

Pub. L. 108-447, div. F, title II, §216, Dec. 8, 2004, 118 Stat. 3141.

Pub. L. 108-199, div. E, title II, §216, Jan. 23, 2004, 118 Stat. 255.

Pub. L. 108-7, div. G, title II, §216, Feb. 20, 2003, 117 Stat. 325.

Pub. L. 107-116, title II, §216, Jan. 10, 2002, 115 Stat. 2201.

Pub. L. 106-554, §1(a)(1) [title II], Dec. 21, 2000, 114 Stat. 2763, 2763A-13.

Pub. L. 106-113, div. B, §1000(a)(4) [title II], Nov. 29, 1999, 113 Stat. 1535, 1501A-225.

Pub. L. 105-277, div. A, §101(f) [title II], Oct. 21, 1998, 112 Stat. 2681-337, 2681-347.

Pub. L. 105-78, title II, Nov. 13, 1997, 111 Stat. 1477.

Pub. L. 104-208, div. A, title I, §101(e) [title II], Sept. 30, 1996, 110 Stat. 3009-233, 3009-242.

Pub. L. 104-134, title I, §101(d) [title II], Apr. 26, 1996, 110 Stat. 1321-211, 1321-221; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

#### TERM OF RESERVE COMMISSIONS IN EFFECT ON APRIL 27, 1956

Act Apr. 27, 1956, ch. 211, §3(c)(2), 70 Stat. 117, provided that: "The enactment of paragraph (1) of this subsection [amending this section] shall not affect the term of the commission of any officer in the Reserve Corps in effect on the date of such enactment [Apr. 27, 1956] unless such officer consents in writing to the extension of his commission for an indefinite period, in which event his commission shall be so extended without the necessity of a new appointment."

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out as a note under section 202 of this title.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out as a note under section 3501 of this title. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

##### DELEGATION OF FUNCTIONS

Functions of President delegated to Secretary of Health and Human Services and Surgeon General, see Ex. Ord. No. 11140, Jan. 30, 1964, 29 F.R. 1637, as amended, set out as a note under section 202 of this title.

#### §§ 209a, 209b. Omitted

#### Editorial Notes

##### CODIFICATION

Section 209a, act Dec. 22, 1944, ch. 660, title I, 58 Stat. 856, which related to number of regular commissioned nurses to be appointed, their grades, and their length of service for purposes of pay and pay periods, was not repeated in subsequent appropriation acts.

Section 209b, act Dec. 22, 1944, ch. 660, title I, 58 Stat. 857, which authorized appointment of fifty additional regular commissioned officers of which twenty-four were to be in grades above that of senior assistant, was not repeated in subsequent appropriation acts.

#### § 209c. Repealed. Pub. L. 87-649, § 14b, Sept. 7, 1962, 76 Stat. 499

Section, act July 3, 1945, ch. 263, title II, 59 Stat. 370, provided that for purposes of pay and pay period offi-

cers appointed to grades above that of senior assistant pursuant to section 209b of this title shall be considered as having had on date of appointment service equal to that of junior officer of grade to which appointed.

#### § 209d. Appointment of osteopaths as commissioned officers

Graduates of colleges of osteopathy whose graduates are eligible for licensure to practice medicine or osteopathy in a majority of the States of the United States, or approved by a body or bodies acceptable to the Secretary, shall be eligible, subject to the other provisions of this Act, for appointment as commissioned medical officers in the Public Health Service.

(Feb. 28, 1948, ch. 83, §5(b), 62 Stat. 40; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is act Feb. 28, 1948, ch. 83, 62 Stat. 38. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section was not enacted as a part of the Public Health Service Act which comprises this chapter.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

"Secretary of Health and Human Services" substituted in text for "Secretary of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out as a note under section 202 of this title.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out as a note under section 3501 of this title. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

#### § 210. Pay and allowances

##### (a) Commissioned officers of Regular Corps and Ready Reserve Corps; special pay for active duty; incentive special pay for Public Health Service nurses

(1) Commissioned officers of the Regular Corps and Ready Reserve Corps shall be entitled to receive such pay and allowances as are now or may hereafter be authorized by law.

(2) For provisions relating to the receipt of special pay by commissioned officers of the Regular Corps and Ready Reserve Corps while on active duty, see section 303a(b) or 373 of title 37.

##### (b) Purchase of supplies

Commissioned officers on active duty and retired officers entitled to retired pay pursuant to

section 211(g)(3), 212, or 213a(a) of this title, shall be permitted to purchase supplies from the Army, Navy, Air Force, and Marine Corps at the same price as is charged officers thereof.

**(c) Members of national advisory or review councils or committees**

Members of the National Advisory Health Council and members of other national advisory or review councils or committees established under this chapter, including members of the Technical Electronic Product Radiation Safety Standards Committee and the Board of Regents of the National Library of Medicine, but excluding ex officio members, while attending conferences or meetings of their respective councils or committees or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate specified at the time of such service for grade GS-18 of the General Schedule, including traveltime; and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

**(d) Field employees**

Field employees of the Service, except those employed on a per diem or fee basis, who render part-time duty and are also subject to call at any time for services not contemplated in their regular part-time employment, may be paid annual compensation for such part-time duty and, in addition, such fees for such other services as the Surgeon General may determine; but in no case shall the total paid to any such employee for any fiscal year exceed the amount of the minimum annual salary rate of the classification grade of the employee.

**(e) Additional pay for service at Gillis W. Long Hansen's Disease Center**

Any civilian employee of the Service who is employed at the Gillis W. Long Hansen's Disease Center on April 7, 1986, shall be entitled to receive, in addition to any compensation to which the employee may otherwise be entitled and for so long as the employee remains employed at the Center, an amount equal to one-fourth of such compensation.

**(f) Allowances included in fellowships**

Individuals appointed under section 209(g) of this title shall have included in their fellowships such stipends or allowances, including travel and subsistence expenses, as the Surgeon General may deem necessary to procure qualified fellows.

**(g) Positions in professional, scientific and executive service; compensation; appointment**

The Secretary is authorized to establish and fix the compensation for, within the Public Health Service, not more than one hundred and seventy-nine positions, of which not less than one hundred and fifteen shall be for the National Institutes of Health, not less than five shall be for the National Institute on Alcohol Abuse and Alcoholism for individuals engaged in research on alcohol abuse and alcoholism, not less than

ten shall be for the National Center for Health Services Research, not less than twelve shall be for the National Center for Health Statistics, and not less than seven shall be for the National Center for Health Care Technology, in the professional, scientific, and executive service, each such position being established to effectuate those research and development activities of the Public Health Service which require the services of specially qualified scientific, professional and administrative personnel: *Provided*, That the rates of compensation for positions established pursuant to the provisions of this subsection shall not be less than the minimum rate of grade 16 of the General Schedule nor more than (1) the highest rate of grade 18 of the General Schedule, or (2) in the case of two such positions, the rate specified, at the time the service in the position is performed, for level II of the Executive Schedule (5 U.S.C. 5313); and such rates of compensation for all positions included in this proviso shall be subject to the approval of the Director of the Office of Personnel Management. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Director of the Office of Personnel Management or such officers or agents as it may designate for this purpose.

(July 1, 1944, ch. 373, title II, §208, formerly §209, 58 Stat. 686; July 3, 1946, ch. 538, §5(a), 60 Stat. 422; renumbered §208 and amended Feb. 28, 1948, ch. 83, §5(a), (g), (h), 62 Stat. 40; June 16, 1948, ch. 481, §4(d), 62 Stat. 467; June 24, 1948, ch. 621, §4(d), 62 Stat. 601; Oct. 12, 1949, ch. 681, title V, §521(b), 63 Stat. 834; Aug. 9, 1950, ch. 654, §1, 64 Stat. 426; Aug. 15, 1950, ch. 714, §§3(e), 4(b), 64 Stat. 447; 1953 Reorg. Plan No. 1, §§5, 8 eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Aug. 1, 1955, ch. 437, title II, §201, 69 Stat. 407; June 29, 1956, ch. 477, title II, §201, 70 Stat. 430; July 31, 1956, ch. 804, title I, §117(b), 70 Stat. 741; Pub. L. 85-462, §12(e), June 20, 1958, 72 Stat. 214; Pub. L. 85-929, §9, Sept. 6, 1958, 72 Stat. 1789; Pub. L. 86-415, §5(b), Apr. 8, 1960, 74 Stat. 34; Pub. L. 86-703, title II, §201, Sept. 2, 1960, 74 Stat. 764; Pub. L. 87-649, §§11(3), 14b, Sept. 7, 1962, 76 Stat. 497, 499; Pub. L. 87-793, title VI, §1001(d), Oct. 11, 1962, 76 Stat. 864; Pub. L. 88-426, title III, §305(1), Aug. 14, 1964, 78 Stat. 422; Pub. L. 90-574, title V, §501, Oct. 15, 1968, 82 Stat. 1012; Pub. L. 91-515, title VI, §601(b)(1), Oct. 30, 1970, 84 Stat. 1310; Pub. L. 92-157, title III, §301(a), Nov. 18, 1971, 85 Stat. 463; Pub. L. 95-83, title III, §312, Aug. 1, 1977, 91 Stat. 398; Pub. L. 95-623, §11(a), Nov. 9, 1978, 92 Stat. 3455; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-32, §7(g), July 10, 1979, 93 Stat. 84; Pub. L. 96-398, title VIII, §805, Oct. 7, 1980, 94 Stat. 1608; Pub. L. 99-117, §3(a), Oct. 7, 1985, 99 Stat. 491; Pub. L. 99-272, title XVII, §17002(a)(1), (b), Apr. 7, 1986, 100 Stat. 359; Pub. L. 100-607, title VII, §706, Nov. 4, 1988, 102 Stat. 3159; Pub. L. 106-398, §1 [div. A], title VI, §634(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-159; Pub. L. 115-91, div. A, title VI, §618(i), Dec. 12, 2017, 131 Stat. 1427; Pub. L. 116-136, div. A, title III, §3214(e)(2), Mar. 27, 2020, 134 Stat. 373.)

**Editorial Notes****REFERENCES IN TEXT**

Classified civil service, referred to in subsec. (g), as meaning “competitive service”, see section 2102(c) of Title 5, Government Organization and Employees.

**PRIOR PROVISIONS**

A prior section 208 of act July 1, 1944, was renumbered section 207 and is classified to section 209 of this title.

**AMENDMENTS**

2020—Subsec. (a). Pub. L. 116-136 substituted “Regular Corps and Ready Reserve Corps” for “Regular and Reserve Corps” wherever appearing.

2017—Subsec. (a)(2). Pub. L. 115-91 inserted “or 373” after “section 303a(b)”.

2000—Subsec. (a)(2). Pub. L. 106-398 added par. (2) and struck out former par. (2) which read as follows:

“(2)(A) Except as provided in subparagraph (B), commissioned medical and dental officers in the Regular and Reserve Corps shall while on active duty be paid special pay in the same amounts as, and under the same terms and conditions which apply to, the special pay now or hereafter paid to commissioned medical and dental officers of the Armed Forces under chapter 5 of title 37.

“(B) A commissioned medical officer in the Regular or Reserve Corps (other than an officer serving in the Indian Health Service) may not receive additional special pay under section 302(a)(4) of title 37 for any period during which the officer is providing obligated service under (i) section 254m of this title, (ii) section 234(e) of this title (as such section was in effect prior to October 1, 1977), or (iii) section 294u of this title (as such section was in effect between October 1, 1977, and August 13, 1981).”

Subsec. (a)(3). Pub. L. 106-398, § 1 [[div. A], title VI, § 634(b)(1)], struck out par. (3) which read as follows: “Commissioned nurse officers in the Regular and Reserve Corps shall, while in active duty, be paid incentive special pay in the same amounts as, and under the same terms and conditions which apply to, the incentive special pay now or hereafter paid to commissioned nurse officers of the Armed Forces under chapter 5 of title 37.”

1988—Subsec. (a)(3). Pub. L. 100-607 added par. (3).

1986—Subsec. (a)(2)(B). Pub. L. 99-272, § 17002(a)(1), inserted “(other than an officer serving in the Indian Health Service)”.

Subsec. (e). Pub. L. 99-272, § 17002(b), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Whenever any noncommissioned officer or other employee of the Service is assigned for duty which the Surgeon General finds requires intimate contact with persons afflicted with leprosy, he may be entitled to receive, as provided by regulations of the President, in addition to any pay or compensation to which he may otherwise be entitled, not more than one-half of such pay or compensation.”

1985—Subsec. (a)(2). Pub. L. 99-117 substituted “(A) Except as provided in subparagraph (B), commissioned” for “Commissioned”, and added subpar. (B).

1980—Subsec. (a). Pub. L. 96-398 designated existing provisions as par. (1) and added par. (2).

1979—Subsec. (c). Pub. L. 96-32 substituted “section 5703 of title 5” for “section 5703(b) of title 5”.

1978—Subsec. (g). Pub. L. 95-623 increased limitation on establishment of positions to one hundred and seventy-nine from one hundred and fifty-five and required minimum number of positions for certain National Centers: ten, National Center for Health Services Research; twelve, National Center for Health Statistics; and seven, National Center for Health Care Technology.

1977—Subsec. (g). Pub. L. 95-83 increased limitation on establishment of positions to one hundred and fifty-five from one hundred and fifty and required not less than five for the National Institute on Alcohol Abuse and Alcoholism for individuals engaged in research on alcohol abuse and alcoholism.

1971—Subsec. (f). Pub. L. 92-157, which directed that “subsection (g)” be substituted for “section 209(f)”, was executed by substituting “section 209(g) of this title” for “section 209(f) of this title”, to reflect the probable intent of Congress.

1970—Subsec. (c). Pub. L. 91-515 extended coverage to encompass members of other national review councils or national advisory or review committees established under this chapter, including members of the Technical Electronic Product Radiation Safety Standards Committee and the Board of Regents of the National Library of Medicine, authorized service to be at the request of the Secretary in place of the Surgeon General, and revised rates of compensation and travel allowances.

1968—Subsec. (g). Pub. L. 90-574 inserted “(1)” after “nor more than” and added cl. (2).

1962—Subsec. (b). Pub. L. 87-649 struck out sentence which permitted commissioned officers on active duty to make allotments from their pay, and substituted “Commissioned officers on active duty and retired officers” for “Such officers, and retired officers.” See section 704 of Title 37, Pay and Allowances of the Uniformed Services.

Subsec. (g). Pub. L. 87-793 substituted provisions requiring the rates of compensation to be not less than the minimum rate of grade 16 nor more than the highest rate of grade 18 of the General Schedule, for provisions which prescribed annual rates of compensation of not less than \$12,500 nor more than \$19,000.

1960—Subsec. (b). Pub. L. 86-415 authorized retired officers entitled to retired pay pursuant to section 211(g)(3), 212, or 213a(a) of this title, to purchase supplies, and included the purchase of supplies from the Air Force.

Subsec. (g). Pub. L. 86-703 substituted “one hundred and fifty” for “eighty-five” and “one hundred and fifteen” for “seventy-three”.

1958—Subsec. (g). Pub. L. 85-929 substituted “in the professional, scientific, and executive service” for “in the professional and scientific service”, and substituted “of specially qualified scientific, professional, and administrative personnel” for “of specially qualified scientific or professional personnel”.

Pub. L. 85-462, substituted “eighty-five positions, of which not less than seventy-three shall be for the National Institutes of Health” for “sixty positions”.

1956—Subsec. (g). Act June 29, 1956, substituted “\$20,000” for “\$15,000”.

1955—Subsec. (g). Act Aug. 1, 1955, increased from thirty to sixty the number of positions which the Administrator may establish in the professional and scientific service.

1950—Subsec. (b). Act Aug. 9, 1950, struck out “and may be granted leaves of absence without any deduction from their pay” after “allotments from their pay” in first sentence.

Subsec. (c). Act Aug. 15, 1950, § 3(e), made provisions applicable to members of all national advisory councils.

Subsec. (g). Act Aug. 15, 1950, § 4(b), added subsec. (g).

1949—Subsec. (a). Act Oct. 12, 1949, made section applicable to Reserve officers.

Subsec. (b). Act Oct. 12, 1949, redesignated subsec. (c) as (b) and repealed former subsec. (b) relating to Reserve officers.

Subsec. (c). Act Oct. 12, 1949, redesignated subsec. (e) as (c). Former subsec. (c) redesignated (b).

Subsec. (d). Act Oct. 12, 1949, redesignated subsec. (f) as (d) and repealed former subsec. (d) relating to female commissioned officers and defining “dependent”.

Subsec. (e). Act Oct. 12, 1949, redesignated subsec. (g) as (e) and struck out references to allowances. Former subsec. (e) redesignated (c).

Subsec. (f). Act Oct. 12, 1949, redesignated subsec. (h) as (f). Former subsec. (f) redesignated (d).

Subsecs. (g), (h). Act Oct. 12, 1949, redesignated subsecs. (g) and (h) as (e) and (f), respectively.

1948—Subsec. (b). Act Feb. 28, 1948, inserted “except as otherwise provided by law”.

Subsec. (e). Acts June 16, 1948, §4(d), and June 24, 1948, §4(d), made section applicable to the National Advisory Heart Council and increased the per diem of all members from \$25 to \$50, and made section applicable to the National Advisory Dental Research Council, respectively.

Subsec. (h). Act Feb. 28, 1948, substituted “section 209(f) of this title” for “section 209(d) of this title”.

1946—Subsec. (e). Act July 3, 1946, inserted “members of the National Advisory Mental Health Council”.

### Statutory Notes and Related Subsidiaries

#### CHANGE OF NAME

Reference to the Gillis W. Long Hansen's Disease Center deemed to refer to the National Hansen's Disease Programs Center, pursuant to section 2 of Pub. L. 107-220, set out as a note under section 247e of this title.

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsecs. (c) and (g) pursuant section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-272, title XVII, §17002(a)(2), Apr. 7, 1986, 100 Stat. 359, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as of October 7, 1985.”

#### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-117, §3(b), Oct. 7, 1985, 99 Stat. 492, provided that: “The amendment made by subsection (a) [amending this section] shall not diminish any benefits under an agreement entered into before the date of enactment of this Act [Oct. 7, 1985] by a commissioned medical officer in the Regular Corps or the Reserve Corps of the Public Health Service.”

#### EFFECTIVE DATE OF 1962 AMENDMENTS

Amendment by Pub. L. 87-793 effective first day of first pay period which begins on or after Oct. 11, 1962, see Pub. L. 87-793, title VI, §1008, Oct. 11, 1962, 76 Stat. 868.

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

#### EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-415 effective July 1, 1960, see section 8(a) of Pub. L. 86-415, set out as a note under section 209 of this title.

#### EFFECTIVE DATE OF 1958 AMENDMENTS

Amendment by Pub. L. 85-929 effective Sept. 6, 1958, see section 6(a) of Pub. L. 85-929, set out as a note under section 342 of Title 21, Food and Drugs.

Amendment by Pub. L. 85-462 effective June 20, 1958, see section 17(b) of Pub. L. 85-462.

#### EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 31, 1956, effective at beginning of first pay period commencing after June 30, 1956, see section 120 of act July 31, 1956.

#### EFFECTIVE DATE OF 1950 AMENDMENT

Act Aug. 9, 1950, ch. 654, §3(a), 64 Stat. 426, provided that: “Sections 1 and 2 of this Act [amending this section and enacting section 210-1 of this title] shall become effective on July 1, 1950.”

#### EFFECTIVE DATE OF 1949 AMENDMENT

Amendment by act Oct. 12, 1949, effective Oct. 1, 1949, see section 533(a) of act Oct. 12, 1949, set out as a note under section 854a of Title 33, Navigation and Navigable Waters.

### REPEALS

Act July 31, 1956, ch. 804, title I, §117(b), 70 Stat. 741, cited as a credit to this section, which amended subsec. (g) of this section to increase the salary rates, was repealed by Pub. L. 88-426, title III, §305(1), Aug. 14, 1964, 78 Stat. 422.

### TERMINATION OF ADVISORY COMMITTEES

Pub. L. 93-641, §6, Jan. 4, 1975, 88 Stat. 2275, set out as a note under section 217a of this title, provided that an advisory committee established pursuant to the Public Health Service Act shall terminate at such time as may be specifically prescribed by an Act of Congress enacted after Jan. 4, 1975.

### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### MAXIMUM PAY AND ALLOWANCES FOR SPECIFIC FISCAL YEARS

Pub. L. 100-436, title II, §208, Sept. 20, 1988, 102 Stat. 1699, provided in part that: “No funds appropriated for the fiscal year ending September 30, 1989, by this or any other Act, may be used to pay basic pay, special pays, basic allowances for subsistence and basic allowances for quarters of the commissioned corps of the Public Health Service described in section 204 of title 42, United States Code, at a level that exceeds 110 percent of the Executive Level I [5 U.S.C. 5312] annual rate of basic pay”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100-202, §101(h) [title II, §208], Dec. 22, 1987, 101 Stat. 1329-256, 1329-274.

Pub. L. 99-500, §101(i) [H.R. 5233, title II, §208], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(i) [H.R. 5233, title II, §208], Oct. 30, 1986, 100 Stat. 3341-287.

Pub. L. 99-178, title II, §208, Dec. 12, 1985, 99 Stat. 1119.

Pub. L. 98-619, title II, §208, Nov. 8, 1984, 98 Stat. 3321.

Pub. L. 98-139, title II, §208, Oct. 31, 1983, 97 Stat. 888.

### NURSES AND ALLIED HEALTH PROFESSIONALS

Pub. L. 100-436, title II, §214, Sept. 20, 1988, 102 Stat. 1700, provided that: “Funds made available for fiscal year 1989 and hereafter to the National Institutes of Health shall be available for payment of nurses and allied health professionals using pay, schedule options, benefits, and other authorities as provided for the nurses of the Veterans' Administration under 38 U.S.C. chapter 73.”

### Executive Documents

#### TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted for “Civil Service Commission” in subsec. (g) pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in United States Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out as a note under section 202 of this title.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out as a note under section 3501 of this title. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

#### DELEGATION OF FUNCTIONS

Functions of President delegated to Secretary of Health and Human Services, see Ex. Ord. No. 11140, eff. Jan. 30, 1964, 29 F.R. 1637, as amended, set out as a note under section 202 of this title.

### § 210–1. Annual and sick leave

#### (a) Regulations

In accordance with regulations of the President, commissioned officers of the Regular Corps and officers of the Ready Reserve Corps on active duty may be granted annual leave and sick leave without any deductions from their pay and allowances.

#### (b) Limitation

The regulations described in subsection (a) may authorize accumulated annual leave of not more than 120 days for any commissioned officer of the Regular Corps or officer of the Ready Reserve Corps on active duty.

#### (c)<sup>2</sup> Definitions

For purposes of this section the term “accumulated annual leave” means unused accrued annual leave carried forward from one leave year into a succeeding leave year, and the term “accrued annual leave” means the annual leave accruing to an officer during one leave year.

(July 1, 1944, ch. 373, title II, § 219, as added Aug. 9, 1950, ch. 654, § 2, 64 Stat. 426; amended Pub. L. 87–649, § 14b, Sept. 7, 1962, 76 Stat. 499; Pub. L. 96–76, title III, § 311, Sept. 29, 1979, 93 Stat. 586; Pub. L. 116–136, div. A, title III, § 3214(e)(3), Mar. 27, 2020, 134 Stat. 373; Pub. L. 117–328, div. FF, title II, § 2225(a), Dec. 29, 2022, 136 Stat. 5750.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (a). Pub. L. 117–328, § 2225(a)(1), substituted “Ready Reserve Corps” for “Reserve Corps” and struck out “: *Provided*, That such regulations shall not authorize annual leave to be accumulated in excess of sixty days” after “allowances”.

Subsec. (b). Pub. L. 117–328, § 2225(a)(2), added subsec. (b).

Subsecs. (c), (d). Pub. L. 117–328, § 2225(a)(3), redesignated subsec. (d) as (c).

2020—Subsec. (a). Pub. L. 116–136 substituted “Ready Reserve Corps” for “Reserve Corps”.

1979—Subsec. (c). Pub. L. 96–76, repealed subsec. (c) which set forth limitations on granting of annual leave under subsec. (a) of this section.

1962—Subsec. (b). Pub. L. 87–649 repealed subsec. (b) which required forfeiture of all pay and allowances of an officer absent without leave. See section 503 of Title 37, Pay and Allowances of the Uniformed Services.

Subsec. (c). Pub. L. 87–649 repealed last sentence which authorized a lump-sum payment for unused accumulated and accrued annual leave on date of separation, retirement, or release from active duty. See sec-

tion 501 of Title 37, Pay and Allowances of the Uniformed Services.

Subsec. (d). Pub. L. 87–649 repealed subsec. (d) insofar as it was applicable to the last sentence of subsec. (c). See Amendment note above.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–328, div. FF, title II, § 2225(b), Dec. 29, 2022, 136 Stat. 5750, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to accumulated annual leave (as defined in section 219 of the Public Health Service Act (42 U.S.C. 210–1)) that a commissioned officer of the Regular Corps or officer of the Ready Reserve Corps on active duty would, but for the regulations described in such section, lose at the end of fiscal year 2022 or a subsequent fiscal year.”

##### EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–649 effective Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

##### EFFECTIVE DATE

Section effective July 1, 1950, see section 3(a) of act Aug. 9, 1950, set out as an Effective Date of 1950 Amendment note under section 210 of this title.

##### AUTHORIZATION TO ACCUMULATE EXCESS ANNUAL LEAVE

Pub. L. 117–180, div. D, title III, § 302, Sept. 30, 2022, 136 Stat. 2136, provided that: “For purposes of annual leave accumulated in fiscal year 2022, the authority provided in section 2106 of division C of Public Law 116–159 (42 U.S.C. 210–1 note) shall apply to such leave by substituting ‘2022’ for ‘2020’ in subsections (a) and (d)(2).”

Pub. L. 116–159, div. C, title I, § 2106, Oct. 1, 2020, 134 Stat. 729, provided that:

“(a) IN GENERAL.—Notwithstanding section 219 of the Public Health Service Act (42 U.S.C. 210–1), a commissioned officer of the Public Health Service who, except for this section, would lose at the end of the fiscal year 2020 accumulated annual leave in excess of 60 days, may retain such amounts of accumulated annual leave in excess of 60 days.

“(b) USE OF EXCESS LEAVE.—Annual leave retained pursuant to subsection (a) shall be lost unless it is used by the officer no later than September 30, 2023.

“(c) APPLICABILITY.—This section shall not apply to an officer on terminal leave preceding separation, retirement, or release from active duty, as of the effective date specified in subsection (d).

“(d) EFFECTIVE DATE.—This section shall become effective on the earlier of—

“(1) the date of the enactment of this Act [Oct. 1, 2020]; or

“(2) September 30, 2020.”

##### COMPENSATION FOR PRIOR ACCUMULATED AND ACCRUED LEAVE; LIMITATION; INAPPLICABLE TO OFFICERS ON TERMINAL LEAVE PRIOR TO JULY 1, 1950

Act Aug. 9, 1950, ch. 654, § 3(b), (c), 64 Stat. 426, 427, provided that any officer credited with more than sixty days of accumulated and accrued leave on June 30, 1949, be compensated for so much of such leave as exceeds sixty days, that such compensation be due and payable on July 1, 1950, and that the provisions of this Act not apply to any officer on terminal leave preceding separation, retirement, or release from active duty.

##### AVAILABILITY OF FUNDS

Act Aug. 9, 1950, ch. 654, § 4, 64 Stat. 427, provided for the availability of funds for payment of compensation for prior accumulated and accrued leave for any officer under section 3 of this Act.

<sup>1</sup> So in original.

<sup>2</sup> See 1962 Amendment note for subsec. (d) below.