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.
5525. Allotment and assignment of pay.
5526. Funds available on reimbursable basis.
5527. Regulations.

SUBCHAPTER IV—DUAL PAY AND DUAL EMPLOYMENT

5531. Definitions.
5532. Dual pay from more than one position; limitations; exceptions.
5534. Dual employment and pay of Reserves and National Guardsmen.
5534a. Employment of military and civilian employees of the Department of Defense.
5535. Extra pay for extra services 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 service.

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.
5545b. Differential pay for certain employees of the Department of Defense.
5546. Pay for firefighters.
5546a. Pay for Sunday and holiday work.
5546b. Pay for Sunday and holiday work.
5547. Pay for certain employees of the Federal Aviation Administration and the Department of Defense.
5548. Limitation on premium pay.
5549. Regulations.
5550. Effect on other statutes.
5550a. Compensatory time 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

5556. Definitions.
5556a. Pay and allowances; continuity while in a missing status; limitations.
5556b. Allotments; continuity, suspension, resumption, or increase while in a missing status; limitations.
5556c. Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
§ 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 submitted to the Senate for removal.

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

HISTORICAL AND REVISION NOTES

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In the last sentence, the word “removed” is substituted for “summarily removed” because of the provisions of the Lloyd-LaFollette Act 37 Stat. 355, 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

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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. 839, 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 individual appointed during a recess of the Senate to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until the appointee has been confirmed by the Senate.

This subsection does not apply—

(1) if the vacancy arose within 30 days before the end of the session of the Senate;

(2) if, at the end of the session, a nomination for the office, other than the nomination of an individual appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or

(3) if a nomination for the office was rejected by the Senate within 30 days before the end of the session and an individual other than the one whose nomination was rejected thereafter receives a recess appointment.

(b) A nomination to fill a vacancy referred to by paragraph (1), (2), or (3) of subsection (a) of this section shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate.

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

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