

Subsec. (a). Pub. L. 98-525, §1537(c)(1)(A), inserted “and the Secretary of Defense (hereafter in this section referred to as the ‘Secretary’)” in provisions preceding par. (1).

Subsec. (a)(1). Pub. L. 98-525, §1537(c)(1)(B), inserted “or the Department of Defense” in provisions preceding subpar. (A) and “or the Secretary” in provisions following subpar. (C).

Subsec. (a)(2). Pub. L. 98-525, §1537(c)(1)(C), inserted “or the Department of Defense” and “or the Secretary”.

Subsecs. (c)(1), (d), (e)(1), (f)(1). Pub. L. 98-525, §1537(c)(2)-(5)(A), inserted “or the Secretary” after “Administrator” wherever appearing, and “or the Department of Defense” after “Administration” wherever appearing.

Subsec. (f)(2). Pub. L. 98-525, §1537(c)(5)(B), inserted “and the Secretary”.

1982—Subsec. (a)(3). Pub. L. 97-377 added par. (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective Oct. 1, 1984, see section 1537(f) of Pub. L. 98-525, set out as a note under section 4109 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-377, title I, §145(b), as added by Pub. L. 98-78, title III, §320(2), Aug. 15, 1983, 97 Stat. 473, provided that: “The amendment made by subsection (a) of this section [amending this section] shall be effective as of 5 o’clock ante meridian eastern daylight time, August 3, 1981.”

EFFECTIVE DATE

Pub. L. 97-276, §151(h)(1), Oct. 2, 1982, 96 Stat. 1202, provided that:

“(1) The amendments made by subsections 152 [151] (b), (c), (e), and (g) of this joint resolution [enacting subsecs. (a) and (b) of this section and amending sections 5532, 5547, and 8344 of this title] shall take effect at 5 o’clock ante meridian eastern daylight time, August 3, 1981.

“(2) The amendments made by subsection 152 [151] (a) and subsection 152 [151] (d) of this joint resolution [enacting subsecs. (c)-(f) of this section and amending section 4109 of this title] shall take effect on the first day of the first applicable pay period beginning after the date of the enactment of this joint resolution [Oct. 2, 1982].”

§ 5547. Limitation on premium pay

(a) An employee may be paid premium pay under sections 5542, 5545(a), (b), and (c), 5545a, 5546(a) and (b), and 5550 only to the extent that the payment does not cause the aggregate of basic pay and such premium pay for any pay period for such employee to exceed the greater of—

(1) the maximum rate of basic pay payable for GS-15 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

(2) the rate payable for level V of the Executive Schedule.

(b)(1) Subject to regulations prescribed by the Office of Personnel Management, subsection (a) shall not apply to an employee who is paid premium pay by reason of work in connection with an emergency (including a wildfire emergency) that involves a direct threat to life or property, including work performed in the aftermath of such an emergency.

(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in subsection (a) if, or to the extent that, the aggregate of the basic pay and premium pay under those provisions for such employee would, in any calendar year, exceed the greater of—

(A) the maximum rate of basic pay payable for GS-15 in effect at the end of such calendar year (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

(B) the rate payable for level V of the Executive Schedule in effect at the end of such calendar year.

(3) Subject to regulations prescribed by the Office of Personnel Management, the head of an agency may determine that subsection (a) shall not apply to an employee who is paid premium pay to perform work that is critical to the mission of the agency. Such employees may be paid premium pay under the provisions of law cited in subsection (a) if, or to the extent that, the aggregate of the basic pay and premium pay under those provisions for such employee would not, in any calendar year, exceed the greater of—

(A) the maximum rate of basic pay payable for GS-15 in effect at the end of such calendar year (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

(B) the rate payable for level V of the Executive Schedule in effect at the end of such calendar year.

(c) The Office of Personnel Management shall prescribe regulations governing the methods of applying subsection (b)(2) and (b)(3) to employees who receive premium pay under section 5545(c) or 5545a, or to firefighters covered by section 5545b who receive overtime pay for hours in their regular tour of duty, and the method of payment to such employees. Such regulations may limit the payment of such premium pay on a biweekly basis.

(d) This section shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a.

(e) Any supplemental pay resulting from receipt of the level 1 border patrol rate of pay or the level 2 border patrol rate of pay under section 5550 shall be considered premium pay in applying this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 488; Pub. L. 90-83, §1(31), Sept. 11, 1967, 81 Stat. 201; Pub. L. 97-276, §151(e), Oct. 2, 1982, 96 Stat. 1201; Pub. L. 98-525, title XV, §1537(d), Oct. 19, 1984, 98 Stat. 2636; Pub. L. 100-523, §2, Oct. 24, 1988, 102 Stat. 2605; Pub. L. 101-509, title V, §529 [title II, §204, title IV, §410(b)], Nov. 5, 1990, 104 Stat. 1427, 1456, 1469; Pub. L. 102-378, §2(43), Oct. 2, 1992, 106 Stat. 1352; Pub. L. 103-329, title VI, §633(b)(2), Sept. 30, 1994, 108 Stat. 2427; Pub. L. 107-107, div. A, title XI, §1114(a), Dec. 28, 2001, 115 Stat. 1239; Pub. L. 113-277, §2(g)(1), Dec. 18, 2014, 128 Stat. 3005.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 943.	June 30, 1945, ch. 212, § 603, 59 Stat. 302. May 24, 1946, ch. 270, § 7(a), 60 Stat. 218. July 3, 1948, ch. 830, § 303(a), 62 Stat. 1268. Sept. 1, 1954, ch. 1208, § 209, 68 Stat. 1112.

Former section 943(a), (b) is combined and restated for clarity and conciseness. The word "officer" is omitted as included in "employee". The word "scheduled" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity. Reference to the "Classification Act of 1949, as amended" is 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.

1967 ACT

In the codification of 5 U.S.C. 5547, the words "premium pay under this subchapter" were substituted for "premium compensation provided by this Act" appearing in the source statute—section 603 of the Federal Employees Pay Act of 1945, as amended (former 5 U.S.C. 943). This amendment of 5 U.S.C. 5547 is made for clarity and precision of reference and in recognition that the source statutes for certain sections of subchapter V of chapter 55 of title 5 include statutes that were not a part of the Federal Employees Pay Act of 1949. Specifically, 5 U.S.C. 5544(a) is based in part on section 23 (2d proviso) of the act of March 28, 1934, as amended by 76 Stat. 360; and 5 U.S.C. 5545(d) is based on section 804 of the Classification Act of 1949, as added by Public Law 89-512, 80 Stat. 318. Also, 5 U.S.C. 5541(2)(xi) in effect excludes employees subject to 5 U.S.C. 5544 from the operation of 5 U.S.C. 5547.

Editorial Notes

REFERENCES IN TEXT

GS-15, referred to in subsecs. (a)(1) and (b)(2)(A), (3)(A), is contained in the General Schedule which is set out under section 5332 of this title.

Level V of the Executive Schedule, referred to in subsecs. (a)(2) and (b)(2)(B), (3)(B), is set out in section 5316 of this title.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-277, § 2(g)(1)(A), struck out "and" before "5546(a) and (b)" and inserted ", and 5550" after "5546(a) and (b)".

Subsec. (e). Pub. L. 113-277, § 2(g)(1)(B), added subsec. (e).

2001—Pub. L. 107-107 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows:

"(a) An employee may be paid premium pay under sections 5542, 5545(a), (b), and (c), 5545a, and 5546(a) and (b) of this title only to the extent that the payment does not cause his aggregate rate of pay for any pay period to exceed the maximum rate for GS-15 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law). The first sentence of this subsection shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a of this title.

"(b)(1) Subject to regulations prescribed by the Office of Personnel Management, the first sentence of sub-

section (a) shall not apply to an employee who is paid premium pay by reason of work in connection with an emergency which involves a direct threat to life or property, including a forest wildfire emergency.

"(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in the first sentence of subsection (a) if, or to the extent that, the aggregate of such employee's basic pay and premium pay under those provisions would, in any calendar year, exceed the maximum rate payable for GS-15 in effect at the end of such calendar year.

"(c)(1) Subsections (a) and (b) shall not apply to a law enforcement officer.

"(2) A law enforcement officer may be paid premium pay under the provisions of law cited in the first sentence of subsection (a) only to the extent that the payment does not cause the officer's aggregate rate of pay for any pay period to exceed the lesser of—

"(A) 150 percent of the minimum rate payable for GS-15 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the rate payable for level V of the Executive Schedule."

1994—Subsec. (a). Pub. L. 103-329 inserted "5545a," after "5545(a), (b), and (c)."

1992—Subsec. (c)(3). Pub. L. 102-378 struck out par. (3) which read as follows: "For the purposes of this subsection, 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17)."

1990—Subsec. (a). Pub. L. 101-509, § 529 [title II, § 204(1)], inserted "(including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law)" after "GS-15".

Subsec. (b). Pub. L. 101-509, § 529 [title II, § 204(2)], amended subsec. (b) generally, substituting present provisions for former provisions consisting of pars. (1) to (3) that related to pay of forest firefighters working on forest wildfire emergencies.

Subsec. (c). Pub. L. 101-509, § 529 [title IV, § 410(b)], added subsec. (c).

1988—Pub. L. 100-523 amended section generally, designating existing provisions as subsec. (a) and adding subsec. (b).

1984—Pub. L. 98-525 inserted "or the Department of Defense".

1982—Pub. L. 97-276 inserted provision directing that first sentence of this section not apply to any employee of Federal Aviation Administration who is paid premium pay under section 5546a of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-277 effective on the first day of the first pay period beginning on or after Jan. 1, 2016, subject to certain exceptions, see section 2(i) of Pub. L. 113-277, set out as a note under section 5542 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title XI, § 1114(c), Dec. 28, 2001, 115 Stat. 1240, provided that: "The amendments made by subsections (a) and (b) [amending this section and provisions set out as a note under this section] shall take effect on the first day of the first pay period beginning on or after the date that is 120 days following the date of enactment of this Act [Dec. 28, 2001]."

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-329 effective first day of first applicable pay period beginning on or after 30th day following Sept. 30, 1994, with exceptions relating to criminal investigators employed in Offices of Inspec-

tors General, see section 633(e) of Pub. L. 103-329, set out as an Effective Date note under section 5545a of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-378 effective as of first day of first applicable pay period beginning on or after Oct. 2, 1992, see section 9(b)(9) of Pub. L. 102-378, set out as a note under section 6303 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 529 [title II, §204] of 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 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective Oct. 1, 1984, see section 1537(f) of Pub. L. 98-525, set out as a note under section 4109 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-276 effective at 5 o'clock ante meridian eastern daylight time, Aug. 3, 1981, see section 151(h)(1) of Pub. L. 97-276, set out as an Effective Date note under section 5546a of this title.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-523, §1, Oct. 24, 1988, 102 Stat. 2605, provided: "That this Act [amending this section] may be cited as the 'Forest Wildfire Emergency Pay Equity Act of 1988'."

PREMIUM PAY EXEMPTION FOR APHIS EMPLOYEES ENGAGED IN SERVICES IN RESPONSE TO AN ANIMAL DISEASE OUTBREAK

Pub. L. 118-42, div. B, title VII, §767, Mar. 9, 2024, 138 Stat. 115, provided that: "If services performed by APHIS employees are determined by the Administrator of the Animal and Plant Health Inspection Service to be in response to an animal disease outbreak, any premium pay that is funded, either directly or through reimbursement, shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547 of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis: *Provided*, That this section shall take effect as if enacted on January 1, 2023."

OVERTIME PAY EXCEPTION FOR PROTECTIVE SERVICES

Pub. L. 118-31, div. F, title LXII, §6232, Dec. 22, 2023, 137 Stat. 983, provided that:

"(a) COVERED EMPLOYEE DEFINED.—In this section, the term 'covered employee' means any individual employed by, and conducting protective services on behalf of, the Diplomatic Security Service for an individual.

"(b) EXCEPTION TO THE LIMITATION ON PREMIUM PAY FOR PROTECTIVE SERVICES.—Notwithstanding the restrictions contained in section 5547 of title 5, United States Code, any covered employee may receive premium pay for overtime officially ordered or approved and performed while conducting protective security functions in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a) of such title, except that such premium pay shall not be payable to an employee to the extent that such aggregate amount would exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of such title.

"(c) TREATMENT OF ADDITIONAL PAY.—If the application of subsection (b) results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

"(1) be considered to be basic pay of the covered employee for any purpose; or

"(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

"(d) AGGREGATE LIMIT.—With respect to the application of section 5307 of title 5, United States Code, the payment of any additional premium pay to a covered employee as a result of subsection (b) shall not be counted as part of the aggregate compensation of the covered employee.

"(e) REPORT.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this division [Dec. 22, 2023], the Secretary [of State] shall submit to the appropriate committees of Congress a report describing the steps the Department [of State] is taking to address the increased protective service demands placed upon individuals by the Diplomatic Security Service.

"(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

"(A) An analysis of the current operational demands and staffing levels.

"(B) Recommended strategies for reducing overtime requirements, including—

"(i) hiring additional personnel;

"(ii) solutions such that sufficient resources are available throughout each year without the need for waivers of premium pay limitations;

"(iii) redistribution of workload; and

"(iv) other improvements in operational efficiency.

"(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means—

"(A) the appropriate congressional committees [Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives];

"(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

"(C) the Committee on Oversight and Accountability and the Committee on Appropriations of the House of Representatives.

"(f) EFFECTIVE DATE.—This section shall take effect as if enacted on Jan[uary] 1, 2023.

"(g) SUNSET.—This section shall terminate on December 31, 2025."

PREMIUM PAY WAIVER FOR CERTAIN EMPLOYEES ENGAGED IN EMERGENCY WILDLAND FIRE SUPPRESSION ACTIVITIES

Pub. L. 117-43, div. B, title VII, §1701, Sept. 30, 2021, 135 Stat. 367, as amended by Pub. L. 117-103, div. HH, title VI, §601, Mar. 15, 2022, 136 Stat. 1116; Pub. L. 117-328, div. G, title IV, §440, Dec. 29, 2022, 136 Stat. 4832; Pub. L. 118-42, div. E, title IV, §438, Mar. 9, 2024, 138 Stat. 295, provided that:

"(a)(1) If services performed by the designated employees under paragraph (2) of this subsection at the Department of the Interior or the Department of Agriculture during 2021 or 2022 or 2023 or 2024 are determined by the Secretary of the Interior or the Secretary of Agriculture, as applicable, to be primarily related to emergency wildland fire suppression activities, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employee's pay is paid on a biweekly or calendar year basis. Any Services [sic] during a given calendar year that generate payments payable in the subsequent calendar year shall be disregarded in applying this subsection[.]

"(2) The premium pay waiver under paragraph (1) of this subsection shall apply to individuals serving as wildland firefighters and as fire management response officials, including regional fire directors, deputy regional fire directors, agency officials who directly oversee fire operations, and fire management officers, and

individuals serving on incident management teams (IMTs), at the National Interagency Fire Center (NIFC), at Geographic Area Coordinating Centers (GACCs), and at Operations centers.

“(3) The Departments of the Interior and Agriculture shall provide a report to Congress detailing the number of positions, including by occupation, grade, and the aggregate pay by type of pay for each individual who receives pay authorized under subsection (a)(1).

“(b) Any overtime pay for services described in subsection (a) that is payable under an authority outside of title 5, United States Code, shall be disregarded in calculating any annual limit on the amount of overtime pay payable in 2021 or 2022 or 2023 or 2024.

“(c) Any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of applying the limitation in section 5307 of title 5, United States Code, during 2021 or 2022 or 2023 or 2024.

“(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

“(2) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, ‘premium pay’ means the premium pay paid under the provisions of law cited in section 5547(a).

“(3) For purposes of applying this subsection to an employee under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

“(4) For the purpose of applying this subsection, ‘basic pay’ includes any applicable locality-based comparability payment under section 5304 of title 5, United States Code, any applicable special rate supplement under section 5305 of such title, or any equivalent payment under a similar provision of law.

“(e) This section shall take effect as if enacted on January 1, 2021.

“(f) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

“(1) be considered to be basic pay of the covered employee for any purpose; or

“(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code, or other similar provision of law.

“(g) Not later than 45 days after the date of enactment of this Act [Sept. 30, 2021], the Secretary of the Interior and Secretary of Agriculture shall jointly provide to the Committees on Appropriations of the House of Representatives and the Senate, the Senate Committee on Agriculture[,] Nutrition[,] and Forestry, the House of Representatives Committee on Agriculture, the Senate Committee on Energy and Natural Resources, the House of Representatives Committee on Natural Resources, Senate Committee on Homeland Security and Governmental Affairs, and the House of Representatives Committee on Oversight and Reform [now Committee on Oversight and Accountability], a framework to modernize the wildland firefighting workforce beginning in fiscal year 2022.”

PREMIUM PAY AUTHORITY FOR SERVICES RELATED TO PREPARATION, PREVENTION, OR RESPONSE TO CORONAVIRUS

Pub. L. 116-260, div. M, title III, § 303, Dec. 27, 2020, 134 Stat. 1922, provided that:

“(a) If services performed by an employee during 2020 and 2021 are determined by the head of the agency to be

primarily related to preparation, prevention, or response to coronavirus, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employees pay is paid on a biweekly or calendar year basis.

“(b) Any overtime pay for such services shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

“(c) With regard to such services, any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of the limitation in section 5307 of such title 5.

“(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

“(2) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, ‘premium pay’ means the premium pay paid under the provisions of law cited in section 5547(a).

“(3) For purposes of applying this subsection to an employee under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

“(e) This section shall take effect as if enacted on February 2, 2020.

“(f) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

“(1) be considered to be basic pay of the covered employee for any purpose; or

“(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.”

[For definition of “coronavirus” as used in section 303 of Pub. L. 116-260, set out above, see section 8 of Pub. L. 116-260, set out below.]

Similar provisions were contained in the following prior appropriation act:

Pub. L. 116-136, div. B, title VIII, § 18110, Mar. 27, 2020, 134 Stat. 572.

Pub. L. 116-136, div. B, title VI, § 16003, Mar. 27, 2020, 134 Stat. 544, provided that:

“(a) PREMIUM PAY AUTHORITY.—If services performed during fiscal year 2020 are determined by the head of the agency to be primarily related to preparation, prevention, or response to coronavirus, any premium pay that is funded, either directly or through reimbursement, by the Federal Emergency Management Agency shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

“(b) OVERTIME AUTHORITY.—Any overtime that is funded for such services described in subsection (a), either directly or through reimbursement, by the Federal Emergency Management Agency shall be exempted from any annual limit on the amount of overtime payable in a calendar or fiscal year.

“(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether an employee's pay exceeds the applicable annual rate of basic pay payable under section 5307 of title 5, United States Code, the

head of an Executive agency shall not include pay exempted under this section.

“(d) LIMITATION OF PAY AUTHORITY.—Pay exempted from otherwise applicable limits under subsection (a) shall not cause the aggregate pay earned for the calendar year in which the exempted pay is earned to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

“(e) EFFECTIVE DATE.—This section shall take effect as if enacted on January 1, 2020.”

OVERTIME PAY FOR PROTECTIVE SERVICES

Pub. L. 114–311, Dec. 16, 2016, 130 Stat. 1531, as amended by Pub. L. 115–160, §2(a)(1), Apr. 3, 2018, 132 Stat. 1246; Pub. L. 115–383, §2(a), Dec. 21, 2018, 132 Stat. 5121; Pub. L. 116–269, §2(a), Dec. 30, 2020, 134 Stat. 3323; Pub. L. 118–38, §2(a), Feb. 6, 2024, 138 Stat. 13, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Overtime Pay for Protective Services Act of 2016’.

“SEC. 2. PREMIUM PAY EXCEPTION DURING 2016 THROUGH 2028 FOR PROTECTIVE SERVICES.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered employee’ means any officer, employee, or agent employed by the United States Secret Service who performs protective services for an individual or event protected by the United States Secret Service during any of calendar years 2016 through 2028; and

“(2) the term ‘protective services’ does not include routine administrative or technical work that supports the daily operations of the United States Secret Service.

“(b) EXCEPTION TO THE LIMITATION ON PREMIUM PAY FOR PROTECTIVE SERVICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, including section 5547(a) of title 5, United States Code, and only to the extent that an appropriation is provided specifically in an appropriations Act for premium pay for a given calendar year in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a), any covered employee may receive premium pay for protective services during each of calendar years 2016 through 2028, to the extent provided under section 118 of the Treasury and General Government Appropriations Act, 2001 (5 U.S.C. 5547 note).

“(2) TECHNICAL AND CONFORMING AMENDMENT.—[Amended section 1(a)(3) [title I, §118] of Pub. L. 106–554, set out below.]

“(c) TREATMENT OF ADDITIONAL PAY.—If subsection (b) results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

“(1) be considered to be basic pay of the covered employee for any purpose; or

“(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

“(d) AGGREGATE LIMIT.—With respect to the application of section 5307 of title 5, United States Code, the payment of any additional premium pay to a covered employee as a result of subsection (b) shall not be counted as part of the aggregate compensation of the covered employee.

“(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect as if enacted on December 31, 2015.”

[Pub. L. 118–38, §2(b), Feb. 6, 2024, 138 Stat. 13, provided that: “If this Act [amending Pub. L. 114–311, set out above] is enacted after December 31, 2023 [Pub. L. 118–38 approved Feb. 6, 2024], the amendments made by subsection (a) shall take effect as if enacted on December 31, 2023.”]

[Pub. L. 115–160, §2(b), Apr. 3, 2018, 132 Stat. 1246, provided that: “The amendments made by this section shall take effect as if enacted on December 31, 2016.”]

[amending Pub. L. 114–311, set out above, and section 1(a)(3) [title I, §118] of Pub. L. 106–554, set out below] shall take effect as if enacted on December 31, 2016.”]

PREMIUM PAY FOR PROTECTIVE SERVICES OF UNITED STATES SECRET SERVICE

Pub. L. 106–554, §1(a)(3) [title I, §118], Dec. 21, 2000, 114 Stat. 2763, 2763A–134, as amended by Pub. L. 107–107, div. A, title XI, §1114(b), Dec. 28, 2001, 115 Stat. 1240; Pub. L. 114–311, §2(b)(2), Dec. 16, 2016, 130 Stat. 1531; Pub. L. 115–160, §2(a)(2), Apr. 3, 2018, 132 Stat. 1246, provided that: “Hereafter, funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) or 3056A of title 18, United States Code, without regard to the restrictions contained in section 5547 of title 5, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee’s basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation or, if the employee qualifies for an exception to such limitation under section 2(b)(1) of the Overtime Pay for Protective Services Act of 2016 [Pub. L. 114–311, set out above], to the extent that such aggregate amount would exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.”

Similar provisions were contained in Pub. L. 106–58, title I, §118, Sept. 29, 1999, 113 Stat. 441.

[Pub. L. 115–160, §2(b), Apr. 3, 2018, 132 Stat. 1246, provided that: “The amendments made by subsection (a) [amending Pub. L. 114–311 and section 1(a)(3) [title I, §118] of Pub. L. 106–554, set out above] shall take effect as if enacted on December 31, 2016.”]

[For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

DEFINITION OF CORONAVIRUS IN PUB. L. 116–260

Pub. L. 116–260, §8, Dec. 27, 2020, 134 Stat. 1185, provided that: “In divisions A through M of this Act [divs. A to M of Pub. L. 116–260, see Tables for classification], the term ‘coronavirus’ means SARS-CoV-2 or another coronavirus with pandemic potential.”

§ 5548. Regulations

(a) The Office of Personnel Management may prescribe regulations, subject to the approval of the President, necessary for the administration of this subchapter, except section 5545(d), insofar as this subchapter affects employees in or under an Executive agency.

(b) The Office shall prescribe regulations necessary for the administration of section 5545(d).

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 488; Pub. L. 90–83, §1(32), Sept. 11, 1967, 81 Stat. 201; Pub. L. 92–392, §12, Aug. 19, 1972, 86 Stat. 575; Pub. L. 95–454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 102–378, §2(44)(C), Oct. 2, 1992, 106 Stat. 1352.)