

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES**PART III - EMPLOYEES****Subpart C - Employee Performance****CHAPTER 45 - INCENTIVE AWARDS****SUBCHAPTER I - AWARDS FOR SUPERIOR ACCOMPLISHMENTS****§ 4505a. Performance-based cash awards**

- (a) (1) An employee whose most recent performance rating was at the fully successful level or higher (or the equivalent thereof) may be paid a cash award under this section.
- (2) A cash award under this section shall be equal to an amount determined appropriate by the head of the agency, but may not be more than 10 percent of the employee's annual rate of basic pay. Notwithstanding the preceding sentence, the agency head may authorize a cash award equal to an amount exceeding 10 percent of the employee's annual rate of basic pay if the agency head determines that exceptional performance by the employee justifies such an award, but in no case may an award under this section exceed 20 percent of the employee's annual rate of basic pay.
- (b) (1) A cash award under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee.
- (2) The failure to pay a cash award under this section, or the amount of such an award, may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12, chapter 71, or any of the laws referred to in section 2302 (d).
- (c) The Office of Personnel Management shall prescribe such regulations as it considers necessary for the administration of subsections (a) and (b).
- (d) The preceding provisions of this section shall be applicable with respect to any employee to whom subchapter III of chapter 53 applies, and to any category of employees provided for under subsection (e).
- (e) At the request of the head of an Executive agency, the President may authorize the application of subsections (a) through (c) with respect to any category of employees within such agency who would not otherwise be covered by this section.

(Added Pub. L. 101-509, title V, § 529 [title II, § 207(a)], Nov. 5, 1990, 104 Stat. 1427, 1457; amended Pub. L. 102-378, § 2(19), Oct. 2, 1992, 106 Stat. 1347; Pub. L. 108-411, title III, § 301(c), Oct. 30, 2004, 118 Stat. 2317.)

Amendments

2004—Subsec. (a)(2). Pub. L. 108-411 struck out subpar. (A) designation before “A cash award under” and struck out subpar. (B) which read as follows: “For purposes of computing a percentage of a rate of basic pay under subparagraph (A), the rate of basic pay used shall be determined without taking into account any comparability payment under section 5304.”

1992—Subsec. (b)(2). Pub. L. 102-378, § 2(19)(A), inserted reference to chapter 71.

Subsec. (c). Pub. L. 102-378, § 2(19)(B), inserted “of Personnel Management” after “Office”.

Subsecs. (d), (e). Pub. L. 102-378, § 2(19)(C), added subsecs. (d) and (e) and struck out former subsec. (d) which read as follows: “At the request of the head of an Executive agency, the President may authorize the application of the preceding provisions of this section with respect to 1 or more categories of employees within such agency who would not otherwise be covered by this section (including authority under subsection (c) to prescribe any necessary regulations).”

Effective Date of 2004 Amendment

Amendment by Pub. L. 108-411 effective on the first day of the first applicable pay period beginning on or after the 180th day after Oct. 30, 2004, with provisions relating to conversion rules, see section 301(d) of Pub. L. 108-411, set out as a note under section 5363 of this title.

Effective Date of 1992 Amendment

Amendment by Pub. L. 102-378 effective May 4, 1991, see section 9(b)(4) of Pub. L. 102-378, set out as a note under section 6303 of this title.

Effective Date

Section 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 an Effective Date of 1990 Amendment note under section 5301 of this title.

Delegation of Functions

Authority of President under subsec. (e) of this section delegated to Director of Office of Personnel Management by Ex. Ord. No. 12828, § 1(2), Jan. 5, 1993, 58 F.R. 2965, set out as a note under section 3502 of this title.

Ex. Ord. No. 13415. Assignment of Certain Pay-Related Functions

Ex. Ord. No. 13415, Dec. 1, 2006, 71 F.R. 70641, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Assignment of Functions. The functions of the President under sections 4505a, 5305, and 5377 of title 5, United States Code, are assigned to the Director of the Office of Personnel Management.

Sec. 2. Revocations. (a) [Amended Ex. Ord. No. 12748, set out as a note under section 5301 of this title.]

(b) [Amended Ex. Ord. No. 12828, set out as a note under section 3502 of this title.]

Sec. 3. General Provision. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

George W. Bush.