

## HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i>              |
|-------------------|------------------|--|
| .....             | [Uncodified].    | Oct. 28, 1949, ch. 782, §1107, 63 Stat. 972.               |
| .....             | [Uncodified].    | Sept. 30, 1950, ch. 1123, §13, 64 Stat. 1100.              |
| .....             | 42 U.S.C. 1370.  | Sept. 1, 1954, ch. 1212, §4(a) “Sec. 1510”, 68 Stat. 1135. |
| .....             | [Uncodified].    | Sept. 6, 1960, Pub. L. 86-707, §501(a), 74 Stat. 800.      |

The remainder of the authority for this section is implied from the statutes from which this title is derived.

**Statutory Notes and Related Subsidiaries****MERIT SYSTEMS PROTECTION BOARD AND OFFICE OF SPECIAL COUNSEL; AUTHORIZATION OF APPROPRIATIONS; RESTRICTION ON APPROPRIATIONS**

Pub. L. 101-12, §8(a), (b), Apr. 10, 1989, 103 Stat. 34, as amended by Pub. L. 103-424, §1, Oct. 29, 1994, 108 Stat. 4361; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §§641(a), 642(a)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-365; Pub. L. 107-304, §2(a), (b), Nov. 27, 2002, 116 Stat. 2364; Pub. L. 115-91, div. A, title X, §1097(n)(1), Dec. 12, 2017, 131 Stat. 1626, provided that:

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated—

“(1) for each of fiscal years 2003, 2004, 2005, 2006, and 2007 such sums as necessary to carry out subchapter I of chapter 12 of title 5, United States Code (as amended by this Act); and

“(2) for each of fiscal years 2018 through 2023 such sums as necessary to carry out subchapter II of chapter 12 of title 5, United States Code (as amended by this Act).”

“(b) RESTRICTION RELATING TO APPROPRIATIONS UNDER THE CIVIL SERVICE REFORM ACT OF 1978.—No funds may be appropriated to the Merit Systems Protection Board or the Office of Special Counsel pursuant to section 903 of the Civil Service Reform Act of 1978 [Pub. L. 95-454] (5 U.S.C. 5509 note).”

[Pub. L. 115-91, div. A, title X, §1097(n)(2), Dec. 12, 2017, 131 Stat. 1626, provided that: “The amendment made by paragraph (1) [amending section 8(a) of Pub. L. 101-12, set out above] shall take effect as though enacted on September 30, 2017.”]

[Pub. L. 107-304, §2(c), Nov. 27, 2002, 116 Stat. 2364, provided that: “This section [amending section 8(a) of Pub. L. 101-12, set out above] shall be effective as of October 1, 2002.”]

[Pub. L. 104-208, div. A, title I, §101(f) [title VI, §§641(b), 642(b)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-365, provided that the amendments made by section 101(f) [title VI, §§641(a), 642(a)] of Pub. L. 104-208 [amending section 8(a) of Pub. L. 101-12, set out above] were to be effective on Oct. 1, 1998.]

**AUTHORIZATION OF APPROPRIATIONS**

Pub. L. 95-454, title IX, §903, Oct. 13, 1978, 92 Stat. 1224, provided that: “There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act [For classification of Pub. L. 95-454, see Tables].”

**SUBCHAPTER II—WITHHOLDING PAY****§ 5511. Withholding pay; employees removed for cause**

(a) Except as provided by subsection (b) of this section, the earned pay of an employee removed for cause may not be withheld or confiscated.

(b) If an employee indebted to the United States is removed for cause, the pay accruing to

the employee shall be applied in whole or in part to the satisfaction of any claim or indebtedness due the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 477.)

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| .....             | 5 U.S.C. 46a.    | Feb. 24, 1931, ch. 287, 46 Stat. 1415.        |

In subsection (a), the words “From and after February 24, 1931” are omitted as executed. The word “employee” is coextensive with and substituted for “civil employee of the United States” in view 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.

**§ 5512. Withholding pay; individuals in arrears**

(a) The pay of an individual in arrears to the United States shall be withheld until he has accounted for and paid into the Treasury of the United States all sums for which he is liable.

(b) When pay is withheld under subsection (a) of this section, the employing agency, on request of the individual, his agent, or his attorney, shall report immediately to the Attorney General the balance due; and the Attorney General, within 60 days, shall order suit to be commenced against the individual.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 477; Pub. L. 92-310, title II, §202, June 6, 1972, 86 Stat. 202; Pub. L. 104-316, title I, §103(b), Oct. 19, 1996, 110 Stat. 3828.)

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| .....             | 5 U.S.C. 82.     | R.S. §1766.                                   |

In subsection (b), reference to the “General Accounting Office” is substituted for “accounting officers of the Treasury” on authority of the Act of June 10, 1921, ch. 18, title III, 42 Stat. 23. The words “on request of” are substituted for “if required to do so by” as more accurately reflecting the intent. Reference to the “Attorney General” is substituted for “Solicitor of the Treasury” and “Solicitor” on authority of section 16 of the Act of March 3, 1933, ch. 212, 47 Stat. 1517; section 5 of E.O. 6166, June 10, 1933; and section 1 of 1950 Reorg. Plan No. 2, 64 Stat. 1261.

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**

1996—Subsec. (b). Pub. L. 104-316 substituted “employing agency” for “General Accounting Office”.

1972—Subsec. (b). Pub. L. 92-310 struck out “and his sureties” after “against the individual”.

**§ 5513. Withholding pay; credit disallowed or charge raised for payment**

When the Government Accountability Office, on a statement of the account of a disbursing or certifying official of the United States, disallows credit or raises a charge for a payment to an individual in or under an Executive agency