

with Federal consumer protection laws with respect to the collection of debt.”

**PILOT PROGRAM ON ALTERNATIVE NOTICE OF RECEIPT OF LEGAL PROCESS FOR GARNISHMENT OF FEDERAL PAY FOR CHILD SUPPORT AND ALIMONY**

Pub. L. 105-261, div. A, title X, §1061, Oct. 17, 1998, 112 Stat. 2128, authorized the Secretary of Defense to conduct a pilot program on alternative notice procedures for withholding or garnishment of pay for the payment of child support and alimony under section 659 of Title 42, The Public Health and Welfare, required the Secretary to submit to Congress, not later than Jan. 1, 2001, a report describing the experience of the Department of Defense under the authority provided for the program, and provided for termination of pilot program on Sept. 30, 2001.

**Executive Documents**

**EX. ORD. NO. 12897. GARNISHMENT OF FEDERAL EMPLOYEES’ PAY**

Ex. Ord. No. 12897, Feb. 3, 1994, 59 F.R. 5517, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 5520a(j)(1)(A) of title 5, United States Code, as added by section 9 of Public Law 103-94, it is hereby ordered as follows:

**SECTION 1.** The Office of Personnel Management, in consultation with the Attorney General, is designated to promulgate regulations for the implementation of section 5520a of title 5, United States Code, with respect to civilian employees and agencies in the executive branch, except as provided in section 2 of this order.

**SEC. 2.** The Postmaster General is designated to promulgate regulations for the implementation of section 5520a of title 5, United States Code, with respect to employees of the United States Postal Service.

WILLIAM J. CLINTON.

**SUBCHAPTER III—ADVANCEMENT, ALLOTMENT, AND ASSIGNMENT OF PAY**

**§ 5521. Definitions**

For the purpose of this subchapter—

- (1) “agency” means—
  - (A) an Executive agency;
  - (B) the judicial branch;
  - (C) the Library of Congress;
  - (D) the Government Publishing Office; and
  - (E) the government of the District of Columbia;

- (2) “employee” means an individual employed in or under an agency;

- (3) “head of each agency” means—

- (A) the Director of the Administrative Office of the United States Courts with respect to the judicial branch; and

- (B) the Mayor of the District of Columbia with respect to the government of the District of Columbia; and

- (4) “United States”, when used in a geographical sense, means the several States and the District of Columbia.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 479; Pub. L. 90-623, §1(10), Oct. 22, 1968, 82 Stat. 1312; Pub. L. 96-54, §2(a)(31), Aug. 14, 1979, 93 Stat. 383; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.)

**HISTORICAL AND REVISION NOTES**

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 3071.	Sept. 26, 1961, Pub. L. 87-304, §1, 75 Stat. 662. June 24, 1965, Pub. L. 89-47, 79 Stat. 171.

In paragraph (1), the word “agency” is substituted for “department”. The term “Executive agency” is substituted for the reference to “each executive department of the Government of the United States of America; each agency or independent establishment in the executive branch of such Government; each corporation wholly owned or controlled by such Government” in former section 3071(1)(A)–(C).

Paragraph (2) is added for clarity and in view of the fact that the definition of “employee” in section 2105 does not include individuals employed by the government of the District of Columbia.

In paragraph (3), the term “department head” is omitted as unnecessary.

In paragraph (4), the words “of the United States of America” are omitted as unnecessary.

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—Par. (3)(B). Pub. L. 96-54 substituted “Mayor” for “Commissioner”.

1968—Par. (3)(B). Pub. L. 90-623 substituted “Commissioner” for “Board of Commissioners”.

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

“Government Publishing Office” substituted for “Government Printing Office” in par. (1)(D) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

**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.

**EFFECTIVE DATE OF 1968 AMENDMENT**

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

**§ 5522. Advance payments; rates; amounts recoverable**

(a) The head of each agency may provide for the advance payment of the pay, allowances, and differentials, or any of them, covering a period of not more than 30 days, to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency) whose departure (or that of his dependents or immediate family, as the case may be) from a place inside or outside the United States is officially authorized or ordered—

- (1) from a place outside the United States from which the Secretary of State determines it is in the national interest to require the departure of some or all employees, their dependents, or both; or
- (2) from any place where there is imminent danger to the life of the employee or the lives

of the dependents or immediate family of the employee.

(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, the advance payment of pay, allowances, and differentials is at rates currently authorized with respect to the employee on the date the advance payment is made under agency procedures governing advance payments under this subsection. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the departure order.

(c) An advance of funds under subsection (a) of this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or his estate by—

(1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and

(2) such other method as is provided by law.

The head of the agency concerned may waive in whole or in part a right of recovery of an advance of funds under subsection (a) of this section, if it is shown that the recovery would be against equity and good conscience or against the public interest.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 480; Pub. L. 96-465, title II § 2303(a), (b), Oct. 17, 1980, 94 Stat. 2164, 2165.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 3072.	Sept. 26, 1961, Pub. L. 87-304, § 2, 75 Stat. 662.

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

1980—Subsec. (a). Pub. L. 96-465, § 2303(a), substituted “departure” for “evacuation”, substituted “is officially authorized or ordered” for “is ordered for military or other reasons which create imminent danger to the life or lives of the employee or of his dependents or immediate family”, and added pars. (1) and (2).

Subsec. (b). Pub. L. 96-465, § 2303(b), substituted “departure” for “evacuation” after “issuance of the”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

#### § 5523. Duration of payments; rates; active service period

(a) The head of each agency may provide for—

(1) the payment of monetary amounts covering a period of not more than 60 days to or for the account of each employee of the agency (or, under emergency circumstances and on

a reimbursable basis, an employee of another agency) whose departure (or that of the employee's dependents or immediate family, as the case may be) is authorized or ordered under section 5522(a); and

(2) the termination of payment of the monetary amounts.

The President, with respect to the Executive agencies, may extend the 60-day period for not more than 120 additional days if he determines that the extension of the period is in the interest of the United States.

(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, each payment under this section is at rates of pay, allowances, and differentials, or any of them, currently authorized with respect to the employee on the date payment is made under agency procedures governing payments under this section. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the departure order. An employee in an Executive agency may be granted such additional allowance payments as the President determines necessary to offset the direct added expenses incident to the departure.

(c) Each period for which payment of amounts is made under this section to or for the account of an employee is deemed, for all purposes with respect to the employee, a period of active service, without break in service, performed by the employee in the employment of the Government of the United States or the government of the District of Columbia.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 480; Pub. L. 96-465, title II, § 2303(c), (d), Oct. 17, 1980, 94 Stat. 2165; Pub. L. 102-138, title I, § 147(a), Oct. 28, 1991, 105 Stat. 669.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 3073.	Sept. 26, 1961, Pub. L. 87-304, § 3, 75 Stat. 663.

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

1991—Subsec. (a)(1). Pub. L. 102-138 substituted “agency) whose departure (or that of the employee's dependents or immediate family, as the case may be) is authorized or ordered under section 5522(a); and” for “agency)—

“(A) whose departure is authorized or ordered under section 5522(a) of this title; and

“(B) who is prevented, by circumstances beyond his control and beyond the control of the Government of the United States or the government of the District of Columbia, or both, as the case may be, from performing the duties of the position which he held immediately before issuance of the departure order; and”.

1980—Subsec. (a)(1). Pub. L. 96-465, § 2303(c), in subpar. (A) substituted “whose departure is authorized or ordered under section 5522(a) of this title; and” for “whose evacuation from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life of the em-