

determined without regard to subparagraphs (B) through (D) of such section 8311(3); except that such term does not include an annuity payable to an eligible beneficiary of a member or former member of a uniformed service under chapter 73 of title 10;

(4) “agency in the legislative branch” means the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Office of the Architect of the Capitol, the United States Botanic Garden, the Congressional Budget Office, and the United States Capitol Police;

(5) “employee of the House of Representatives” means a congressional employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives;

(6) “employee of the Senate” means a congressional employee whose pay is disbursed by the Secretary of the Senate; and

(7) “congressional employee” has the meaning given that term by section 2107 of this title, excluding an employee of an agency in the legislative branch.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 482; Pub. L. 95-454, title III, §308(b), Oct. 13, 1978, 92 Stat. 1150; Pub. L. 102-190, div. A, title VI, §655(a)(2), Dec. 5, 1991, 105 Stat. 1391; Pub. L. 104-186, title II, §215(6), Aug. 20, 1996, 110 Stat. 1745; Pub. L. 106-398, §1 [[div. A], title X, §1087(f)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-293; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 111-145, §7(b)(1), Mar. 4, 2010, 124 Stat. 55.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 3101 (as applicable to 5 U.S.C. 3102(a)-(e) and 3105 (less (e))).	Aug. 19, 1964, Pub. L. 88-448, §101 (as applicable to §§201(a)-(e) and 301 (less (e))), 78 Stat. 484.

In paragraph (2), the defined word “position” is substituted for “civilian office.” The words “Government corporation” are substituted for “corporation owned or controlled by such Government” in view of the definition in section 103.

The definitions of “uniformed services” and “armed forces” are omitted as unnecessary in view of the definitions 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

2010—Par. (4). Pub. L. 111-145 substituted “the Congressional Budget Office, and the United States Capitol Police” for “and the Congressional Budget Office”.

2004—Par. (4). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2000—Pub. L. 106-398 substituted “section” for “sections 5532 and” in introductory provisions.

1996—Par. (5). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

1991—Pars. (4) to (7). Pub. L. 102-190 added pars. (4) to (7).

1978—Pub. L. 95-454 substituted “member” for “officer” in par. (1) and added par. (3).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-145 effective as though enacted as part of section 1018 of Pub. L. 108-7, see section

7(d) of Pub. L. 111-145, set out as a note under section 2107 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

DUAL PAY REQUIREMENTS FOR PAY PERIODS SUBSEQUENT TO ENACTMENT OF CIVIL SERVICE ACT OF 1978

Pub. L. 95-454, title III, §308(g), Oct. 13, 1978, 92 Stat. 1151, provided that:

“(1) Except as provided in paragraph (2) of this subsection, the amendments made by this section [amending this section and section 5532 of this title] shall apply only with respect to pay periods beginning after the effective date of this Act [see Effective Date note set out under section 1101 of this title] and only with respect to members of the uniformed services who first receive retired or retainer pay (as defined in section 5531(3) of title 5, United States Code (as amended by this section)), after the effective date of this Act.

“(2) Such amendments shall not apply to any individual employed in a position on the date of the enactment of this Act [Oct. 13, 1978] so long as the individual continues to hold any such position (disregarding any break in service of 3 days or less) if the individual, on that date, would have been entitled to retired or retainer pay but for the fact the individual does not satisfy any applicable age requirement.

“(3) The provisions of section 5532 of title 5, United States Code, as in effect immediately before the effective date of this Act, shall apply with respect to any retired officer of a regular component of the uniformed services who is receiving retired pay on or before such date, or any individual to whom paragraph (2) applies, in the same manner and to the same extent as if the preceding subsections of this section had not been enacted.”

[§ 5532. Repealed. Pub. L. 106-65, div. A, title VI, § 651(a)(1), Oct. 5, 1999, 113 Stat. 664]

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 482; Pub. L. 95-454, title III, §308(a), (c)-(f)(1), Oct. 13, 1978, 92 Stat. 1149-1151; Pub. L. 97-276, §151(b), Oct. 2, 1982, 96 Stat. 1200; Pub. L. 98-396, title III, §306, Aug. 22, 1984, 98 Stat. 1424; Pub. L. 98-525, title XV, §1537(b), Oct. 19, 1984, 98 Stat. 2635; Pub. L. 99-88, title I, §100, Aug. 15, 1985, 99 Stat. 351; Pub. L. 99-500, §101(7), Oct. 18, 1986, 100 Stat. 1783-308, and Pub. L. 99-591, §101(7), Oct. 30, 1986, 100 Stat. 3341-308; Pub. L. 100-202, §§101(7) [title I, §101], 106, Dec. 22, 1987, 101 Stat. 1329-358, 1329-362, 1329-433; Pub. L. 100-457, title I, Sept. 30, 1988, 102 Stat. 2129; Pub. L. 101-509, title V, §529 [title I, §108(a)], Nov. 5, 1990, 104 Stat. 1427, 1449; Pub. L. 101-510, div. A, title XII, §1206(j)(1), Nov. 5, 1990, 104 Stat. 1663; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-190, div. A, title VI, §655(a)(1), Dec. 5, 1991, 105 Stat. 1390; Pub. L. 102-378, §8(a), Oct. 2, 1992, 106 Stat. 1359; Pub. L. 105-55, title I, §107, Oct. 7, 1997, 111 Stat. 1184, related to employment of retired members of uniformed services and reduction in retired or retainer pay.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1999, see section 651(c) of Pub. L. 106-65, set out as an Effective Date of 1999 Amendment note under section 1466 of Title 10, Armed Forces.

§ 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 Office of Personnel Man-