

Sec.  
5502. Unauthorized office; prohibition on use of funds.  
5503. Recess appointments.  
5504. Biweekly pay periods; computation of pay.  
5505. Monthly pay periods; computation of pay.  
5506. Computation of extra pay based on standard or daylight saving time.  
5507. Officer affidavit; condition to pay.  
5508. Officer entitled to leave; effect on pay status.  
5509. Appropriations.

## SUBCHAPTER II—WITHHOLDING PAY

5511. Withholding pay; employees removed for cause.  
5512. Withholding pay; individuals in arrears.  
5513. Withholding pay; credit disallowed or charge raised for payment.  
5514. Installment deduction for indebtedness because of erroneous payment.<sup>1</sup>  
5515. Crediting amounts received for jury or witness service.  
5516. Withholding District of Columbia income taxes.  
5517. Withholding State income taxes.  
5518. Deductions for State retirement systems; National Guard employees.  
5519. Crediting amounts received for certain Reserve or National Guard service.  
5520. Withholding of city or county income or employment taxes.  
5520a. Garnishment of pay.

## SUBCHAPTER III—ADVANCEMENT, ALLOTMENT, AND ASSIGNMENT OF PAY

5521. Definitions.  
5522. Advance payments; rates; amounts recoverable.  
5523. Duration of payments; rates; active service period.  
5524. Review of accounts.  
5524a. Advance payments for new appointees and employees relocating within the United States and its territories.  
5525. Allotment and assignment of pay.  
5526. Funds available on reimbursable basis.  
5527. Regulations.

## SUBCHAPTER IV—DUAL PAY AND DUAL EMPLOYMENT

5531. Definitions.  
[5532. Repealed.]  
5533. Dual pay from more than one position; limitations; exceptions.  
5534. Dual employment and pay of Reserves and National Guardsmen.  
5534a. Dual employment and pay during terminal leave from uniformed services.  
5535. Extra pay for details prohibited.  
5536. Extra pay for extra services prohibited.  
5537. Fees for jury and witness service.  
5538. Nonreduction in pay while serving in the uniformed services or National Guard.

## SUBCHAPTER V—PREMIUM PAY

5541. Definitions.  
5542. Overtime rates; computation.  
5543. Compensatory time off.  
5544. Wage-board overtime and Sunday rates; computation.  
5545. Night, standby, irregular, and hazardous duty differential.  
5545a. Availability pay for criminal investigators.  
5545b. Pay for firefighters.  
5546. Pay for Sunday and holiday work.  
5546a. Differential pay for certain employees of the Federal Aviation Administration and the Department of Defense.

<sup>1</sup>Section catchline amended by Pub. L. 97-365 without corresponding amendment of chapter analysis.

5547. Limitation on premium pay.  
5548. Regulations.  
5549. Effect on other statutes.  
5550. Border patrol rate of pay.  
5550a. Compensatory time off for religious observances.  
5550b. Compensatory time off for travel.

## SUBCHAPTER VI—PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE

5551. Lump-sum payment for accumulated and accrued leave on separation.  
5552. Lump-sum payment for accumulated and accrued leave on entering active duty; election.  
5553. Regulations.

## SUBCHAPTER VII—PAYMENTS TO MISSING EMPLOYEES

5561. Definitions.  
5562. Pay and allowances; continuance while in a missing status; limitations.  
5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations.  
5564. Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.  
5565. Agency review.  
5566. Agency determinations.  
5567. Settlement of accounts.  
5568. Income tax deferment.  
5569. Benefits for captives.  
5570. Compensation for disability or death.

## SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

5581. Definitions.  
5582. Designation of beneficiary; order of precedence.  
5583. Payment of money due; settlement of accounts.  
5584. Claims for overpayment of pay and allowances, and of travel, transportation and relocation expenses and allowances.

## SUBCHAPTER IX—SEVERANCE PAY AND BACK PAY

[5591 to 5594. Repealed.]  
5595. Severance pay.  
5596. Back pay due to unjustified personnel action.  
5597. Separation pay.

## AMENDMENTS

2016—Pub. L. 114-328, div. A, title XI, §1134(c)(2), Dec. 23, 2016, 130 Stat. 2459, substituted “Advance payments for new appointees and employees relocating within the United States and its territories” for “Advance payments for new appointees” in item 5524a.

2014—Pub. L. 113-277, §2(g)(3), Dec. 18, 2014, 128 Stat. 3005, added item 5550.

2009—Pub. L. 111-8, div. D, title VII, §751(b), Mar. 11, 2009, 123 Stat. 695, added item 5538.

2004—Pub. L. 108-411, title II, §203(b), Oct. 30, 2004, 118 Stat. 2313, added item 5550b.

1999—Pub. L. 106-65, div. A, title VI, §651(a)(2), Oct. 5, 1999, 113 Stat. 664, struck out item 5532 “Employment of retired members of the uniformed services; reduction in retired or retainer pay.”

1998—Pub. L. 105-277, div. A, §101(h) [title VI, §628(b)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-521, added item 5545b.

1994—Pub. L. 103-329, title VI, §633(b)(3), Sept. 30, 1994, 108 Stat. 2427, added item 5545a.

1993—Pub. L. 103-94, §9(b)(1), Oct. 6, 1993, 107 Stat. 1010, which directed amendment of table of chapters for chapter 55 of this title by adding item 5520a, was executed by adding item 5520a to table of sections for this chapter to reflect the probable intent of Congress.

1992—Pub. L. 102-484, div. D, title XLIV, §4436(a)(2), Oct. 23, 1992, 106 Stat. 2724, added item 5597.

Pub. L. 102-378, §2(44)(B), (45)(B), Oct. 2, 1992, 106 Stat. 1352, 1353, struck out item 5550 "Pay for Sunday and overtime work; employees of nonappropriated fund instrumentalities" and added item 5553.

1990—Pub. L. 101-509, title V, §529 [title I, §107(b)], Nov. 5, 1990, 104 Stat. 1427, 1449, added item 5524a.

1986—Pub. L. 99-399, title VIII, §803(b), Aug. 27, 1986, 100 Stat. 883, added items 5569 and 5570.

1985—Pub. L. 99-224, §1(b), Dec. 28, 1985, 99 Stat. 1741, substituted "and of travel, transportation and relocation expenses and allowances" for "other than travel and transportation expenses and allowances and relocation expenses" in item 5584.

1984—Pub. L. 98-525, title XV, §1537(c)(6)(B), Oct. 19, 1984, 98 Stat. 2636, inserted "and the Department of Defense" in item 5546a.

1982—Pub. L. 97-276, §151(c)(2), Oct. 2, 1982, 96 Stat. 1201, added item 5546a.

1978—Pub. L. 95-454, title III, §308(f)(2), Oct. 13, 1978, 92 Stat. 1151, substituted "members of the uniformed services; reduction in retired or retainer pay" for "officers of the uniformed services; reduction in retired or retirement pay; exceptions" in item 5532.

Pub. L. 95-390, title IV, §401(b), Sept. 29, 1978, 92 Stat. 762, added item 5550a.

1977—Pub. L. 95-30, title IV, §408(b), May 23, 1977, 91 Stat. 157, substituted "city or county" for "city" in item 5520.

1975—Pub. L. 94-183, §2(24), Dec. 31, 1975, 89 Stat. 1058, struck out "Sunday," after "Night," in item 5545.

1974—Pub. L. 93-340, §1(b), July 10, 1974, 88 Stat. 294, added item 5520.

1972—Pub. L. 92-453, §3(2), Oct. 2, 1972, 86 Stat. 760, substituted "overpayment of pay and allowances, other than travel and transportation expenses and allowances and relocation expenses" for "overpayment of pay" in item 5584.

Pub. L. 92-392, §10(b), Aug. 19, 1972, 86 Stat. 574, added item 5550.

1970—Pub. L. 91-563, §§2(b), 3(b), Dec. 19, 1970, 84 Stat. 1477, substituted "jury or witness service" for "jury service in State courts" in item 5515, and "jury and witness service" for "jury service in courts of the United States" in item 5537.

1968—Pub. L. 90-616, §1(b), Oct. 21, 1968, 82 Stat. 1212, added item 5584.

Pub. L. 90-588, §2(c), Oct. 17, 1968, 82 Stat. 1152, added item 5519.

1967—Pub. L. 90-83, §1(23), (26)(B), (28), (30), (35), Sept. 11, 1967, 81 Stat. 200, 201, 203, inserted items 5534a, 5595 and 5596, included Sunday rates in item 5544, Sunday and hazardous duty differential in item 5545 and Sundays in item 5546, substituted "Severance Pay and Back Pay" for "Back Pay" in heading of subchapter IX, and struck out items 5591 to 5594.

NO PAYMENT OF SERVICES TO INDIVIDUAL IN ACTING OR TEMPORARY CAPACITY AFTER SECOND NOMINATION FOR THAT INDIVIDUAL IS WITHDRAWN OR RETURNED TO PRESIDENT

Pub. L. 111-8, div. D, title VII, §749, Mar. 11, 2009, 123 Stat. 693, provided that: "Effective January 20, 2009, and for each fiscal year thereafter, no part of any appropriation contained in this or any other Act may be used for the payment of services to any individual carrying out the responsibilities of any position requiring Senate advice and consent in an acting or temporary capacity after the second submission of a nomination for that individual to that position has been withdrawn or returned to the President."

NO PAYMENT TO PERSON FILLING POSITION AFTER VOTE BY SENATE NOT TO APPROVE PERSON'S NOMINATION

Pub. L. 110-161, div. D, title VII, §709, Dec. 26, 2007, 121 Stat. 2021, provided that: "Hereafter, no part of any appropriation contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate

has voted not to approve the nomination of said person."

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.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 475.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: Derivation (.....), U.S. Code (5 U.S.C. 50 (1st sentence; and 2d sentence, so much as relates to removal)), Revised Statutes and Statutes at Large (Aug. 5, 1882, ch. 389, §4 (297th through 316th words), 22 Stat. 255; Aug. 23, 1912, ch. 350, §5 (so much as relates to removal), 37 Stat. 414).

In the last sentence, the word "removed" is substituted for "summarily removed" because of the provisions of the Lloyd-LaFollette Act 37 Stat. 555, as amended, and the Veterans' Preference Act of 1944, 58 Stat. 387, as amended, which are carried into this title.

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

§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.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 475.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: Derivation (a) ....., U.S. Code (5 U.S.C. 52), Revised Statutes and Statutes at Large (R.S. §1760). Row 2: Derivation (b) ....., U.S. Code (5 U.S.C. 85), Revised Statutes and Statutes at Large (July 1, 1898, ch. 546, §1 (3d proviso on p. 644), 30 Stat. 644).

In subsection (a), the words "in the civil service or uniformed services" are substituted for "civil, military, or naval".

In subsection (b), the words "Except as otherwise provided by statute" are added in recognition of the Act of Aug. 25, 1958, Pub. L. 85-745, 72 Stat. 838, which authorizes an office staff for former Presidents. The reference to "public money and appropriations" is added for clarity.

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

§5503. Recess appointments

(a) Payment for services may not be made from the Treasury of the United States to an in-