

The words “of the United States” are omitted as unnecessary because of the definition of “employee” in section 2105.

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

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
5942	5 App.: 70c.	Mar. 31, 1966, Pub. L. 89-383, § 1, 80 Stat. 98.

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-510 designated existing provisions as subsec. (a) and added subsec. (b).

1971—Pub. L. 91-656 substituted “duty at remote worksites” for “duty on California offshore islands or at Nevada Test Site” in section catchline and assignment to duty “at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, beyond that normally encountered in metropolitan commuting, on the part of the employee in commuting to and from his residence and such worksite” for assignment to duty “on one of the California offshore islands or at the United States Atomic Energy Commission Nevada Test Site, including the Nuclear Rocket Development Station”, inserted reference to employee “of an Executive department or an independent establishment” and provision for designation by regulation of sites to which the rates apply.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 91-656, § 6(b), Jan. 8, 1971, 84 Stat. 1954, provided that: “Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section [amending this section], and until the effective date of regulations prescribed by the President under such amendment—

“(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section [Jan. 8, 1971]; and

“(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section [Jan. 8, 1971].”

INCREASE IN ALLOWANCE BASED ON DUTY AT REMOTE WORKSITES

Pub. L. 117-81, div. A, title XI, § 1116, Dec. 27, 2021, 135 Stat. 1955, provided that:

“(a) ASSESSMENT AND RATE.—Not later than March 31, 2022, the Director of the Office of Personnel Management shall complete an assessment of the remote site pay allowance under section 5942 of title 5, United States Code, and propose a new rate of such allowance, adjusted for inflation, and submit such assessment and rate to the President and to Congress.

“(b) APPLICATION.—Beginning on the first day of the first pay period beginning after the date the Director submits the assessment and rate under subsection (a), such rate shall, notwithstanding subsection (a) of such section 5942, be the rate of such allowance.”

Executive Documents

DELEGATION OF FUNCTIONS

Authority of President under this section to prescribe regulations establishing rates at which an allowance

based on duty (except temporary duty) at remote worksites will be paid and defining and designating sites, areas, and groups of positions to which rates apply delegated to Office of Personnel Management, see section 8(3) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 5942a. Separate maintenance allowance for duty at Johnston Island

(a) Notwithstanding section 5536 of this title, and under regulations prescribed by the President, an employee of an Executive agency (other than a Government corporation) who is assigned to a post of duty at Johnston Island, a possession of the United States in the Pacific Ocean, is entitled to receive a separate maintenance allowance if the head of the employing agency finds that—

(1) it is necessary for the employee to maintain the employee’s spouse or dependents, or both, at a location other than Johnston Island—

(A) by reason of dangerous or adverse living conditions at Johnston Island; or

(B) for the convenience of the Federal Government; and

(2) the allowance is needed to help the employee meet the additional expenses involved in maintaining the employee’s spouse or dependents, or both, at such other location rather than at the post.

(b) The regulations prescribed by the President shall include provisions for determining the rate at which an allowance under this section shall be paid.

(Added Pub. L. 102-190, div. A, title X, § 1092(a)(1), Dec. 5, 1991, 105 Stat. 1486.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 102-190, div. A, title X, § 1092(b), Dec. 5, 1991, 105 Stat. 1487, provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [Dec. 5, 1991].”

Executive Documents

DELEGATION OF FUNCTIONS

Authority of President under this section to prescribe regulations delegated to the Office of Personnel Management by section 8(4) of Ex. Ord. No. 11609, set out as a note under section 301 of Title 3, The President.

§ 5943. Foreign currency appreciation allowances

(a) The President, under such regulations as he may prescribe, may meet losses sustained by employees and members of the uniformed services while serving in a foreign country due to the appreciation of foreign currency in its relation to the American dollar. Allowances and expenditures under this section are not subject to income taxes.

(b) Annual appropriations are authorized to carry out subsection (a) of this section and to cover any deficiency in the accounts of the Secretary of the Treasury, including interest, arising out of the arrangement approved by the

President on July 27, 1933, for the conversion into foreign currency of checks and drafts of employees and members of the uniformed services for pay and expenses.

(c) Payment under subsection (a) of this section may not be made to an employee or member of a uniformed service for a period during which his check or draft was converted into foreign currency under the arrangement referred to by subsection (b) of this section.

(d) The President shall report annually to Congress all expenditures made under this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 513; Pub. L. 96-54, § 2(a)(37), Aug. 14, 1979, 93 Stat. 383.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 118c.	Mar. 26, 1934, ch. 87, 48 Stat. 466. Aug. 14, 1937, ch. 627, 50 Stat. 641. Sept. 12, 1950, ch. 946, § 301(87), 64 Stat. 843.

The section is reorganized and restated for clarity and conciseness.

In subsection (a), the words “notwithstanding the provisions of any other Act” are omitted as unnecessary. The words “Secretary of the Treasury” are substituted for “Treasurer of the United States” on authority of 1950 Reorg. Plan No. 26 §§1, 2, eff. July 31, 1950, 64 Stat. 1280. The words “Provided, That such action as the President may take shall be binding upon all executive officers of the Government” are omitted as surplusage.

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

Editorial Notes

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-54, § 2(a)(37)(A), struck out provision relating to recommendation of the Director of the Bureau of the Budget to the President.

Subsec. (d). Pub. L. 96-54, § 2(a)(37)(B), substituted “President” for “Director of the Bureau of the Budget”.

Statutory Notes and Related Subsidiaries

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.

Executive Documents

DELEGATION OF FUNCTIONS

Authority of President under subsec. (a) of this section to make recommendations concerning meeting of losses sustained by employees and members of uniformed services while serving in a foreign country due to appreciation of foreign currency in its relation to American dollar and under subsec. (d) of this section to report annually to Congress on expenditures made under subsec. (d) of this section, delegated to Secretary of the Treasury, see section 2 of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

[§ 5944. Repealed. Pub. L. 98-164, title I, § 127(b)(1), Nov. 22, 1983, 97 Stat. 1027]

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 513, authorized head of Executive department or military de-

partment which maintained a permanent staff of employees in foreign countries to pay burial expenses and expenses in connection with last illness and death of a native employee of his department in a country in which Secretary of State determined it was customary for employers to pay these expenses, and in foreign countries in which custom did not exist, on finding that immediate family of deceased was destitute, he could pay such of expenses as employee in charge of the office abroad in which deceased was employed considered proper. See section 3968(a)(1) of Title 22, Foreign Relations and Intercourse.

§ 5945. Notary public commission expenses

An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia who is required to serve as a notary public in connection with the performance of official business is entitled to an allowance, established by the agency concerned, not in excess of the expense required to obtain the commission. Funds available to an agency concerned for personal services or general administrative expenses are available to carry out this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 514.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 70a.	July 11, 1956, ch. 554, § 1, 70 Stat. 519.
.....	5 U.S.C. 70b.	July 11, 1956, ch. 554, § 2, 70 Stat. 520.

In the first sentence, the words “to be incurred by them in order” are omitted as surplusage. The words “from and after January 1, 1955” are omitted as obsolete.

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

§ 5946. Membership fees; expenses of attendance at meetings; limitations

Except as authorized by a specific appropriation, by express terms in a general appropriation, or by sections 4109 and 4110 of this title, appropriated funds may not be used for payment of—

(1) membership fees or dues of an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia in a society or association; or

(2) expenses of attendance of an individual at meetings or conventions of members of a society or association.

This section does not prevent the use of appropriations for the Department of Agriculture for expenses incident to the delivery of lectures, the giving of instructions, or the acquiring of information at meetings by its employees on subjects relating to the authorized work of the Department.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 514.)