

Editorial Notes

AMENDMENTS

2022—Subsec. (c). Pub. L. 117-263, § 626(b)(3)(A), substituted “section 451(a)” for “section 481h(b)”.
 Subsec. (d)(2). Pub. L. 117-263, § 626(b)(3)(B)(i), substituted “section 464” for “section 474(d)”.
 Subsec. (d)(3). Pub. L. 117-263, § 626(b)(3)(B)(ii), substituted “section 452(d)” for “section 481h(d)(1)”.
 2013—Subsecs. (c), (d)(2), (3). Pub. L. 112-239, § 1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, § 631(f)(4)(B). See 2011 Amendment note below.
 2011—Subsecs. (c), (d)(2), (3). Pub. L. 112-81, § 631(f)(4)(B), as amended by Pub. L. 112-239, § 1076(a)(9), substituted “481h(b)” for “411h(b)” in subsec. (c), “474(d)” for “404(d)” in subsec. (d)(2), and “481h(d)(1)” for “411h(d)(1)” in subsec. (d)(3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

§ 5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation

The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.

(Added Pub. L. 111-117, div. B, title II, § 219(a), Dec. 16, 2009, 123 Stat. 3141.)

CHAPTER 59—ALLOWANCES

SUBCHAPTER I—UNIFORMS

Sec.
 5901. Uniform allowances.
 5902. Increase in maximum uniform allowance.
 5903. Regulations.

SUBCHAPTER II—QUARTERS

5911. Quarters and facilities; employees in the United States.
 5912. Quarters in Government owned or rented buildings; employees in foreign countries.
 5913. Official residence expenses.

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

5921. Definitions.
 5922. General provisions.
 5923. Quarters allowances.
 5924. Cost-of-living allowances.
 5925. Post differentials.
 5926. Compensatory time off at certain posts in foreign areas.
 5927. Advances of pay.
 5928. Danger pay allowance.

SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

5941. Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska.
 5942. Allowance based on duty at remote worksites.
 5942a. Separate maintenance allowance for duty at Johnston Island.
 5943. Foreign currency appreciation allowances.

Sec.
 [5944.
 5945.
 5946.
 5947.
 5948.
 5949.

Repealed.]
 Notary public commission expenses.
 Membership fees; expenses of attendance at meetings; limitations.
 Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations.
 Physicians comparability allowances.
 Hostile fire pay.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107-107, div. A, title XI, § 1111(b), Dec. 28, 2001, 115 Stat. 1238, added item 5949.
 1991—Pub. L. 102-190, div. A, title X, § 1092(a)(2), Dec. 5, 1991, 105 Stat. 1487, added item 5942a.
 1983—Pub. L. 98-164, title I, § 127(b)(2), Nov. 22, 1983, 97 Stat. 1027, struck out item 5944 “Illness and burial expenses; native employees in foreign countries”.
 1980—Pub. L. 96-465, title II, §§ 2310(b), 2311(b), Oct. 17, 1980, 94 Stat. 2166, added items 5927 and 5928.
 1978—Pub. L. 95-603, § 2(b), Nov. 6, 1978, 92 Stat. 3020, added item 5948.
 Pub. L. 95-426, title IV, § 411(b), Oct. 7, 1978, 92 Stat. 981, added item 5926.
 1971—Pub. L. 91-656, §§ 6(c), 7(b), Jan. 8, 1971, 84 Stat. 1954, substituted “duty at remote worksites” for “duty on California offshore islands or at Nevada Test Site” in item 5942 and added item 5947.
 1967—Pub. L. 90-83, § 1(40)(B), (42), Sept. 11, 1967, 81 Stat. 206, 207, added items 5902 and 5903, and inserted “or at Nevada Test Site” in item 5942.

SUBCHAPTER I—UNIFORMS

§ 5901. Uniform allowances

(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, such sums as may be necessary to carry out this subchapter. The head of the agency concerned, out of funds made available by the appropriation, shall—

(1) furnish to each of these employees a uniform at a cost not to exceed \$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902); or

(2) pay to each of these employees an allowance for a uniform not to exceed \$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902).

The allowance may be paid only at the times and in the amounts authorized by the regulations prescribed under section 5903 of this title. When the agency pays direct to the uniform vendor, the head of the agency may deduct a service charge of not more than 4 percent.

(b) When the furnishing of a uniform or the payment of a uniform allowance is authorized under another statute or regulation existing on September 1, 1954, the head of the agency concerned may continue the furnishing of the uniform or the payment of the uniform allowance under that statute or regulation, but in that event a uniform may not be furnished or allowance paid under this section.

(c) An allowance paid under this section is not wages within the meaning of section 409 of title 42 or chapters 21 and 24 of title 26.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 508; Pub. L. 90-83, §1(39), Sept. 11, 1967, 81 Stat. 206; Pub. L. 101-509, title V, §529 [title II, §202(a)], Nov. 5, 1990, 104 Stat. 1427, 1456; Pub. L. 102-378, §2(50), Oct. 2, 1992, 106 Stat. 1353.)

HISTORICAL AND REVISION NOTES
1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a), (b)	5 U.S.C. 2131.	Sept. 1, 1954, ch. 1208, §402, 68 Stat. 1114. May 13, 1955, ch. 40, 69 Stat. 49.
(c)	5 U.S.C. 2132 (less applicability to the Civil Service Retirement Act, as amended).	Sept. 1, 1954, ch. 1208, §403 (less applicability to the Civil Service Retirement Act, as amended), 68 Stat. 1115.
(d)	5 U.S.C. 2133.	Sept. 1, 1954, ch. 1208, §404, 68 Stat. 1115.

In subsection (a), the word “concerned” is substituted for “to which any such appropriation is made”.

In subsection (b), the words “in his discretion” are omitted as unnecessary in view of the permissive nature of the authority.

In subsections (b) and (d), the word “rules” is omitted as covered by the word “regulations”.

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)
5901(a)	5 App.: 2131.	Oct. 29, 1965, Pub. L. 89-301 §13, 79 Stat. 1122. July 18, 1966, Pub. L. 89-504, §407(a), 80 Stat. 299.

The amendment to the third sentence of subsection (a) of 5 U.S.C. 5901, and the deletion of subsection (d) thereof, reflect the recodification of subsection (d) in 5 U.S.C. 5903 by section 1(40)(A) of this bill. In the last sentence of subsection (a), the words “When” and “pays” are substituted for “In those instances where” and “makes reimbursement”, respectively.

Editorial Notes

AMENDMENTS

1992—Subsec. (a)(1), (2). Pub. L. 102-378 substituted “5902” for “5902.”

1990—Subsec. (a). Pub. L. 101-509, §529 [title II, §202(a)(1)], substituted “such sums as may be necessary to carry out this subchapter.” for “an amount not to exceed \$125 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties and who are not being furnished with the uniform.”

Subsec. (a)(1), (2). Pub. L. 101-509, §529 [title II, §202(a)(2)], substituted “\$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902).” for “\$125 a year”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by 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.

AVAILABILITY OF APPROPRIATIONS FOR UNIFORMS AND UNIFORM ALLOWANCES

Pub. L. 102-394, title V, §504, Oct. 6, 1992, 106 Stat. 1825, provided that: “Appropriations contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-170, title V, §504, Nov. 26, 1991, 105 Stat. 1141.

Pub. L. 101-517, title V, §504, Nov. 5, 1990, 104 Stat. 2221.

Pub. L. 101-166, title V, §504, Nov. 21, 1989, 103 Stat. 1189.

Pub. L. 100-202, §101(h) [title V, §504], Dec. 22, 1987, 101 Stat. 1329-256, 1329-287.

Pub. L. 99-500, §101(i) [H.R. 5233, title V, §504], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(i) [H.R. 5233, title V, §504], Oct. 30, 1986, 100 Stat. 3341-287.

Pub. L. 99-178, title V, §504, Dec. 12, 1985, 99 Stat. 1132.

Pub. L. 98-619, title V, §504, Nov. 8, 1984, 98 Stat. 3333.

Pub. L. 98-139, title V, §504, Oct. 31, 1983, 97 Stat. 889.

Pub. L. 97-377, title I, §101(e)(1) [title V, §504], Dec. 21, 1982, 96 Stat. 1878, 1904.

§ 5902. Increase in maximum uniform allowance

The Office of Personnel Management may, from time to time, by regulation adjust the maximum amount for the cost of uniforms and the maximum allowance for uniforms under section 5901.

(Added Pub. L. 90-83, §1(40)(A), Sept. 11, 1967, 81 Stat. 206; amended Pub. L. 101-509, title V, §529 [title II, §202(b)], Nov. 5, 1990, 104 Stat. 1427, 1456.)

HISTORICAL AND REVISION NOTES

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
5902	5 App.: 2134.	July 18, 1966, Pub. L. 89-504, §407(b), 80 Stat. 299.

The words “any other provision of” following “Notwithstanding” are omitted as unnecessary. The words “section 5901 of this title” are substituted for “this title” in three places to reflect the codification of that title in title 5, United States Code.

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-509 amended section generally. Prior to amendment, section read as follows: “Notwithstanding section 5901 of this title, each of the respective maximum uniform allowances in effect on April 1, 1966, for the respective categories of employees to whom uniform allowances are paid under section 5901 of this title are increased, subject to the maximum allowance authorized by section 5901 of this title, as follows:

“(1) If the maximum uniform allowance is \$100 or more, it is increased by 25 percent.

“(2) If the maximum uniform allowance is \$75 or more but less than \$100, it is increased by 30 percent.

“(3) If the maximum uniform allowance is \$50 or more but less than \$75, it is increased by 35 percent.

“(4) If the maximum uniform allowance is less than \$50, it is increased by 40 percent.

The maximum uniform allowances, as in effect on April 1, 1966, and as increased by this section, may not be reduced.”