

(Added Pub. L. 90-83, §1(40)(A), Sept. 11, 1967, 81 Stat. 206; amended Pub. L. 101-509, title V, §529 [title II, §202(b)], Nov. 5, 1990, 104 Stat. 1427, 1456.)

HISTORICAL AND REVISION NOTES

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
5902	5 App.: 2134.	July 18, 1966, Pub. L. 89-504, § 407(b), 80 Stat. 299.

The words “any other provision of” following “Notwithstanding” are omitted as unnecessary. The words “section 5901 of this title” are substituted for “this title” in three places to reflect the codification of that title in title 5, United States Code.

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-509 amended section generally. Prior to amendment, section read as follows: “Notwithstanding section 5901 of this title, each of the respective maximum uniform allowances in effect on April 1, 1966, for the respective categories of employees to whom uniform allowances are paid under section 5901 of this title are increased, subject to the maximum allowance authorized by section 5901 of this title, as follows:

- “(1) If the maximum uniform allowance is \$100 or more, it is increased by 25 percent.
 - “(2) If the maximum uniform allowance is \$75 or more but less than \$100, it is increased by 30 percent.
 - “(3) If the maximum uniform allowance is \$50 or more but less than \$75, it is increased by 35 percent.
 - “(4) If the maximum uniform allowance is less than \$50, it is increased by 40 percent.
- The maximum uniform allowances, as in effect on April 1, 1966, and as increased by this section, may not be reduced.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

§ 5903. Regulations

The Office of Personnel Management may prescribe such regulations as it considers necessary for the administration of this subchapter.

(Added Pub. L. 90-83, §1(40)(A), Sept. 11, 1967, 81 Stat. 206; amended Pub. L. 96-54, §2(a)(2), Aug. 14, 1979, 93 Stat. 381; Pub. L. 101-509, title V, §529 [title II, §202(b)], Nov. 5, 1990, 104 Stat. 1427, 1456.)

HISTORICAL AND REVISION NOTES

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
5903	5: 5901(d).	[None.]

The regulatory authority contained in 5 U.S.C. 5901(d), the source statute for which was section 404 of the act of September 1, 1954, ch. 1208, 68 Stat. 1115, applies also to section 405 of that act (added by section 407 of the act of July 18, 1966, Public Law 89-504, 80 Stat. 299). Section 405 is codified as 5 U.S.C. 5902 by this bill.

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-509 amended section generally. Prior to amendment, section read as follows: “The President

shall prescribe regulations necessary for the uniform administration of this subchapter.”

1979—Pub. L. 96-54 substituted “President” for “Director of the Bureau of the Budget”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

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.

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.

(h) A member of the uniformed service on a permanent change of duty station or temporary 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.

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

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.

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; Pub. L. 116-92, div. A, title VI, §642, Dec. 20, 2019, 133 Stat. 1431; Pub. L. 116-283, div. A, title VI, §642, Jan. 1, 2021, 134 Stat. 3684, provided that:

"(a) AUTHORITY.—Notwithstanding the provisions of section 5911 of title 5, United States Code, the Secretary of Defense may 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) TEMPORARY EXCLUSION OF CERTAIN SHIPYARD EMPLOYEES.—

"(1) IN GENERAL.—In carrying out a Government lodging program under subsection (a), the Secretary shall exclude from the requirements of the program employees who are traveling for the performance of mission functions of a public shipyard of the Department if the Secretary determines such requirements would adversely affect the purpose or mission of such travel.

"(2) TERMINATION.—This subsection shall terminate on September 30, 2023.

"(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."

Executive Documents

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.

§ 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

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 118a, June 26, 1930, ch. 622, 46 Stat. 818. Row 2: 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

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 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.

Editorial Notes

AMENDMENTS

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

Executive Documents

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

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 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.