allowances under subsection (a) of this section ends on the date of—

(1) receipt by the head of the agency concerned of evidence that the employee is dead; or

(2) death prescribed or determined under section 5565 of this title.

That entitlement does not end—

(A) on the expiration of the term of service or employment of an employee while he is in a missing status; or

(B) earlier than the dates prescribed in paragraphs (1) and (2) of this subsection if the employee dies while he is in a missing status.

(c) An employee who is officially determined to be absent from his post of duty without authority is indebted to the United States for payments of amounts credited to his account under subsection (a) of this section for the period of that absence.

(d) When an employee in a missing status is continued in that status under section 5565 of this title, he continues to be entitled to have pay and allowances credited under subsection (a) of this section.

§ 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations

(a) An allotment (including one for the purchase of United States savings bonds) made by an employee before he was in a missing status may be continued for the period he is in that status, notwithstanding the end of the period for which the allotment was made.

(b) In the absence of an allotment or when an allotment is insufficient for a purpose authorized by the head of the agency concerned, he or his designee may authorize such a new or increased allotment as circumstances warrant, which is payable for the period the employee concerned is in a missing status.
(c) All allotments from the pay and allowances of an employee in a missing status may not total more than the amount of pay and allowances he is permitted to allot under regulations prescribed by the head of the agency concerned.

(d) A premium paid by the United States on insurance issued on the life of an employee, which is unearned because it covers a period after his death, reverts to the appropriation of the agency concerned.

(e) Subject to subsections (f) and (g) of this section, the head of the agency concerned or his designee may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of an allotment from the pay and allowances of an employee in a missing status when that action is in the interests of the employee, his dependents, or the United States.

(f) When the head of the agency concerned officially reports that an employee in a missing status is alive, an allotment under subsections (a)-(d) of this section may be paid, subject to section 5562 of this title, until the date the head of the agency concerned receives evidence that the employee is dead or has returned to the controllable jurisdiction of the agency concerned.

(g) When an employee in a missing status is continued in that status under section 5565 of this title, an allotment under subsections (a)-(d) of this section may be continued, increased, or initiated.

(h) When the head of the agency concerned considers it essential for the well-being and protection of the dependents of an employee in active service (other than an employee in a missing status), he may, with or without the consent of the employee and subject to termination on specific request of the employee—

(1) direct the payment of a new allotment from the pay of the employee;
(2) increase or decrease the amount of an allotment made by the employee; and
(3) continue payment of an allotment of the employee which has expired.

§ 5564. Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable

(a) For the purpose of this section, "household and personal effects" and "household effects" may include, in addition to other authorized weight allowances, one privately owned motor vehicle which may be shipped at United States expense when it is located outside the United States or in Alaska or Hawaii.

(b) Transportation (including packing, crating, draying, temporarily storing, and unpacking of household and personal effects) may be provided for the dependents and household and personal effects of an employee in active service (without regard to pay grade) who is officially reported as dead, injured, or absent for more than 29 days in a status listed in section 5561(5)(A)-(E) of this title to—

(1) the official residence of record for the employee;
(2) the residence of his dependent, next of kin, or other person entitled to the effects under regulations prescribed by the head of the agency concerned; or
(3) another location determined in advance or later approved by the head of the agency concerned or his designee on request of the employee (if injured) or his dependent, next of kin, or other person described in paragraph (2) of this subsection.

(c) When an employee described in subsection (b) of this section is in an injured status, transportation of dependents and household and personal effects may be provided under this section only when prolonged hospitalization or treatment is anticipated.
(d) Transportation on request of a dependent may be authorized under this section only when there is a reasonable relationship between the circumstances of the dependent and the destination requested.

(e) Instead of providing transportation for dependents under this section, when the travel has been completed the head of the agency concerned may authorize—

(1) reimbursement for the commercial cost of the transportation; or

(2) a monetary allowance, instead of transportation, as authorized by statute for the whole or that part of the travel for which transportation in kind was not furnished.

(f) The head of the agency concerned may store the household and personal effects of an employee described in subsection (b) of this section until proper disposition can be made. The cost of the storage and transportation (including packing, crating, draying, temporarily storing, and unpacking) of household and personal effects shall be charged against appropriations currently available.

(g) When the head of the agency concerned determines that an emergency exists and that a sale would be in the best interests of the United States, he may provide for the public or private sale of motor vehicles and other bulky items of the household and personal effects of an employee described in subsection (b) of this section. Before a sale, and if practicable, a reasonable effort shall be made to determine the desires of interested persons. The net proceeds from the sale shall be sent to the owner or other person entitled thereto under regulations prescribed by the head of the agency concerned. If there is no owner or other person entitled thereto, or if the owner or other person or their addresses are not ascertained within 1 year from the date of sale, the net proceeds may be covered into the Treasury of the United States as miscellaneous receipts.

(h) A claim for net proceeds covered into the Treasury under subsection (g) of this section may be filed with the General Accounting Office by the owner, his heir or next of kin, or his legal representative at any time before the end of 5 years from the date the proceeds are covered into the Treasury. When a claim is filed, the General Accounting Office shall allow or disallow it. A claim that is allowed shall be paid from the appropriation for refunding money erroneously received and covered. If a claim is not filed before the end of 5 years from the date the proceeds are covered into the Treasury, it is barred from being acted on by the General Accounting Office or the courts.

(i) This section does not amend or repeal—

(1) section 2575, 2733, 4712, 4713, 6522, 9712, or 9713 of title 10;

(2) section 507 of title 14; or

(3) chapter 171 of title 28.

§ 5565. Agency review

(a) When an employee has been in a missing status almost 12 months and no official report of his death or the circumstances of his continued absence has been received by the head of the agency concerned, he shall have the case fully reviewed. After that review and the end of 12 months in a missing status, or after any later review which shall be made when warranted by information received or other circumstances, the head of the agency concerned or his designee may—

(1) direct the continuance of his missing status, if there is a reasonable presumption that the employee is alive; or

(2) make a finding of death.

(b) When a finding of death is made under subsection (a) of this section, it shall include the date death is presumed to have occurred for
the purpose of the ending of crediting pay and allowances and settlement of accounts. That date is—
(1) the day after the day on which the 12 months in a missing status ends; or
(2) a day determined by the head of the agency concerned or his designee when the missing status has been continued under subsection (a) of this section.

(c) For the purpose of determining status under this section, a dependent of an employee in active service is deemed an employee. A determination under this section made by the head of the agency concerned or his designee is conclusive on all other agencies of the United States. This section does not entitle a dependent to pay, allowances, or other compensation to which he is not otherwise entitled.

§ 5566. Agency determinations

(a) The head of the agency concerned or his designee may make any determination necessary to administer this subchapter, and when so made it is conclusive as to—
(1) death or finding of death;
(2) the fact of dependency under this subchapter;
(3) any other status covered by this subchapter;
(4) an essential date, including one on which evidence or information is received by the head of the agency concerned; and
(5) whether information received concerning an employee is to be construed and acted on as an official report of death.

(b) When the head of the agency concerned receives information that he considers to conclusively establish the death of an employee, he shall take action thereon as an official report of death, notwithstanding an earlier action relating to death or other status of the employee. After the end of 12 months in a missing status prescribed by section 5565 of this title, the head of the agency concerned or his designee shall make a finding of death when he considers that the information received, or a lapse of time without information, establishes a reasonable presumption that an employee in a missing status is dead.

(c) The head of the agency concerned or his designee may determine the entitlement of an employee to pay and allowances under this subchapter, including credits and charges in his account, and that determination is conclusive. An account may not be charged or debited with an amount that an employee captured, beleaguered, or besieged by a hostile force may receive or be entitled to receive from, or have placed to his credit by, the hostile force as pay, allowances, or other compensation.

(d) When circumstances warrant the reconsideration of a determination made under this subchapter, the head of the agency concerned or his designee may change or modify it.

(e) When the account of an employee has been charged or debited with an allotment paid under this subchapter, the amount so charged or debited shall be recredited to the account of the employee if the head of the agency concerned or his designee determines that the payment was induced by fraud or misrepresentation to which the employee was not a party.

(f) Except an allotment for an unearned insurance premium, an allotment paid from the pay and allowances of an employee for the period he is in a missing status may not be collected from the allottee as an overpayment when payment was caused by delay in receiving evidence of death. An allotment paid for a period after the end, under this subchapter or otherwise, of entitlement to pay and allowances may
not be collected from the allottee or charged against the pay of a
deceased employee when payment was caused by delay in receiving
evidence of death.

(g) The head of the agency concerned or his designee may waive the
recovery of an erroneous payment or overpayment of an allotment to
a dependent if he considers recovery is against equity and good con-
science.

(h) For the purpose of determining status under this section, a
dependent of an employee in active service is deemed an employee. A
determination under this section made by the head of the agency
concerned or his designee is conclusive on all other agencies of the
United States. This section does not entitle a dependent to pay, allow-
ances, or other compensation to which he is not otherwise entitled.

§ 5567. Settlement of accounts

(a) The head of the agency concerned or his designee may settle
the accounts of—

(1) an employee for whose account payment has been made un-
der sections 5562, 5563, and 5565 of this title; and

(2) a survivor of a casualty to a ship, station, or military in-
station which results in the loss or destruction of disbursing
records.

That settlement is conclusive on the accounting officials of the United
States in settling the accounts of disbursing officials.

(b) Payment or settlement of an account made pursuant to a report,
determination, or finding of death may not be recovered or reopened
because of a later report or determination which fixes a date of death.
However, an account shall be reopened and settled on the basis of a
date of death so fixed which is later than that used as a basis for
earlier settlement.

(c) In settling the accounts of a disbursing official, he is entitled to
credit for an erroneous payment or overpayment made by him in car-
rying out this subchapter, except section 5568, if there is no fraud or
criminality by him. Recovery may not be made from an individual
who authorizes a payment under this subchapter, except section 5568,
if there is no fraud or criminality by him.

§ 5568. Income tax deferment

Notwithstanding other statutes, any Federal income tax return of, or
the payment of any Federal income tax by, an employee who, at the
time the return or payment would otherwise become due, is in a missing
status does not become due until the earlier of the following dates:

(1) the fifteenth day of the third month in which he ceased
(except because of death or incompetency) being in a missing
status, unless before the end of that fifteenth day he is again in a
missing status; or

(2) the fifteenth day of the third month after the month in
which an executor, administrator, or conservator of the estate of
the taxpayer is appointed.

That due date is prescribed subject to the power of the Secretary of the
Treasury or his delegate to extend the time for filing the return or
paying the tax, as in other cases, and to assess and collect the tax as
provided by sections 6851, 6861, and 6871 of title 26 in cases in which
the assessment or collection is jeopardized and in cases of bankruptcy
or receivership.
SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

§ 5581. Definitions
For the purpose of this subchapter—
(1) “employee” means—
   (A) an employee as defined by section 2105 of this title; and
   (B) an individual employed by the government of the District of Columbia;
but does not include an employee of—
   (i) a Federal land bank;
   (ii) a Federal intermediate credit bank;
   (iii) a regional bank for cooperatives; or
   (iv) the Senate within the purview of section 36a of title 2;
(2) “money due” means the pay and allowances due on account of the services of a deceased employee for the Government of the United States or the government of the District of Columbia. It includes, but is not limited to—
   (A) per diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith for which reimbursement is due;
   (B) allowances on change of official station;
   (C) quarters and cost-of-living allowances and overtime or premium pay;
   (D) amounts due for payment of cash awards for employees’ suggestions;
   (E) amounts due as refund of pay deductions for United States savings bonds;
   (F) payment for accumulated and current accrued annual or vacation leave equal to the pay the deceased employee would have received had he lived and remained in the service until the end of the period of annual or vacation leave;
   (G) amounts of checks drawn for pay and allowances which were not delivered by the Government to the employee during his lifetime;
   (H) amounts of unnegotiated checks returned to the Government because of the death of the employee; and
   (I) retroactive pay under section 5344(a) (2) of this title.
It does not include benefits, refunds, or interest payable under subchapter III of chapter 83 of this title applicable to the service of the deceased employee, or amounts the disposition of which is otherwise expressly prescribed by Federal statute.

§ 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 such regulations as the Comptroller General of the United States may prescribe.
(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.

§ 5583. Payment of money due; settlement of accounts

(a) Under such regulations as the Comptroller General of the United States 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) 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. However—

(1) accounts of employees of the government of the District of Columbia shall be paid by the District of Columbia;

(2) accounts of employees of the Canal Zone Government on the Isthmus of Panama shall be paid by the Canal Zone Government; and

(3) accounts of employees of Government corporations or mixed ownership Government corporations may be paid by the corporations.

SUBCHAPTER IX—BACK PAY

§ 5591. Back pay; individuals reinstated or restored after removal or suspension for cause

An individual removed or suspended under section 7501 of this title who, after filing a written answer to the charges under section 7501 of this title or after further appeal to proper authority after receipt of an adverse decision on the answer, is reinstated or restored to duty because the action was unjustified or unwarranted is—

(1) entitled to pay, at the rate received on the date of the removal or suspension, for the period for which he did not receive pay with respect to the position from which he was removed or suspended, less the amount he earned through other employment during that period; and

(2) deemed to have performed service during that period for all purposes except for the accumulation of leave.

Decision on an appeal to proper authority under this section shall be made at the earliest practicable date.

§ 5592. Back pay; preference eligibles reinstated or restored after removal, suspension, or furlough

An individual removed, suspended, or furloughed under section 7512 of this title who, after answering the reasons advanced for the proposed adverse action under section 7512 of this title or after an appeal to the Civil Service Commission under section 7701 of this title, is reinstated or restored to duty because the action was unjustified or unwarranted is—

(1) entitled to pay, at the rate received on the date of the removal, suspension, or furlough, for the period for which he did
not receive pay with respect to the position from which he was
removed, suspended, or furloughed, less the amounts he earned
through other employment during that period; and
(2) deemed to have performed service during that period for
all purposes except for the accumulation of leave.

§ 5593. Back pay; individuals reinstated or restored after reduc-
tion in force

An individual removed or furloughed without pay in a reduction
in force who, after an appeal to proper authority, is reinstated or re-
stored to duty because the action was unjustified or unwarranted is—
(1) entitled to pay, at the rate received on the date of the re-
moval or furlough, for the period for which he did not receive
pay with respect to the position from which he was removed or
furloughed, less the amounts he earned through other employ-
ment during that period; and
(2) deemed to have performed service during that period for
all purposes except for the accumulation of leave.

Decision on an appeal to proper authority under this section shall
be made at the earliest practicable date.

§ 5594. Back pay; individuals reinstated or restored after suspen-
sion or removal for national security

An individual suspended or removed under section 7532 of this title
who is reinstated or restored to duty under section 3571 of this title
is entitled to pay in an amount not to exceed the amount he normally
would have earned during the period of suspension or removal, at the
rate received on the date of suspension or removal, for all or a part of
the period for which he did not receive pay with respect to the position
from which he was suspended or removed, less the amounts he earned
through other employment during that period.

CHAPTER 57—TRAVEL, TRANSPORTATION, AND
SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE
EXPENSES; MILEAGE ALLOWANCES

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SUBCHAPTER II—TRAVEL AND TRANSPORTATION EX-
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§ 5701. Definitions
For the purpose of this subchapter—
(1) "agency" means—
(A) an Executive agency;
(B) a military department;
(C) an office, agency, or other establishment in the legislative branch;
(D) an office, agency, or other establishment in the judicial branch; and
(E) the government of the District of Columbia;
but does not include—
(i) a Government controlled corporation;
(ii) a Member of Congress; or
(iii) an office or committee of either House of Congress or of the two Houses;
(2) "employee" means an individual employed in or under an agency;
(3) "subsistence" means lodging, meals, and other necessary expenses for the personal sustenance and comfort of the traveler;
(4) "per diem allowance" means a daily flat rate payment instead of actual expenses for subsistence and fees or tips to porters and stewards;
(5) "Government" means the Government of the United States and the government of the District of Columbia; and
(6) "continental United States" means the several States and the District of Columbia, but does not include Alaska or Hawaii.

§ 5702. Per diem; employees traveling on official business
(a) An employee, while traveling on official business away from his designated post of duty, is entitled to a per diem allowance prescribed by the agency concerned. For travel inside the continental United States, the per diem allowance may not exceed the rate of $16. For travel outside the continental United States, the per diem allowance may not exceed the rate established by the President or his designee, who may be the Director of the Bureau of the Budget or another officer of the Government of the United States, for the locality where the travel is performed.
(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty, becomes incapacitated by illness or injury not due to his own misconduct is entitled to the per diem allowances, and transportation expenses to his designated post of duty.
(c) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be much less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

(1) $30 for each day in a travel status inside the continental United States; or

(2) the maximum per diem allowance plus $10 for each day in a travel status outside the continental United States.

(d) This section does not apply to a justice or judge except to the extent provided by section 456 of title 28.

§ 5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay

(a) For the purpose of this section, "appropriation" includes funds made available by statute under section 849 of title 31.

(b) An individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis may be allowed travel expenses under this subchapter while away from his home or regular place of business, including a per diem allowance under this subchapter while at his place of employment.

(c) An individual serving without pay or at $1 a year may be allowed transportation expenses under this subchapter and a per diem allowance under this section while en route and at his place of service or employment away from his home or regular place of business. Unless a higher rate is named in an appropriation or other statute, the per diem allowance may not exceed—

(1) the rate of $16 for travel inside the continental United States; and

(2) the rates established under section 5702(a) of this title for travel outside the continental United States.

(d) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an individual to whom this section applies may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be much less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

(1) $30 for each day in a travel status inside the continental United States; or

(2) the maximum per diem allowance plus $10 for each day in a travel status outside the continental United States.

§ 5704. Mileage and related allowances

(a) Under regulations prescribed under section 5707 of this title, an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to not in excess of—

(1) 8 cents a mile for the use of a privately owned motorcycle; or

(2) 12 cents a mile for the use of a privately owned automobile or airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when
payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

(b) In addition to the mileage allowance under subsection (a) of this section, the employee or other individual performing service for the Government may be reimbursed for—

(1) parking fees;
(2) ferry fares; and
(3) bridge, road, and tunnel tolls.

§ 5705. Advancements and deductions

An agency may advance, through the proper disbursing official, to an employee or individual entitled to per diem or mileage allowances under this subchapter, a sum considered advisable with regard to the character and probable duration of the travel to be performed. A sum advanced and not used for allowable travel expenses is recoverable from the employee or individual or his estate by—

(1) setoff against accrued pay, retirement credit, or other amount due the employee or individual;
(2) deduction from an amount due from the United States; and
(3) such other method as is provided by law.

§ 5706. Allowable travel expenses

Except as otherwise permitted by this subchapter or by statutes relating to members of the uniformed services, only actual and necessary travel expenses may be allowed to an individual holding employment or appointment under the United States.

§ 5707. Regulations

The Director of the Bureau of the Budget shall prescribe regulations necessary for the administration of this subchapter. The fixing, payment, advancement, and recovery of travel allowances, and the reimbursement of travel expenses, under this subchapter shall be in accordance with the regulations. This section does not apply to the fixing or payment of a per diem allowance under section 5703(c) of this title.

§ 5708. Effect on other statutes

This subchapter does not modify or repeal—

(1) any statute providing for the traveling expenses of the President;
(2) any statute providing for mileage allowances for Members of Congress;
(3) any statute fixing or permitting rates higher than the maximum rates established under this subchapter; or
(4) any appropriation statute item for examination of estimates in the field.

SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

§ 5721. Definitions

For the purpose of this subchapter—

(1) "agency" means—

(A) an Executive agency;
(B) a military department;
(C) a court of the United States;
(D) the Administrative Office of the United States Courts;
(E) the Library of Congress;
(F) the Botanic Garden;
(G) the Government Printing Office; and
(H) the government of the District of Columbia;
but does not include a Government controlled corporation;
(2) "employee" means an individual employed in or under an agency;
(3) "continental United States" means the several States and the District of Columbia, but does not include Alaska or Hawaii;
(4) "Government" means the Government of the United States and the government of the District of Columbia; and
(5) "appropriation" includes funds made available by statute under section 849 of title 31.

§ 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States

(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States; and

(2) these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the United States.

(b) An agency may pay expenses under subsection (a) (1) of this section only after the individual selected for appointment agrees in writing to remain in the Government service for a minimum period of—

(1) one school year as determined under chapter 25 of title 20, if selected for appointment to a teaching position, except as a substitute, in the Department of Defense under that chapter; or

(2) 12 months after his appointment, if selected for appointment to any other position;

unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the United States for the expenses is recoverable from the individual as a debt due the United States.

(c) An agency may pay expenses under subsection (a) (2) of this section only after the individual has served for a minimum period of—

(1) one school year as determined under chapter 25 of title 20, if employed in a teaching position, except as a substitute, in the Department of Defense under that chapter; or

(2) not less than one nor more than 3 years prescribed in advance by the head of the agency, if employed in any other position;

unless separated for reasons beyond his control which are acceptable to the agency concerned. These expenses are payable whether the separation is for Government purposes or for personal convenience.

(d) This section does not apply to appropriations for the Foreign Service of the United States.
§ 5723. Travel and transportation expenses of new appointees and student trainees; manpower shortage positions

(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee, or a student trainee when assigned on completion of college work, to a position in the United States for which the Civil Service Commission determines there is a manpower shortage; and

(2) transportation expenses of his immediate family and his household goods and personal effects to the extent authorized by section 5724 of this title; from his place of residence at the time of selection or assignment to his duty station. If the travel and transportation expenses of a student trainee were paid when he was appointed, they may not be paid when he is assigned after completion of college work. Travel expenses payable under this subsection may include the per diem and mileage allowances authorized for employees by subchapter I of this chapter. Advances of funds may be made for the expenses authorized by this subsection to the extent authorized by section 5724(f) of this title.

(b) An agency may pay travel and transportation expenses under subsection (a) of this section only after the individual selected or assigned agrees in writing to remain in the Government service for 12 months after his appointment or assignment, unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the United States for the expenses is recoverable from the individual as a debt due the United States.

(c) An agency may pay travel and transportation expenses under subsection (a) of this section whether or not the individual selected has been appointed at the time of the travel.

(d) The Commission may not delegate its authority to determine positions for which there is a manpower shortage for the purpose of this section.

(e) This section does not impair or otherwise affect the authority of an agency under existing statute to pay travel and transportation expenses of individuals named by subsection (a) of this section.

§ 5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis

(a) Under such regulations as the President may prescribe and when the head of the agency concerned or his designee authorizes or approves, the agency shall pay from Government funds—

(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty, and the transportation expenses of his immediate family, or a commutation thereof under section 5704 of this title; and

(2) the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects not in excess of 7,000 pounds net weight.

(b) Under such regulations as the President may prescribe, an employee who transports a house trailer or mobile dwelling inside the continental United States, inside Alaska, or between the continental United States and Alaska, for use as a residence, and who otherwise would be entitled to transportation of household goods and personal
effects under subsection (a) of this section, is entitled, instead of that transportation, to—

(1) a reasonable allowance not in excess of 20 cents a mile for transportation of the house trailer or mobile dwelling, if the trailer or dwelling is transported by the employee; or

(2) commercial transportation of the house trailer or mobile dwelling, at Government expense, or reimbursement to the employee therefor, including the payment of necessary tolls, charges, and permit fees, if the trailer or dwelling is not transported by the employee.

However, payment under this subsection may not exceed the maximum payment to which the employee otherwise would be entitled under subsection (a) of this section for transportation and temporary storage of his household goods and personal effects in connection with this transfer.

(c) Under such regulations as the President may prescribe, an employee who transfers between points inside the continental United States, instead of being paid for the actual expenses of transporting, packing, crating, temporarily storing, draying, and unpacking of household goods and personal effects, shall be reimbursed on a commuted basis at the rates per 100 pounds that are fixed by zones in the regulations. The reimbursement may not exceed the amount which would be allowable for the authorized weight allowance.

(d) When an employee transfers to a post of duty outside the continental United States, his expenses of travel and transportation to and from the post shall be allowed to the same extent and with the same limitations prescribed for a new appointee under section 5722 of this title.

(e) When an employee transfers from one agency to another, the agency to which he transfers pays the expenses authorized by this section.

(f) An advance of funds may be made to an employee under the regulations of the President with the same safeguards required under section 5705 of this title.

(g) The allowances authorized by this section do not apply to an employee transferred under chapter 14 of title 22.

(h) When a transfer is made primarily for the convenience or benefit of an employee, including an employee in the Foreign Service of the United States, or at his request, his expenses of travel and transportation and the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking of household goods and personal effects may not be allowed or paid from Government funds.

§5725. Transportation expenses; employees assigned to danger areas

(a) When an employee of the United States is on duty, or is transferred or assigned to duty, at a place designated by the head of the agency concerned as inside a zone—

(1) from which his immediate family should be evacuated; or

(2) to which they are not permitted to accompany him; because of military or other reasons which create imminent danger to life or property, or adverse living conditions which seriously affect the health, safety, or accommodations of the immediate family, Government funds may be used to transport his immediate family and household goods and personal effects, under regulations prescribed by the head of the agency, to a location designated by the employee. When circumstances prevent the employee from designating a location, or it is administratively impracticable to determine his intent, the
immediate family may designate the location. When the designated location is inside a zone to which movement of families is prohibited under this subsection, the employee or his immediate family may designate an alternate location.

(b) When the employee is assigned to a duty station from which his immediate family is not excluded by the restrictions in subsection (a) of this section, Government funds may be used to transport his immediate family and household goods and personal effects from the designated or alternate location to the duty station.

§ 5726. Storage expenses; household goods and personal effects

(a) For the purpose of this section, "household goods and personal effects" means such personal property of an employee and his dependents as the President may by regulation authorize to be transported or stored, including, in emergencies, motor vehicles authorized to be shipped at Government expense.

(b) Under such regulations as the President may prescribe, an employee, including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title, assigned to a permanent duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods and personal effects when—

1. the duty station is one to which he cannot take or at which he is unable to use his household goods and personal effects; or
2. the head of the agency concerned authorizes storage of the household goods and personal effects in the public interest or for reasons of economy.

The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed 7,000 pounds net weight, excluding a motor vehicle described by subsection (a) of this section.

§ 5727. Transportation of motor vehicles

(a) Except as specifically authorized by statute, an authorization in a statute or regulation to transport the effects of an employee or other individual at Government expense is not an authorization to transport an automobile.

(b) Under such regulations as the President may prescribe, the privately owned motor vehicle of an employee, including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title, may be transported at Government expense to, from, and between the continental United States and a post of duty outside the continental United States, or between posts of duty outside the continental United States, when—

1. the employee is assigned to the post of duty for other than temporary duty; and
2. the head of the agency concerned determines that it is in the interest of the Government for the employee to have the use of a motor vehicle at the post of duty.

(c) An employee may transport only one motor vehicle under subsection (b) of this section during a 4-year period, except when the head of the agency concerned determines that replacement of the motor vehicle during the period is necessary for reasons beyond the control of the employee and is in the interest of the Government, and authorizes in advance the transportation under subsection (b) of this section of one additional privately owned motor vehicle as a replacement. When an employee has remained in continuous service outside the United States during the 4-year period after the date of trans-
transportation under subsection (b) of this section of his motor vehicle, the head of the agency concerned may authorize transportation under subsection (b) of this section of a replacement for that motor vehicle.

(d) When the head of an agency authorizes transportation under subsection (b) of this section of a privately owned motor vehicle, the transportation may be by—

(1) commercial means, if available at reasonable rates and under reasonable conditions; or

(2) Government means on a space-available basis.

§ 5728. Travel and transportation expenses; vacation leave

(a) Under such regulations as the President may prescribe, an agency shall pay from its appropriations the expenses of round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment or transfer to the post of duty, after he has satisfactorily completed an agreed period of service outside the continental United States and is returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty outside the continental United States under a new written agreement made before departing from the post of duty.

(b) Under such regulations as the President may prescribe, an agency shall pay from its appropriations the expenses of round-trip travel of an employee of the United States appointed by the President, by and with the advice and consent of the Senate, for a term fixed by statute, and of transportation of his immediate family, but not household goods, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment to the post of duty, after he has satisfactorily completed each 2 years of service outside the continental United States and is returning to his actual place of residence to take leave before serving at least 2 more years of duty outside the continental United States.

(c) This section does not apply to appropriations for the Foreign Service of the United States.

§ 5729. Transportation expenses; prior return of family

(a) Under such regulations as the President may prescribe, an agency shall pay from its appropriations, not more than once before the return to the United States or its territories or possessions of an employee whose post of duty is outside the continental United States, the expenses of transporting his immediate family and of shipping his household goods and personal effects from his post of duty to his actual place of residence when—

(1) he has acquired eligibility for that transportation; or

(2) the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of a member of the immediate family, or obligation imposed by authority or circumstances over which the individual has no control.

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(b) Under such regulations as the President may prescribe, an agency shall reimburse from its appropriations an employee whose post of duty is outside the continental United States for the proper transportation expenses of returning his immediate family and his household goods and personal effects to the United States or its territories or possessions, when—

(1) their return was made at the expense of the employee before his return and for other than reasons of public interest; and

(2) he acquires eligibility for those transportation expenses.

c) This section does not apply to appropriations for the Foreign Service of the United States.

§ 5730. Funds available

Funds available for travel expenses of an employee are available for expenses of transportation of his immediate family, and funds available for transportation of things are available for transportation of household goods and personal effects, as authorized by this subchapter.

§ 5731. Expenses limited to lowest first-class rate

(a) The allowance for actual expenses for transportation may not exceed the lowest first-class rate by the transportation facility used unless it is certified, in accordance with regulations prescribed by the President, that—

(1) lowest first-class accommodations are not available; or

(2) use of a compartment or other accommodation authorized or approved by the head of the agency concerned or his designee is required for security purposes.

(b) Instead of the maximum fixed by subsection (a) of this section, the allowance to an employee of the United States for actual expenses for transportation on an inter-island steamship in Hawaii may not exceed the rate for accommodations on the steamship that is equivalent as nearly as possible to the rate for the lowest first-class accommodations on trans-pacific steamships.

§ 5732. General average contribution; payment or reimbursement

Under such regulations as the President may prescribe, appropriations chargeable for the transportation of baggage and household goods and personal effects of employees of the United States, volunteers as defined by section 8142(a) of this title, and members of the uniformed services are available for the payment or reimbursement of general average contributions required. Appropriations are not available for the payment or reimbursement of general average contributions—

(1) required in connection with and applicable to quantities of baggage and household goods and personal effects in excess of quantities authorized by statute or regulation to be transported;

(2) when the individual concerned is allowed under statute or regulation a commutation instead of actual transportation expenses; or

(3) when the individual concerned selected the means of shipment.

SUBCHAPTER III—TRANSPORTATION OF REMAINS, DEPENDENTS, AND EFFECTS

§ 5741. General prohibition

Except as specifically authorized by statute, the head of an Executive department or military department may not authorize an expenditure in connection with the transportation of remains of a deceased employee.
§ 5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad

(a) For the purpose of this section, "agency" means—
   (1) an Executive agency;
   (2) a military department;
   (3) an agency in the legislative branch; and
   (4) an agency in the judicial branch.

(b) When an employee dies, the head of the agency concerned, under regulations prescribed by the President and, except as otherwise provided by law, may pay from appropriations available for the activity in which the employee was engaged—
   (1) the expense of preparing and transporting the remains to the home or official station of the employee, or such other place appropriate for interment as is determined by the head of the agency concerned, if death occurred while the employee was in a travel status away from his official station in the United States or while performing official duties outside the United States or in transit thereto or therefrom; and
   (2) the expense of transporting his dependents, including expenses of packing, crating, draying, and transporting household effects and other personal property to his former home or such other place as is determined by the head of the agency concerned, if death occurred while the employee was performing official duties outside the United States or in transit thereto or therefrom.

(c) When a dependent of an employee dies while residing with the employee performing official duties outside the continental United States or in Alaska or in transit thereto or therefrom, the head of the agency concerned may pay the necessary expenses of transporting the remains to the home of the dependent, or such other place appropriate for interment as is determined by the head of the agency concerned. If practicable, the agency concerned in respect of the deceased may furnish mortuary services and supplies on a reimbursable basis when—
   (1) local commercial mortuary facilities and supplies are not available; or
   (2) the cost of available mortuary facilities and supplies are prohibitive in the opinion of the head of the agency.

Reimbursement for the cost of mortuary services and supplies furnished under this subsection shall be collected and credited to current appropriations available for the payment of these costs.

(d) The benefits of this section may not be denied because the deceased was temporarily absent from duty when death occurred.

CHAPTER 59—ALLOWANCES

SUBCHAPTER I—UNIFORMS

Sec. 5901. Uniform allowances.

SUBCHAPTER II—QUARTERS

Sec. 5911. Quarters and facilities; employees in the United States.
5912. Quarters in Government owned or rented buildings; employees in foreign countries.
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SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

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SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

Sec.
5941. Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska.
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5943. Foreign currency appreciation allowances.
5944. Illness and burial expenses; native employees in foreign countries.
5945. Notary public commission expenses.
5946. Membership fees; expenses of attendance at meetings; limitations.

SUBCHAPTER I—UNIFORMS

§ 5901. Uniform allowances
(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, an amount not to exceed $100 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties and who are not being furnished with the uniform. The head of the agency concerned, out of funds made available by the appropriation, shall—
(1) furnish to each of these employees a uniform at a cost not to exceed $100 a year; or
(2) pay to each of these employees an allowance for a uniform not to exceed $100 a year.
The allowance may be paid only at the times and in the amounts authorized by the regulations prescribed under subsection (d) of this section.
(b) When the furnishing of a uniform or the payment of a uniform allowance is authorized under another statute or regulation existing on September 1, 1954, the head of the agency concerned may continue the furnishing of the uniform or the payment of the uniform allowance under that statute or regulation, but in that event a uniform may not be furnished or allowance paid under this section.
(c) An allowance paid under this section is not wages within the meaning of section 409 of title 42 or chapters 21 and 24 of title 26.
(d) The Director of the Bureau of the Budget shall prescribe regulations necessary for the uniform administration of this section.

SUBCHAPTER II—QUARTERS

§ 5911. Quarters and facilities; employees in the United States
(a) For the purpose of this section—
(1) “Government” means the Government of the United States;
(2) “agency” means an Executive agency, but does not include the Tennessee Valley Authority;
(3) “employee” means an employee of an agency;
(4) "United States" means the several States, the District of Columbia, and the territories and possessions of the United States including the Commonwealth of Puerto Rico;

(5) "quarters" means quarters owned or leased by the Government; and

(6) "facilities" means household furniture and equipment, garage space, utilities, subsistence, and laundry service.

(b) The head of an agency may provide, directly or by contract, an employee stationed in the United States with quarters and facilities, when conditions of employment or of availability of quarters warrant the action.

(c) Rental rates for quarters provided for an employee under subsection (b) of this section or occupied on a rental basis by an employee or member of a uniformed service under any other provision of statute, and charges for facilities made available in connection with the occupancy of the quarters, shall be based on the reasonable value of the quarters and facilities to the employee or member concerned, in the circumstances under which the quarters and facilities are provided, occupied, or made available. The amounts of the rates and charges shall be paid by, or deducted from the pay of, the employee or member of a uniformed service, or otherwise charged against him in accordance with law. The amounts of payroll deductions for the rates and charges shall remain in the applicable appropriation or fund. When payment of the rates and charges is made by other than payroll deductions, the amounts of payment shall be credited to the Government as provided by law.

(d) When, as an incidental service in support of a program of the Government, quarters and facilities are provided by appropriate authority of the Government to an individual other than an employee or member of a uniformed service, the rates and charges therefor shall be determined in accordance with this section. The amounts of payment of the rates and charges shall be credited to the Government as provided by law.

(e) The head of an agency may not require an employee or member of a uniformed service to occupy quarters on a rental basis, unless the agency head determines that necessary service cannot be rendered, or that property of the Government cannot adequately be protected, otherwise.

(f) The President may prescribe regulations governing the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, necessary and appropriate to carry out this section. The head of each agency may prescribe regulations, not inconsistent with the regulations of the President, necessary and appropriate to carry out the functions of the agency head under this section.

(g) Subsection (c) of this section does not repeal or modify any provision of statute authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by statute.

§ 5912. Quarters in Government owned or rented buildings; employees in foreign countries

Under regulations prescribed by the head of the agency concerned and approved by the President, an employee who is a citizen of the United States permanently stationed in a foreign country may be furnished, without cost to him, living quarters, including heat, fuel, and light, in a Government owned or rented building. The rented quarters may be furnished only within the limits of appropriations made therefor.
§ 5913. Official residence expenses

(a) For the purpose of this section, "agency" has the meaning given it by section 5721 of this title.

(b) Under such regulations as the President may prescribe, funds available to an agency for administrative expenses may be allotted to posts in foreign countries to defray the unusual expenses incident to the operation and maintenance of official residences suitable for—

(1) the chief representatives of the United States at the posts; and

(2) such other senior officials of the Government of the United States as the President may designate.

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

§ 5921. Definitions

For the purpose of this subchapter—

(1) "Government" means the Government of the United States;

(2) "agency" means an Executive agency and the Library of Congress, but does not include a Government controlled corporation;

(3) "employee" means an employee in or under an agency and more specifically defined by regulations prescribed by the President;

(4) "United States", when used in a geographical sense, means the several States and the District of Columbia;

(5) "continental United States" means the several States and the District of Columbia, but does not include Alaska or Hawaii; and

(6) "foreign area" means—

(A) the Trust Territory of the Pacific Islands; and

(B) any other area outside the United States, the Commonwealth of Puerto Rico, the Canal Zone, and territories and possessions of the United States.

§ 5922. General provisions

(a) Notwithstanding section 5536 of this title and except as otherwise provided by this subchapter, the allowances and differentials authorized by this subchapter may be granted to an employee officially stationed in a foreign area—

(1) who is a citizen of the United States; and

(2) whose rate of basic pay is fixed by statute or, without taking into consideration the allowances and differentials provided by this subchapter, is fixed by administrative action pursuant to law or is fixed administratively in conformity with rates paid by the Government for work of a comparable level of difficulty and responsibility in the continental United States.

To the extent authorized by a provision of statute other than this subchapter, the allowances and differentials provided by this subchapter may be paid to an employee officially stationed in a foreign area who is not a citizen of the United States.

(b) Allowances granted under this subchapter may be paid in advance, or advance of funds may be made therefor, through the proper disbursing official in such sums as are considered advisable in consideration of the need and the period of time during which expenditures must be made in advance by the employee. An advance of funds
not subsequently covered by allowances accrued to the employee under this subchapter is recoverable by the Government by—

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned, under regulations of the President, may waive in whole or in part a right of recovery under this subsection, if it is shown that the recovery would be against equity and good conscience or against the public interest.

(c) The allowances and differentials authorized by this subchapter shall be paid under regulations prescribed by the President governing—

(1) payments of the allowances and differentials and the respective rates at which the payments are made;

(2) the foreign areas, the groups of positions, and the categories of employees to which the rates apply; and

(3) other related matters.

§ 5923. Quarters allowances

When Government owned or rented quarters are not provided without charge for an employee in a foreign area, one or more of the following quarters allowances may be granted when applicable:

(1) A temporary lodging allowance for the reasonable cost of temporary quarters incurred by the employee and his family—

(A) for a period not in excess of 3 months after first arrival at a new post of assignment in a foreign area or a period ending with the occupation of residence quarters, whichever is shorter; and

(B) for a period of not more than 1 month immediately before final departure from the post after the necessary evacuation of residence quarters.

(2) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water, without regard to section 529 of title 31.

(3) Under unusual circumstances, payment or reimbursement for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred in initial repairs, alterations, and improvements to the privately leased residence of an employee at a post of assignment in a foreign area, if—

(A) the expenses are administratively approved in advance; and

(B) the duration and terms of the lease justify payment of the expenses by the Government.

§ 5924. Cost-of-living allowances

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

(1) A post allowance to offset the difference between the cost of living at the post of assignment of the employee in a foreign area and the cost of living in the District of Columbia.

(2) A transfer allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by an employee incident to establishing himself at a post of assignment in—

(A) a foreign area; or

(B) the United States between assignments to posts in foreign areas.
(3) A separate maintenance allowance to assist an employee who is compelled, because of dangerous, notably unhealthful, or excessively adverse living conditions at his post of assignment in a foreign area, or for the convenience of the Government, to meet the additional expense of maintaining, elsewhere than at the post, his wife or his dependents, or both.

(4) An education allowance or payment of travel costs to assist an employee with the extraordinary and necessary expenses, not otherwise compensated for, incurred because of his service in a foreign area or foreign areas in providing adequate education for his dependents, as follows:

(A) An allowance not to exceed the cost of obtaining such elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States, plus, in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the nearest locality where adequate schools are available, without regard to section 529 of title 31. The amount of the allowance granted shall be determined on the basis of the educational facility used.

(B) The travel expenses of dependents of an employee to and from a school in the United States to obtain an American secondary or undergraduate college education, not to exceed one trip each way for each dependent for the purpose of obtaining each type of education. An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival in the United States for secondary education under authority contained in this subparagraph (B). Notwithstanding section 5921(6) of this title, travel expenses, for the purpose of obtaining undergraduate college education, may be authorized under this subparagraph (B), under such regulations as the President may prescribe, for dependents of employees who are citizens of the United States stationed in the Canal Zone.

§ 5925. Post differentials

A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional pay as a recruitment and retention incentive. A post differential may be granted to an employee officially stationed in the United States who is on extended detail in a foreign area. A post differential may not exceed 25 percent of the rate of basic pay.

SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

§ 5941. Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska

(a) Appropriations or funds available to an Executive agency, except a Government controlled corporation, for pay of employees stationed outside the continental United States or in Alaska whose rates of basic pay are fixed by statute, are available for allowances to these employees. The allowance is based on—

(1) living costs substantially higher than in the District of Columbia;
(2) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or
(3) both of these factors.
The allowance may not exceed 25 percent of the rate of basic pay. Except as otherwise specifically authorized by statute, the allowance is paid only in accordance with regulations prescribed by the President establishing the rates and defining the area, groups of positions, and classes of employees to which each rate applies.

(b) An employee entitled to a cost-of-living allowance under section 5924 of this title may not be paid an allowance under subsection (a) of this section based on living costs substantially higher than in the District of Columbia.

§ 5942. Allowance based on duty on California offshore islands
Notwithstanding section 5536 of this title, an employee who is assigned to duty, except temporary duty, on one of the California offshore islands is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. However, the allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid, and defining the areas and groups of positions to which the rates apply.

§ 5943. Foreign currency appreciation allowances
(a) The President, under such regulations as he may prescribe and on recommendation of the Director of the Bureau of the Budget, may meet losses sustained by employees and members of the uniformed services while serving in a foreign country due to the appreciation of foreign currency in its relation to the American dollar. Allowances and expenditures under this section are not subject to income taxes.
(b) Annual appropriations are authorized to carry out subsection (a) of this section and to cover any deficiency in the accounts of the Secretary of the Treasury, including interest, arising out of the arrangement approved by the President on July 27, 1933, for the conversion into foreign currency of checks and drafts of employees and members of the uniformed services for pay and expenses.
(c) Payment under subsection (a) of this section may not be made to an employee or member of a uniformed service for a period during which his check or draft was converted into foreign currency under the arrangement referred to by subsection (b) of this section.
(d) The Director of the Bureau of the Budget shall report annually to Congress all expenditures made under this section.

§ 5944. Illness and burial expenses; native employees in foreign countries
(a) The head of an Executive department or military department which maintains a permanent staff of employees in foreign countries may pay the burial expenses and expenses in connection with the last illness and death of a native employee of his department in a country in which the Secretary of State determines it is customary for employees to pay these expenses. Payment of these expenses may not exceed $100 in any one case.
(b) The head of an Executive department or military department which maintains a permanent staff of employees in foreign countries in which the custom referred to by subsection (a) of this section does not exist, on finding that the immediate family of the deceased is destitute, may pay such of the expenses referred to by subsection (a) of this section within the limitations in that subsection to the family, heirs at law, or persons responsible for the debts of the deceased, as the em-
ployee in charge of the office abroad in which the deceased was employed considers proper.

(c) Payments under this section are made from appropriations available to the department concerned for miscellaneous or contingent expenses.

§ 5945. Notary public commission expenses

An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia who is required to serve as a notary public in connection with the performance of official business is entitled to an allowance, established by the agency concerned, not in excess of the expense required to obtain the commission. Funds available to an agency concerned for personal services or general administrative expenses are available to carry out this section.

§ 5946. Membership fees; expenses of attendance at meetings; limitations

Except as authorized by a specific appropriation, by express terms in a general appropriation, or by sections 4109 and 4110 of this title, appropriated funds may not be used for payment of—

(1) membership fees or dues of an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia in a society or association; or

(2) expenses of attendance of an individual at meetings or conventions of members of a society or association.

This section does not prevent the use of appropriations for the Department of Agriculture for expenses incident to the delivery of lectures, the giving of instructions, or the acquiring of information at meetings by its employees on subjects relating to the authorized work of the Department.

Subpart E—Attendance and Leave

CHAPTER 61—HOURS OF WORK

Sec. 6101. Basic 40-hour workweek; work schedules; regulations.
6102. Eight-hour day; 40-hour workweek; wage-board employees.
6103. Holidays.
6104. Holidays; daily, hourly, and piece-work basis employees.
6105. Closing of Executive departments.
6106. Time clocks; restrictions.

§ 6101. Basic 40-hour workweek; work schedules; regulations

(a) The head of each Executive agency, military department, and of the government of the District of Columbia shall—

(1) establish a basic administrative workweek of 40 hours for each full-time employee in his organization; and

(2) require that the hours of work within that workweek be performed within a period of not more than 6 of any 7 consecutive days.

(b) Except when the head of an Executive agency, a military department, or of the government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to each employee in his organization, that—

(1) assignments to tours of duty are scheduled in advance over periods of not less than 1 week;