

duty orders and occupying unaccompanied personnel housing—

(1) is exempt from the requirement of subsection (c) to pay a rental rate or charge based on the reasonable value of the quarters and facilities provided; and

(2) shall pay such lesser rate or charge as the Secretary of Defense establishes by regulation.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 508; Pub. L. 99-145, title VIII, §809(c), Nov. 8, 1985, 99 Stat. 681.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 3121.	Aug. 20, 1964, Pub. L. 88-459, §1, 78 Stat. 557.
(b)	5 U.S.C. 3122.	Aug. 20, 1964, Pub. L. 88-459, §2, 78 Stat. 557.
(c)	5 U.S.C. 3123.	Aug. 20, 1964, Pub. L. 88-459, §3, 78 Stat. 557.
(d)	5 U.S.C. 3124.	Aug. 20, 1964, Pub. L. 88-459, §4, 78 Stat. 557.
(e)	5 U.S.C. 3125.	Aug. 20, 1964, Pub. L. 88-459, §5, 78 Stat. 557.
(f)	5 U.S.C. 3126.	Aug. 20, 1964, Pub. L. 88-459, §6, 78 Stat. 558.
(g)	5 U.S.C. 3127.	Aug. 20, 1964, Pub. L. 88-459, §7, 78 Stat. 558.

In subsection (a)(2), the term “Executive agency” is coextensive with and substituted for “each executive department of the Government”, “each agency or independent establishment in the executive branch of the Government”, “each corporation owned or controlled by the Government”, and “the General Accounting Office” in view of the definition of “Executive agency” in section 105.

In subsection (a)(3), the term “employee” is substituted for “civilian officer or employee” in view of the definition of “employee” in section 2105.

Subsection (a)(7) of former section 3121 is omitted as unnecessary in view of the definition of “uniformed services” in section 2101.

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

1985—Subsec. (h). Pub. L. 99-145 added subsec. (h).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective Oct. 1, 1985, see section 813 of Pub. L. 99-145, formerly set out in a Military Family Policy and Programs note under section 113 of Title 10, Armed Forces.

DELEGATION OF FUNCTIONS

Authority of President under subsec. (f) of this section to issue regulations provided for therein (relating to provision, occupancy, and availability of quarters and facilities, determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out provisions of this section) delegated to Director of Office of Management and Budget, see section 9(1) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

PILOT PROGRAM TO ESTABLISH GOVERNMENT LODGING PROGRAM

Pub. L. 113-291, div. A, title IX, §914, Dec. 19, 2014, 128 Stat. 3474, as amended by Pub. L. 115-91, div. A, title X, §1051(t)(2), Dec. 12, 2017, 131 Stat. 1566, provided that:

“(a) AUTHORITY.—Notwithstanding the provisions of section 5911 of title 5, United States Code, the Sec-

retary of Defense may, for the period of time described in subsection (b), establish and carry out a Government lodging program to provide Government or commercial lodging for employees of the Department of Defense or members of the uniformed services under the Secretary’s jurisdiction performing duty on official travel, and may require such travelers to occupy adequate quarters on a rental basis when available.

“(b) PROGRAM DURATION.—The authority to establish and execute a Government lodging program under this section expires on December 31, 2019.

“(c) LIMITATION.—A Government lodging program developed under the authority in subsection (a), and a requirement under subsection (a) with respect to an employee of the Department of Defense, may not be construed to be subject to a duty to negotiate under chapter 71 of title 5, United States Code.”

DEPOSIT IN SPECIAL FUND OF RENTS AND CHARGES COLLECTED FOR USE OR OCCUPANCY OF QUARTERS

Pub. L. 98-473, title I, §101(c) [title III, §320], Oct. 12, 1984, 98 Stat. 1837, 1874, as amended by Pub. L. 100-446, title III, §316, Sept. 27, 1988, 102 Stat. 1826; Pub. L. 101-121, title III, §317, Oct. 23, 1989, 103 Stat. 745, provided that: “Notwithstanding title 5 of the United States Code or any other provision of law, after September 30, 1984, rents and charges collected by payroll deduction or otherwise for the use or occupancy of quarters of agencies funded by this Act [probably means Department of the Interior and Related Agencies Appropriation Act, 1985, as set forth in section 101(c) of Pub. L. 98-473] shall thereafter be deposited in a special fund in each agency, to remain available until expended, for the maintenance and operation of the quarters of that agency: *Provided*, That nothing contained herein shall prohibit an agreement between an Indian tribe or tribal organization and the Secretary of the Interior or the Secretary of Health and Human Services, pursuant to the Indian Self-Determination Act, as amended (25 U.S.C. 450 et seq.) [former 25 U.S.C. 450f et seq., now 25 U.S.C. 5321 et seq.], under which such tribe or tribal organization may retain rents and charges for the operation, maintenance, and repair of such quarters.”

§ 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.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 509.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 118a.	June 26, 1930, ch. 622, 46 Stat. 818. Sept. 6, 1960, Pub. L. 86-707, §511(c)(6), 74 Stat. 801.

The words “which appropriations are hereby authorized” are omitted as unnecessary in view of section 5509.

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

§ 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.

(c) Funds made available under subsection (b) may be provided in advance to persons eligible to receive reimbursements.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 510; Pub. L. 109-140, § 7, Dec. 22, 2005, 119 Stat. 2652.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 3039.	Aug. 2, 1946, ch. 744, §22, added Sept. 6, 1960, Pub. L. 86-707, §311(a), 74 Stat. 796.

The word “agency” is substituted for “department” and defined to conform to the definition of “department” in section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

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

2005—Subsec. (c). Pub. L. 109-140 added subsec. (c).

DELEGATION OF FUNCTIONS

Secretary of State empowered to prescribe regulations governing allotment to posts in foreign countries, for purpose stated in this section, of funds available to the departments for administrative expenses, and to designate senior officials of this Government in foreign countries, see section 1(c) of Ex. Ord. No. 10903, Jan. 11, 1961, 26 F.R. 217, set out as a note under section 5921 of this title.

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.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 510.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 3032.	Sept. 6, 1960, Pub. L. 86-707, §111, 74 Stat. 792.

In paragraph (1), the words “of America” are omitted as unnecessary.

In paragraph (2), the word “agency” is substituted for “Government agency”. The term “Executive agency” is substituted for the reference to “each executive department of the Government, each independent establishment or agency in the executive branch of the Government, including each corporation wholly owned (either directly or through one or more corporations) by the Government”. The exception of “a Government controlled corporation” is added to preserve the application of this subchapter to corporations wholly owned by the Government.

In paragraph (3), the word “employee” is substituted for “individual in the civilian service” in view of the definition of “employee” in section 2105. Reference to “ambassadors, ministers, and officers of the Foreign Service under the Department of State” is omitted as included in the definition of “employee”.

In paragraph (4), the words “of the United States of America” are omitted as unnecessary.

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

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

LIMITATION ON HOUSING BENEFITS

Pub. L. 101-246, title I, §156, Feb. 16, 1990, 104 Stat. 46, provided that:

“(a) IN GENERAL.—The Secretary of State shall establish and implement an appropriate housing policy and space standards in consultation with all agencies with employees outside the United States who are under the authority of the chief of mission or with other agencies or employees who participate in the overseas housing program. Such policy may not provide housing or related benefits based solely on the representational status of the employee, except if such individual is the ambassador, deputy chief of mission, permanent charge, or the consul general when serving as the principal officer.

“(b) WAIVER.—The Secretary of State may grant exceptions to the restriction on providing housing or related benefits on a representational basis under subsection (a) on a case-by-case basis where a documented need for such exception is established. The Secretary of State shall prepare a comprehensive list annually of all such exceptions granted under this subsection.”

AMENDMENT, MODIFICATION, OR SUPERSEURE OF PROVISIONS INCONSISTENT WITH THE OVERSEAS DIFFERENTIALS AND ALLOWANCES ACT

Pub. L. 86-707, title V, §511(b), Sept. 6, 1960, 74 Stat. 800, provided that: “Any provision of law which is not repealed by subsection (a) of this section but is inconsistent with any provision of this Act or of any amendment made by this Act [enacting chapter 37 of former title 5 (now covered by this subchapter), amending other sections as shown in the Tables, and enacting provisions set out as notes under this section and sec-