

military service performed on or after the date of the enactment of this Act [Nov. 24, 2003].”

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title XI, §1105(b), Oct. 5, 1999, 113 Stat. 777, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 5, 1999] and shall apply with respect to days of leave under section 6323(d)(1) of title 5, United States Code, on or after that date.”

Pub. L. 106-65, div. A, title XI, §1106(b), Oct. 5, 1999, 113 Stat. 777, provided that: “The amendment made by subsection (a) [amending this section] shall not apply with respect to any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act [Oct. 5, 1999].”

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-431, §2, Oct. 10, 1980, 94 Stat. 1850, provided that: “The amendments made by the first section of this Act [amending this section] shall take effect October 1, 1980.”

#### EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and Published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 effective as of Sept. 6, 1966, for all purposes, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

#### AUTHORIZATION TO USE APPROPRIATIONS TO PAY MILITARY LEAVE OR ANNUAL LEAVE

Pub. L. 107-117, div. A, title VIII, §8023, Jan. 10, 2002, 115 Stat. 2252, provided that: “During the current fiscal year and hereafter, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

“(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

“(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

“(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

“(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

“(3) requests and is granted—

“(A) leave under the authority of this section; or

“(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

*Provided*, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-259, title VIII, §8023, Aug. 9, 2000, 114 Stat. 679.

Pub. L. 106-79, title VIII, §8025, Oct. 25, 1999, 113 Stat. 1236.

Pub. L. 105-262, title VIII, §8025, Oct. 17, 1998, 112 Stat. 2302.

Pub. L. 105-56, title VIII, §8026, Oct. 8, 1997, 111 Stat. 1226.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8028], Sept. 30, 1996, 110 Stat. 3009-71, 3009-94.

Pub. L. 104-61, title VIII, §8036, Dec. 1, 1995, 109 Stat. 659.

Pub. L. 103-335, title VIII, §8042, Sept. 30, 1994, 108 Stat. 2627.

Pub. L. 103-139, title VIII, §8047, Nov. 11, 1993, 107 Stat. 1450.

Pub. L. 102-396, title IX, §9064, Oct. 6, 1992, 106 Stat. 1916.

Pub. L. 102-172, title VIII, §8068, Nov. 26, 1991, 105 Stat. 1187.

Pub. L. 101-511, title VIII, §8086, Nov. 5, 1990, 104 Stat. 1895.

#### DEFINITION OF OFFICERS AND EMPLOYEES

Act July 1, 1947, ch. 192, §4, 61 Stat. 239, as amended by June 22, 1956, ch. 428, 70 Stat. 331, provided that: “The words ‘officers and employees of the United States or of the District of Columbia’ as used in the third paragraph, subheading ‘Ordinance Stores and Equipment for Reserve Officers Training Corps’, of the Act of May 12, 1917 (40 Stat. 72; 10 U.S.C. Annotated 371) [covered by this section], as now or hereafter amended, as used in that part of section 80 of the Act of June 3, 1916 (39 Stat. 203; 32 U.S.C. 75) [covered by this section], as now or hereafter amended, which precedes the proviso, and as used in the first proviso of section 9 of the Naval Reserve Act of 1938 (52 Stat. 1177; 34 U.S.C. 853g) [covered by this section], as now or hereafter amended, shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite, without regard to classifications or terminology peculiar to the Federal Civil Service System. The words ‘officers and employees of the United States or of the District of Columbia’, as used in such provisions of law, as now or hereafter amended, also shall be construed to mean substitute employees in the postal field service; such substitute employees shall be entitled to military leave of absence on the basis of one hour of such leave for each period or periods aggregating twenty-six hours of work performed in the calendar year immediately preceding the year in which they are ordered to duty by proper authority: *Provided*, That the number of hours worked during the preceding calendar year shall not be less than one thousand forty hours before such substitute employee shall be entitled to military leave of absence, pay for such leave not to exceed eighty hours in each calendar year.”

#### § 6324. Absence of certain police and firemen

(a) Sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force,

or the United States Secret Service Uniformed Division for an absence due to injury or illness resulting from the performance of duty.

(b) The determination of whether an injury or illness resulted from the performance of duty shall be made under regulations prescribed by—

(1) the District of Columbia Council for members of the Metropolitan Police force and the Fire Department of the District of Columbia;

(2) the Secretary of the Interior for the United States Park Police force; and

(3) the Secretary of Homeland Security for the United States Secret Service Uniformed Division.

(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-623, §1(18), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 94-183, §2(28), (29), Dec. 31, 1975, 89 Stat. 1058; Pub. L. 111-282, §2(c), Oct. 15, 2010, 124 Stat. 3038.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2071.	Aug. 21, 1964, Pub. L. 88-471, § 5, 78 Stat. 583.

The word “officer” is omitted as covered by “member”.

In subsection (b), the words “injury or illness” are substituted for “injury or disease” to conform to subsection (a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-282, §2(c)(1), substituted “United States Secret Service Uniformed Division” for “Executive Protective Service force”.

Subsec. (b)(3). Pub. L. 111-282, §2(c)(2), substituted “Homeland Security for the United States Secret Service Uniformed Division” for “the Treasury for the Executive Protective Service force”.

Subsec. (c). Pub. L. 111-282, §2(c)(3), added subsec. (c). 1975—Subsecs. (a), (b)(3). Pub. L. 94-183 substituted “Executive Protective Service” for “White House Police”.

1968—Subsec. (b)(1). Pub. L. 90-623 substituted “District of Columbia Council” for “Commissioners of the District of Columbia”.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-282 effective on first day of first pay period which begins after Oct. 15, 2010, see section 5 of Pub. L. 111-282, set out as a note under section 5102 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

TRANSFER OF FUNCTIONS

District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198.

§ 6325. Absence resulting from hostile action abroad

Leave may not be charged to the account of an employee for absence, not to exceed one year, due to an injury—

(1) incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action; and

(2) not due to vicious habits, intemperance, or willful misconduct on the part of the employee.

The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.

(Added Pub. L. 90-221, §3(a), Dec. 23, 1967, 81 Stat. 671; amended Pub. L. 96-54, §2(a)(41), Aug. 14, 1979, 93 Stat. 383; Pub. L. 99-399, title VIII, §804, Aug. 27, 1986, 100 Stat. 883.)

REFERENCES IN TEXT

Section 408 of the Foreign Service Act of 1980, referred to in text, is classified to section 3968 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1986—Pub. L. 99-399 inserted sentence at end relating to alien employees.

1979—Pub. L. 96-54 substituted provisions relating to leave charged to an account of an employee for absence, for provisions relating to leave charged to an account of any officer or employee for absence, and designated qualifying provisions as cls. (1) and (2).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE

Pub. L. 90-221, §3(c), Dec. 23, 1967, 81 Stat. 671, provided that: “The amendment made by subsection (a) of this section [enacting this section] shall take effect as of the first day of the first pay period which began on or after January 1, 1965.”

§ 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).

(b) The Office of Personnel Management is authorized to issue regulations for the administration of this section.

(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administra-