

AMENDMENTS

2006—Subsec. (a)(1)(B). Pub. L. 109-435 substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

Subsec. (k)(3). Pub. L. 109-241 substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

2004—Subsec. (a)(1)(A), (D). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2003—Subsec. (k)(2)(A). Pub. L. 108-189 substituted “Servicemembers Civil Relief Act” for “Soldiers’ and Sailors’ Civil Relief Act of 1940”.

1997—Subsec. (j)(2). Pub. L. 105-85, §1105(1), added par. (2) and struck out former par. (2) which read as follows: “Such regulations shall provide that an agency’s administrative costs incurred in executing legal process to which the agency is subject under this section shall be deducted from the amount withheld from the pay of the employee concerned pursuant to the legal process.”

Subsec. (k)(3), (4). Pub. L. 105-85, §1105(2), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “Regulations under this subsection may also provide that the administrative costs incurred in establishing and maintaining an involuntary allotment be deducted from the amount withheld from the pay of the member of the uniformed services concerned pursuant to such regulations.”

Subsec. (l). Pub. L. 105-85, §1105(3), struck out subsec. (l) which read as follows: “The amount of an agency’s administrative costs deducted under regulations prescribed pursuant to subsection (j)(2) or (k)(3) shall be credited to the appropriation, fund, or account from which such administrative costs were paid.”

1996—Subsecs. (h)(2), (i). Pub. L. 104-193 substituted “section 459 of the Social Security Act (42 U.S.C. 659)” for “sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662)”.

Subsec. (j)(2). Pub. L. 104-106, §643(a), added par. (2) and struck out former par. (2) which read as follows: “Such regulations shall provide that an agency’s administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.”

Subsec. (k)(3), (4). Pub. L. 104-106, §643(b), added par. (3) and redesignated former par. (3) as (4).

Subsec. (l). Pub. L. 104-106, §643(c), added subsec. (l).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective six months after Aug. 22, 1996, see section 362(d) of Pub. L. 104-193, set out as a note under section 659 of Title 42, The Public Health and Welfare.

For provisions relating to effective date of title III of Pub. L. 104-193, see section 395(a)–(c) of Pub. L. 104-193, set out as a note under section 654 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE; SAVINGS PROVISION

Section effective 120 days after Oct. 6, 1993, and not to affect any proceedings with respect to which charges were filed on or before 120 days after Oct. 6, 1993, with orders to be issued in such proceedings and appeals taken therefrom as if Pub. L. 103-94 had not been enacted, see section 12 of Pub. L. 103-94, set out as a note under section 7321 of this title.

PILOT PROGRAM ON ALTERNATIVE NOTICE OF RECEIPT OF LEGAL PROCESS FOR GARNISHMENT OF FEDERAL PAY FOR CHILD SUPPORT AND ALIMONY

Pub. L. 105-261, div. A, title X, §1061, Oct. 17, 1998, 112 Stat. 2128, authorized the Secretary of Defense to conduct a pilot program on alternative notice procedures for withholding or garnishment of pay for the payment of child support and alimony under section 659 of Title 42, The Public Health and Welfare, required the Secretary to submit to Congress, not later than Jan. 1, 2001, a report describing the experience of the Department of Defense under the authority provided for the

program, and provided for termination of pilot program on Sept. 30, 2001.

EX. ORD. NO. 12897. GARNISHMENT OF FEDERAL EMPLOYEES’ PAY

Ex. Ord. No. 12897, Feb. 3, 1994, 59 F.R. 5517, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 5520a(j)(1)(A) of title 5, United States Code, as added by section 9 of Public Law 103-94, it is hereby ordered as follows:

SECTION 1. The Office of Personnel Management, in consultation with the Attorney General, is designated to promulgate regulations for the implementation of section 5520a of title 5, United States Code, with respect to civilian employees and agencies in the executive branch, except as provided in section 2 of this order.

SEC. 2. The Postmaster General is designated to promulgate regulations for the implementation of section 5520a of title 5, United States Code, with respect to employees of the United States Postal Service.

WILLIAM J. CLINTON.

SUBCHAPTER III—ADVANCEMENT, ALLOTMENT, AND ASSIGNMENT OF PAY

§ 5521. Definitions

For the purpose of this subchapter—

- (1) “agency” means— (A) an Executive agency; (B) the judicial branch; (C) the Library of Congress; (D) the Government Printing Office; and (E) the government of the District of Columbia;

(2) “employee” means an individual employed in or under an agency;

- (3) “head of each agency” means— (A) the Director of the Administrative Office of the United States Courts with respect to the judicial branch; and

(B) the Mayor of the District of Columbia with respect to the government of the District of Columbia; and

(4) “United States”, when used in a geographical sense, means the several States and the District of Columbia.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 479; Pub. L. 90-623, §1(10), Oct. 22, 1968, 82 Stat. 1312; Pub. L. 96-54, §2(a)(31), Aug. 14, 1979, 93 Stat. 383.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 5 U.S.C. 3071. Sept. 26, 1961, Pub. L. 87-304, §1, 75 Stat. 662. June 24, 1965, Pub. L. 89-47, 79 Stat. 171.

In paragraph (1), the word “agency” is substituted for “department”. The term “Executive agency” is substituted for the reference to “each executive department of the Government of the United States of America; each agency or independent establishment in the executive branch of such Government; each corporation wholly owned or controlled by such Government” in former section 3071(1)(A)–(C).

Paragraph (2) is added for clarity and in view of the fact that the definition of “employee” in section 2105 does not include individuals employed by the government of the District of Columbia.

In paragraph (3), the term “department head” is omitted as unnecessary.

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.

AMENDMENTS

1979—Par. (3)(B). Pub. L. 96-54 substituted “Mayor” for “Commissioner”.

1968—Par. (3)(B). Pub. L. 90-623 substituted “Commissioner” for “Board of Commissioners”.

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 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.

**§ 5522. Advance payments; rates; amounts recoverable**

(a) The head of each agency may provide for the advance payment of the pay, allowances, and differentials, or any of them, covering a period of not more than 30 days, to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency) whose departure (or that of his dependents or immediate family, as the case may be) from a place inside or outside the United States is officially authorized or ordered—

(1) from a place outside the United States from which the Secretary of State determines it is in the national interest to require the departure of some or all employees, their dependents, or both; or

(2) from any place where there is imminent danger to the life of the employee or the lives of the dependents or immediate family of the employee.

(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, the advance payment of pay, allowances, and differentials is at rates currently authorized with respect to the employee on the date the advance payment is made under agency procedures governing advance payments under this subsection. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the departure order.

(c) An advance of funds under subsection (a) of this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or his estate by—

(1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and

(2) such other method as is provided by law.

The head of the agency concerned may waive in whole or in part a right of recovery of an advance of funds under subsection (a) of this section, if it is shown that the recovery would be against equity and good conscience or against the public interest.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 480; Pub. L. 96-465, title II § 2303(a), (b), Oct. 17, 1980, 94 Stat. 2164, 2165.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 3072.	Sept. 26, 1961, Pub. L. 87-304, § 2, 75 Stat. 662.

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

1980—Subsec. (a). Pub. L. 96-465, § 2303(a), substituted “departure” for “evacuation”, substituted “is officially authorized or ordered” for “is ordered for military or other reasons which create imminent danger to the life or lives of the employee or of his dependents or immediate family”, and added pars. (1) and (2).

Subsec. (b). Pub. L. 96-465, § 2303(b), substituted “departure” for “evacuation” after “issuance of the”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

**§ 5523. Duration of payments; rates; active service period**

(a) The head of each agency may provide for—

(1) the payment of monetary amounts covering a period of not more than 60 days to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency) whose departure (or that of the employee’s dependents or immediate family, as the case may be) is authorized or ordered under section 5522(a); and

(2) the termination of payment of the monetary amounts.

The President, with respect to the Executive agencies, may extend the 60-day period for not more than 120 additional days if he determines that the extension of the period is in the interest of the United States.

(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, each payment under this section is at rates of pay, allowances, and differentials, or any of them, currently authorized with respect to the employee on the date payment is made under agency procedures governing payments under this section. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the departure order. An employee in an Executive agency may be granted such additional allowance payments as the President determines necessary to offset the direct added expenses incident to the departure.

(c) Each period for which payment of amounts is made under this section to or for the account of an employee is deemed, for all purposes with respect to the employee, a period of active service, without break in service, performed by the employee in the employment of the Government of the United States or the government of the District of Columbia.