

Public Law 103-89
103d Congress

An Act

To amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

Sept. 30, 1993
[H.R. 3019]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Performance Management and Recognition System Termination Act".

Performance
Management
and Recognition
System
Termination
Act.

SEC. 2. TEMPORARY EXTENSION.

Effective as of September 30, 1993, section 5410 of title 5, United States Code, is amended by striking "September 30, 1993" and inserting "October 31, 1993".

Government
employees.
5 USC 5301 note.
5 USC 5410 note.

SEC. 3. TERMINATION PROVISIONS.

(a) IN GENERAL.—

(1) REPEAL.—Chapter 54 of title 5, United States Code, is repealed.

5 USC
5401-5410.

(2) ANALYSIS.—The analysis for part III of title 5, United States Code, is amended by striking the item relating to chapter 54.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(A) in section 3372(d) by striking "additional step-increases, merit pay, and cash awards, as defined in chapters 53 and 54" and inserting "and additional step-increases, as defined in chapter 53";

(B)(i) by striking section 4302a; and

(ii) in the analysis for chapter 43 by striking the item relating to section 4302a;

(C) by amending subparagraph (A) of section 4501(2) to read as follows:

"(A) an employee as defined by section 2105; and";

(D) in section 4502(e) by striking paragraph (1) and by striking "(2)";

(E) in section 5302—

(i) in paragraph (8)—

(I) in subparagraph (A) by inserting "and" after the semicolon; and

(II) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(ii) in paragraph (9) by striking “applies (including any position under the performance management and recognition system).” and inserting “applies.”;

(F) in section 5332(a)(1) by striking “, except an employee covered by the performance management and recognition system established under chapter 54,”;

(G) in section 5334—

(i) in subsection (c)(2) by striking “step,” and all that follows through “any dollar amount,” and inserting “step”; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(H) in section 5335—

(i) in subsection (e) by striking “covered by the performance management and recognition system established under chapter 54 of this title, or,”; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(I) in section 5336(c) by striking “covered by the performance management and recognition system established under chapter 54 of this title, or,”;

(J) in section 5361(5) by striking all that follows “of this chapter,” and inserting “or a special occupational pay system under subchapter IX,”;

(K) in section 5362(c)—

(i) in the matter before paragraph (1) by striking “chapters 54 and 55 of this title, retirement and life insurance under chapters 83 and 87” and inserting “chapter 55 of this title, retirement and life insurance under chapters 83, 84, and 87”;

(ii) by inserting “or” at the end of paragraph (2); and

(iii) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3);

(L) in section 5363(c)(2) by striking “chapter 51, 53, or 54” and inserting “chapter 51 or 53”;

(M) in section 5948(g)(1) by striking subparagraph (C) and redesignating subparagraphs (D) through (L) as subparagraphs (C) through (K), respectively; and

(N) in section 8473(b)(8) by striking “individuals subject to the Performance Management and Recognition System under chapter 54 of this title,” and inserting “supervisors and management officials (as defined by section 7103(a));”.

(2) FEPCA.—Section 302(b)(1) of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5304 note) is amended by striking “(including an employee covered by the performance management and recognition system)”.

(3) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended—

(A) in section 1602 by inserting “, as in effect on October 31, 1993” after “section 5401 of title 5”;

(B) in section 1732(b)(1)(A) by striking “Schedule (including any employee covered by chapter 54 of title 5).” and inserting “Schedule.”; and

(C) in section 1733(b)(1)(A)(i) by striking “Schedule (including an employee covered by chapter 54 of title 5),” and inserting “Schedule.”

(4) TITLE 31, UNITED STATES CODE.—Section 731(b) of title 31, United States Code, is amended by inserting “, as in effect on October 31, 1993” after “section 5401 of title 5”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of November 1, 1993. 5 USC 3372 note.

SEC. 4. TREATMENT OF EMPLOYEES COVERED BY THE SYSTEM AS OF ITS TERMINATION DATE.

Pay scales.
5 USC 5401 note.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “employee” means an individual employed by an agency (within the meaning of section 7103(a)(3) of title 5, United States Code);

(2) the term “performance management and recognition system” means the performance management and recognition system under chapter 54 of title 5, United States Code;

(3) the term “basic pay” does not include any amount payable under section 302 or title IV of FEPCA or section 5304 or 5304a of title 5, United States Code;

(4) the term “pay rate”, as used in clauses (iii) through (v) of subsection (c)(2)(B), is used in the same way as such term is used under section 5335(a) of title 5, United States Code; and

(5) the term “FEPCA” means the Federal Employees Pay Comparability Act of 1990 (contained in the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509; 104 Stat. 1427)).

(b) APPLICABILITY.—Notwithstanding section 5332(a)(1) of title 5, United States Code (as amended by section 3(b)(1)(F)), or any other provision of law, the rate of basic pay for an employee covered by the performance management and recognition system on October 31, 1993, shall be determined in accordance with this section so long as such employee continues, without a break in service of more than 3 days, to occupy any position—

(1) which is in the same grade of the General Schedule, and the same agency, as the position which such employee occupied on October 31, 1993; and

(2) to which the provisions of chapter 54 of title 5, United States Code (as in effect on October 31, 1993) would apply if such provisions had remained in effect.

(c) SPECIAL RULES.—

(1) IN GENERAL.—The rate of basic pay for an employee who is subject to this section shall be the rate payable to such employee on October 31, 1993, subject to paragraph (2).

(2) ADJUSTMENTS.—Adjustments in the rate of basic pay for an employee who is subject to this section shall be made in accordance with the relevant provisions of title 5, United States Code, or otherwise applicable provisions of law, subject to the following:

(A) DEEM RATES AND POSITIONS TO BE UNDER THE GENERAL SCHEDULE.—For purposes of applying subchapters I and III of chapter 53 of such title (and the provisions of section 302 and title IV of FEPCA with respect to any payment under any of those provisions)—

(i) the rate of basic pay determined under this section for an employee shall be treated as a rate of basic pay described in section 5302(8) of such title;

(ii) the position then currently occupied by an employee who is subject to this section shall be deemed to be a "General Schedule position" within the meaning of section 5302(9) of such title; and

(iii) any employee who is subject to this section shall be considered to be a "General Schedule employee" (as referred to in section 302(b) of FEPCA).

(B) SPECIAL RULES RELATING TO PROVISIONS GOVERNING STEP-INCREASES.—For purposes of applying the provisions of sections 5335 and 5336 of title 5, United States Code, with respect to any employee who is subject to this section—

(i) any reference in such provisions to a "step-increase" shall be considered to mean an increase equal to one-ninth of the difference between the minimum and maximum rates of pay for the applicable grade of the General Schedule;

(ii) any reference in such provisions to the "next higher rate within the grade" shall be considered to mean the rate of basic pay which exceeds such employee's then current rate of basic pay by the amount of a step-increase;

(iii) if the employee's rate of basic pay is less than the rate for pay rate 4 of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (1) of section 5335(a) of such title;

(iv) if the employee's rate of basic pay is equal to or greater than the rate for pay rate 4 but less than the rate for pay rate 7 of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (2) of section 5335(a) of such title; and

(v) if the employee's rate of basic pay is equal to or greater than the rate for pay rate 7 but less than the maximum rate of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (3) of section 5335(a) of such title.

No rate of basic pay for an employee may be increased, as a result of this subparagraph (or any provision of law to which any clause of this subparagraph relates), if or to the extent that the resulting rate would exceed the maximum rate for the grade of the position occupied by such employee.

(d) **REGULATIONS.**—The Office of Personnel Management shall prescribe any regulations which may be necessary for the administration of this section.

SEC. 5. MISCELLANEOUS PROVISIONS.

5 USC 5335 note.

(a) **COORDINATION RULE.**—Notwithstanding the amendment made by section 3(b)(1)(H)(ii), an increase in pay granted under section 5404 of title 5, United States Code, before November 1, 1993, shall be deemed to be an equivalent increase in pay within the meaning of section 5335(a) of such title.

5 USC 5401 note.

(b) **PERFORMANCE AWARDS.**—Notwithstanding section 2, for purposes of applying section 5406 of title 5, United States Code, the

amount under subsection (c)(1)(A)(ii) of such section 5406 with respect to awards for work performed during fiscal year 1994 shall, for each agency subject to such section 5406, be deemed to be zero.

Approved September 30, 1993.

LEGISLATIVE HISTORY—H.R. 3019:

HOUSE REPORTS: No. 103-247 (Comm. on Post Office and Civil Service).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Sept. 21, considered and passed House.

Sept. 22, considered and passed Senate.