

the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 474(d) of title 37.

(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 481h(d)(1) of title 37.

(4) An allowance under this subsection may be paid in advance.

(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.

(Added Pub. L. 109-163, div. A, title XI, §1121(a), Jan. 6, 2006, 119 Stat. 3451; amended Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465.)

CODIFICATION

In subsecs. (c) and (d)(2), (3), “481h(b)”, “474(d)”, and “481h(d)(1)” substituted for “411h(b)”, “404(d)”, and “411h(d)(1)”, respectively, pursuant to section 631(f)(4)(B) of Pub. L. 112-81, which provided that any reference in a provision of law other than a section of title 10, 32, or 37, United States Code, to a section of title 37 that was transferred and redesignated by “subsection (c)” of section 631 was deemed to refer to the section as so redesignated, notwithstanding that sections of title 37 were transferred and redesignated by subsection (d) of section 631 rather than subsection (c), to reflect the probable intent of Congress.

AMENDMENTS

2011—Subsecs. (c), (d)(2), (3). Pub. L. 112-81 substituted “481h(b)” for “411h(b)” in subsec. (c), “474(d)” for “404(d)” in subsec. (d)(2), and “481h(d)(1)” for “411h(d)(1)” in subsec. (d)(3). See Codification note above.

§ 5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation

The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.

(Added Pub. L. 111-117, div. B, title II, §219(a), Dec. 16, 2009, 123 Stat. 3141.)

CHAPTER 59—ALLOWANCES

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AMENDMENTS

2001—Pub. L. 107-107, div. A, title XI, §1111(b), Dec. 28, 2001, 115 Stat. 1238, added item 5949.
 1991—Pub. L. 102-190, div. A, title X, §1092(a)(2), Dec. 5, 1991, 105 Stat. 1487, added item 5942a.
 1983—Pub. L. 98-164, title I, §127(b)(2), Nov. 22, 1983, 97 Stat. 1027, struck out item 5944 “Illness and burial expenses; native employees in foreign countries”.
 1980—Pub. L. 96-465, title II, §§2310(b), 2311(b), Oct. 17, 1980, 94 Stat. 2166, added items 5927 and 5928.
 1978—Pub. L. 95-603, §2(b), Nov. 6, 1978, 92 Stat. 3020, added item 5948.
 Pub. L. 95-426, title IV, §411(b), Oct. 7, 1978, 92 Stat. 981, added item 5926.
 1971—Pub. L. 91-656, §§6(c), 7(b), Jan. 8, 1971, 84 Stat. 1954, substituted “duty at remote worksites” for “duty on California offshore islands or at Nevada Test Site” in item 5942 and added item 5947.
 1967—Pub. L. 90-83, §1(40)(B), (42), Sept. 11, 1967, 81 Stat. 206, 207, added items 5902 and 5903, and inserted “or at Nevada Test Site” in item 5942.

SUBCHAPTER I—UNIFORMS

§ 5901. Uniform allowances

(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, such sums as may be necessary to carry out this subchapter. The head of the agency concerned, out of funds made available by the appropriation, shall—

- (1) furnish to each of these employees a uniform at a cost not to exceed \$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902); or
- (2) pay to each of these employees an allowance for a uniform not to exceed \$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902).

The allowance may be paid only at the times and in the amounts authorized by the regulations prescribed under section 5903 of this title. When the agency pays direct to the uniform vendor, the head of the agency may deduct a service charge of not more than 4 percent.

(b) When the furnishing of a uniform or the payment of a uniform allowance is authorized

under another statute or regulation existing on September 1, 1954, the head of the agency concerned may continue the furnishing of the uniform or the payment of the uniform allowance under that statute or regulation, but in that event a uniform may not be furnished or allowance paid under this section.

(c) An allowance paid under this section is not wages within the meaning of section 409 of title 42 or chapters 21 and 24 of title 26.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 508; Pub. L. 90-83, §1(39), Sept. 11, 1967, 81 Stat. 206; Pub. L. 101-509, title V, §529 [title II, §202(a)], Nov. 5, 1990, 104 Stat. 1427, 1456; Pub. L. 102-378, §2(50), Oct. 2, 1992, 106 Stat. 1353.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a), (b)	5 U.S.C. 2131.	Sept. 1, 1954, ch. 1208, §402, 68 Stat. 1114. May 13, 1955, ch. 40, 69 Stat. 49.
(c)	5 U.S.C. 2132 (less applicability to the Civil Service Retirement Act, as amended).	Sept. 1, 1954, ch. 1208, §403 (less applicability to the Civil Service Retirement Act, as amended), 68 Stat. 1115.
(d)	5 U.S.C. 2133.	Sept. 1, 1954, ch. 1208, §404, 68 Stat. 1115.

In subsection (a), the word “concerned” is substituted for “to which any such appropriation is made”.

In subsection (b), the words “in his discretion” are omitted as unnecessary in view of the permissive nature of the authority.

In subsections (b) and (d), the word “rules” is omitted as covered by the word “regulations”.

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

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5901(a)	5 App.: 2131.	Oct. 29, 1965, Pub. L. 89-301 §13, 79 Stat. 1122. July 18, 1966, Pub. L. 89-504, §407(a), 80 Stat. 299.

The amendment to the third sentence of subsection (a) of 5 U.S.C. 5901, and the deletion of subsection (d) thereof, reflect the recodification of subsection (d) in 5 U.S.C. 5903 by section 1(40)(A) of this bill. In the last sentence of subsection (a), the words “When” and “pays” are substituted for “In those instances where” and “makes reimbursement”, respectively.

AMENDMENTS

1992—Subsec. (a)(1), (2). Pub. L. 102-378 substituted “5902” for “5902.”

1990—Subsec. (a). Pub. L. 101-509, §529 [title II, §202(a)(1)], substituted “such sums as may be necessary to carry out this subchapter.” for “an amount not to exceed \$125 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties and who are not being furnished with the uniform.”

Subsec. (a)(1), (2). Pub. L. 101-509, §529 [title II, §202(a)(2)], substituted “\$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902).” for “\$125 a year”.

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.

AVAILABILITY OF APPROPRIATIONS FOR UNIFORMS AND UNIFORM ALLOWANCES

Pub. L. 102-394, title V, §504, Oct. 6, 1992, 106 Stat. 1825, provided that: “Appropriations contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-170, title V, §504, Nov. 26, 1991, 105 Stat. 1141.

Pub. L. 101-517, title V, §504, Nov. 5, 1990, 104 Stat. 2221.

Pub. L. 101-166, title V, §504, Nov. 21, 1989, 103 Stat. 1189.

Pub. L. 100-202, §101(h) [title V, §504], Dec. 22, 1987, 101 Stat. 1329-256, 1329-287.

Pub. L. 99-500, §101(i) [H.R. 5233, title V, §504], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(i) [H.R. 5233, title V, §504], Oct. 30, 1986, 100 Stat. 3341-287.

Pub. L. 99-178, title V, §504, Dec. 12, 1985, 99 Stat. 1132.

Pub. L. 98-619, title V, §504, Nov. 8, 1984, 98 Stat. 3333.

Pub. L. 98-139, title V, §504, Oct. 31, 1983, 97 Stat. 889.

Pub. L. 97-377, title I, §101(e)(1) [title V, §504], Dec. 21, 1982, 96 Stat. 1878, 1904.

§ 5902. Increase in maximum uniform allowance

The Office of Personnel Management may, from time to time, by regulation adjust the maximum amount for the cost of uniforms and the maximum allowance for uniforms under section 5901.

(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

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

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.”

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.

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”.

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.)