§ 5534a. Dual employment and pay during terminal leave from uniformed services

A member of a uniformed service who has performed active service and who is on terminal leave pending separation from, or release from active duty in, that service under honorable conditions may accept a civilian office or position in the Government of the United States, its territories or possessions, or the government of the District of Columbia, and he is entitled to receive the pay of that office or position in addition to pay and allowances as a Reserve or member of the National Guard.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 484.)

Historical and Revision Notes

Derivation U.S. Code Revised Statutes and Statutes at Large

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<tr>
<td>§ 5534a</td>
<td>5 U.S.C. 30r(c) (1st sentence)</td>
<td>Aug. 10, 1956, ch. 489, §29(c) (1st sentence), 70A Stat. 652</td>
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Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5534a. Dual employment and pay during terminal leave from uniformed services

This section amends chapter 55 of title 5, United States Code, by inserting a new section 5534a. This section is based on subsections (a) and (f) of former 5 U.S.C. 61a–1 the source statute for which (act of Nov. 21, 1945, ch. 489, 59 Stat. 584) was repealed by the act of September 6, 1966, Public Law 89–554 (sec. 8, 80 Stat. 653). Senate Report 1380, 89th Congress, second session, pages 449, 511, explains that the source was repealed since it had been rendered obsolete by section 4(c) of the Armed Forces Leave Act of 1946, as amended (37 U.S.C. 501), and section 219(c) of the Public Health Service Act, as added August 9, 1950 (ch. 654, sec. 2, 64 Stat. 426; 42 U.S.C. 210–1(c)), and that any existing rights are preserved by section 8 of Public Law 89–654.

At the time of enactment of the act of November 21, 1945, there was no authority to make lump-sum leave payments to members of the uniformed services who were being separated from or released from active duty in the uniformed services. Accordingly, they were placed on terminal leave until the expiration of the unused portion of their accumulated and current accrued leave, and only then separated or released. The act of November 21, 1945, in part, authorized the employment of these members during terminal leave and provided they were entitled to receive, in addition to the payment from the employment, military pay and allowances for the unexpired portion of the terminal leave. The Armed Forces Leave Act of 1946 authorized lump-sum leave payments of unused accumulated and current accrued leave.

A Reserve of the armed forces or member of the National Guard may accept a civilian office or position under the Government of the United States or the government of the District of Columbia, and he is entitled to receive the pay of that office or position in addition to pay and allowances as a Reserve or member of the National Guard.


Historical and Revision Notes

This section amends chapter 55 of title 5, United States Code, by inserting a new section 5534a. This section is based on subsections (a) and (f) of former 5 U.S.C. 61a–1. The source statute for which (act of Nov. 21, 1945, ch. 489, 59 Stat. 584) was repealed by the act of September 6, 1966, Public Law 89–554 (sec. 8, 80 Stat. 653). Senate Report 1380, 89th Congress, second session, pages 449, 511, explains that the source was repealed since it had been rendered obsolete by section 4(c) of the Armed Forces Leave Act of 1946, as amended (37 U.S.C. 501), and section 219(c) of the Public Health Service Act, as added August 9, 1950 (ch. 654, sec. 2, 64 Stat. 426; 42 U.S.C. 210–1(c)), and that any existing rights are preserved by section 8 of Public Law 89–654.

At the time of enactment of the act of November 21, 1945, there was no authority to make lump-sum leave payments to members of the uniformed services who were being separated from or released from active duty in the uniformed services. Accordingly, they were placed on terminal leave until the expiration of the unused portion of their accumulated and current accrued leave, and only then separated or released. The act of November 21, 1945, in part, authorized the employment of these members during terminal leave and provided they were entitled to receive, in addition to the payment from the employment, military pay and allowances for the unexpired portion of the terminal leave. The Armed Forces Leave Act of 1946 authorized lump-sum leave payments of unused accumulated and current accrued leave.

Generally, thereafter, members of the uniformed services were not placed on terminal leave, but were separated and paid a lump-sum leave payment. However, in certain instances a member may be placed on terminal leave. Such a case was considered recently by the Comptroller General of the United States (see B–157500, Oct. 13, 1965, 45 Comp. Gen. 180. In
view of the foregoing, it is concluded that subsection (a) of former 5 U.S.C. 61a–1 had prospective effect and
should have been reenacted in title 5, U.S.C., by Public Law 89–554.

In section 534a, the words “A member of a uniformed service who has performed active service” are
substituted for “Any person, who, shall have performed ac-
tive service in the Armed Forces” to conform to the
style of title 5 and the definition of “uniformed ser-
vices” in 5 U.S.C. 2101 which is coextensive with the defi-
nition of “armed forces” in subsection (f) of former 5
1318), effective July 13, 1965, consolidated the Coast and
Geodetic Survey and the Weather Bureau to form a new
agency in the Department of Commerce to be known as
the Environmental Science Services Administration.
The words “subsequent to May 1, 1940” are omitted as
executed. The word “territories” is substituted for
“Territories” inasmuch as there now are no incor-
porated territories. The words “including any corpora-
tion created under authority of an act of Congress
which is either wholly controlled or wholly owned by
the Government of the United States, or any depart-
ment, agency, or establishment thereof, whether or not
the employees thereof are paid from funds appropriated
by Congress)” are omitted as included in “a civilian of-
The word “pay” is substituted for “compensa-
tion.”

**AMENDMENTS**

2006—Pub. L. 109–364 inserted at end “‘Such a member
also is entitled to accrue annual leave with pay in the
manner specified in section 6303(a) of this title for a
retired member of a uniformed service.’’

**EFFECTIVE DATE**

Section effective Sept. 6, 1966, for all purposes, see
section 9(h) of Pub. L. 90–83, set out as an Effective
Date of 1967 Amendment note under section 5102 of this
title.

### § 5535. Extra pay for details prohibited

(a) An officer may not receive pay in addition
to the pay for his regular office for performing
the duties of a vacant office as authorized by
sections 3345–3347 of this title.

(b) An employee may not receive—
(1) additional pay or allowances for perform-
ing the duties of another employee; or
(2) pay in addition to the regular pay
received for employment held before his ap-
pointment or designation as acting for or
instead of an occupant of another position or
employment.

This subsection does not prevent a regular and
permanent appointment by promotion from a
lower to a higher grade of employment.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 484.)

### Historical and Revision Notes

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<td>(a)</td>
<td>5 U.S.C. 9</td>
<td>R.S. §170</td>
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<tr>
<td>(b)</td>
<td>5 U.S.C. 69 (1st 34 words)</td>
<td>R.S. §170 (less 1st 34 words).</td>
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Subsection (a) was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, §201(d), as added
with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes
as now or hereafter amended shall be applicable to the
Department of Defense” is omitted from his [sic] title
but is not repealed.

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

### § 5536. Extra pay for extra services prohibited

An employee or a member of a uniformed ser-
vices whose pay or allowance is fixed by statute or
regulation may not receive additional pay or al-
lowance for the disbursement of public money or
for any other service or duty, unless specifically
authorized by law and the appropriation there-
fore specifically states that it is for the addi-
tional pay or allowance.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 484.)

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<td></td>
<td>5 U.S.C. 51</td>
<td>R.S. §1765 (less 1st 34 words).</td>
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<td></td>
<td>5 U.S.C. 69 (less 1st 34 words)</td>
<td>R.S. §1764.</td>
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Sections are consolidated as R.S. §1765 includes the
scope of R.S. §170, R.S. §1764, and the Act of June 20,
1874, as amended. So much of R.S. §1764 as relates to de-
tails is covered by section 5535. R.S. §170 was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, §201(d), as added
with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes
as now or hereafter amended shall be applicable to the
Department of Defense” is omitted from his [sic] title
but is not repealed.

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

### § 5537. Fees for jury and witness service

(a) An employee as defined by section 2105 of
this title (except an individual whose pay is dis-
bursed by the Secretary of the Senate, the Chief
Administrative Officer of the House of Rep-
resentatives, or the Chief of the Capitol Police)
or an individual employed by the government of
the District of Columbia may not receive fees
for service—
(1) as a juror in a court of the United States
or the District of Columbia; or
(2) as a witness on behalf of the United
States or the District of Columbia.

(b) An officer of a court of the United States
or the District of Columbia may not receive wit-
ness fees for attendance before a court, commis-
sioner, or magistrate judge where he is officiat-
ing.