

(d) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

(Added Pub. L. 101-509, title V, § 529 [title II, § 211(a)], Nov. 5, 1990, 104 Stat. 1427, 1461; amended Pub. L. 115-73, title I, § 107(a)(2)(B), Oct. 26, 2017, 131 Stat. 1239; Pub. L. 115-91, div. A, title X, § 1097(b)(3)(B), Dec. 12, 2017, 131 Stat. 1617.)

Editorial Notes

REFERENCES IN TEXT

The General Schedule, referred to in subsecs. (a)(1), (2) and (c)(2), is set out under section 5332 of this title.

AMENDMENTS

2017—Subsec. (b)(2). Pub. L. 115-91 substituted “section 2302(d)” for “section 2302(c)”.

Pub. L. 115-73 substituted “section 2302(c)” for “section 2302(d)”.

Statutory Notes and Related Subsidiaries

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.

§ 5756. Home marketing incentive payment

(a) Under regulations prescribed under subsection (b), an agency may pay to an employee who transfers in the interest of the Government an amount to encourage the employee to aggressively market the employee's residence at the official station from which transferred when—

(1) the residence is entered into a relocation services program established under a contract in accordance with section 5724c of this title to arrange for the purchase of the residence;

(2) the employee finds a buyer who completes the purchase of the residence through the program; and

(3) the sale of the residence results in a reduced cost to the Government.

(b)(1) The Administrator of General Services shall prescribe regulations to carry out this section.

(2) The regulations shall include a limitation on the maximum amount payable with respect to an employee's residence. The Administrator shall establish the limitation in consultation with the Director of the Office of Management and Budget. For fiscal years 1997 and 1998, the maximum amount shall be the amount equal to five percent of the sale price of the residence.

(Added Pub. L. 104-201, div. A, title XVII, § 1717, Sept. 23, 1996, 110 Stat. 2757.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 5722 of this title.

§ 5757.¹ Payment of expenses to obtain professional credentials

(a) An agency may use appropriated funds or funds otherwise available to the agency to pay for—

(1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

(2) examinations to obtain such credentials.

(b) The authority under subsection (a) may not be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position that is excepted from the competitive service because of the confidential, policy-determining, policy-making, or policy-advocating character of the position.

(Added Pub. L. 107-107, div. A, title XI, § 1112(a), Dec. 28, 2001, 115 Stat. 1238.)

§ 5757.¹ Extended assignment incentive

(a) The head of an Executive agency may pay an extended assignment incentive to an employee if—

(1) the employee has completed at least 2 years of continuous service in 1 or more civil service positions located in a territory or possession of the United States, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands;

(2) the agency determines that replacing the employee with another employee possessing the required qualifications and experience would be difficult; and

(3) the agency determines it is in the best interest of the Government to encourage the employee to complete a specified additional period of employment with the agency in the territory or possession, the Commonwealth of Puerto Rico or Commonwealth of the Northern Mariana Islands, except that the total amount of service performed in a particular territory, commonwealth, or possession under 1 or more agreements established under this section may not exceed 5 years.

(b) The sum of extended assignment incentive payments for a service period may not exceed the greater of—

(1) an amount equal to 25 percent of the annual rate of basic pay of the employee at the beginning of the service period, times the number of years in the service period; or

(2) \$15,000 per year in the service period.

(c)(1) Payment of an extended assignment incentive shall be contingent upon the employee entering into a written agreement with the agency specifying the period of service and other terms and conditions under which the extended assignment incentive is payable.

(2) The agreement shall set forth the method of payment, including any use of an initial lump-sum payment, installment payments, or a final lump-sum payment upon completion of the entire period of service.

¹ Another section 5757 is set out after this section.

¹ Another section 5757 is set out preceding this section.

(3) The agreement shall describe the conditions under which the extended assignment incentive may be canceled prior to the completion of agreed-upon service period and the effect of the cancellation. The agreement shall require that if, at the time of cancellation of the incentive, the employee has received incentive payments which exceed the amount which bears the same relationship to the total amount to be paid under the agreement as the completed service period bears to the agreed-upon service period, the employee shall repay that excess amount, at a minimum, except that an employee who is involuntarily reassigned to a position stationed outside the territory, commonwealth, or possession or involuntarily separated (not for cause on charges of misconduct, delinquency, or inefficiency) may not be required to repay any excess amounts.

(d) An agency may not put an extended assignment incentive into effect during a period in which the employee is fulfilling a recruitment or relocation bonus service agreement under section 5753 or for which an employee is receiving a retention allowance under section 5754.

(e) Extended assignment incentive payments may not be considered part of the basic pay of an employee.

(f) The Office of Personnel Management may prescribe regulations for the administration of this section, including regulations on an employee's entitlement to retain or receive incentive payments when an agreement is canceled. Neither this section nor implementing regulations may impair any agency's independent authority to administratively determine compensation for a class of its employees.

(Added Pub. L. 107-273, div. A, title II, § 207(a)(1), Nov. 2, 2002, 116 Stat. 1779.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the first day of the first applicable pay period beginning on or after 6 months after Nov. 2, 2002, see section 207(c) of Pub. L. 107-273, set out as an Effective Date of 2002 Amendment note under section 5307 of this title.

REPORT

Pub. L. 107-273, div. A, title II, § 207(d), Nov. 2, 2002, 116 Stat. 1780, required, no later than 3 years after the effective date of this section (see Effective Date note above), the Office of Personnel Management to submit a report to Congress related to effectiveness of the extended assignment incentive authority.

§ 5759.¹ Retention and relocation bonuses for the Federal Bureau of Investigation

(a) **AUTHORITY.**—The Director of the Federal Bureau of Investigation, after consultation with the Director of the Office of Personnel Management, may pay, on a case-by-case basis, a bonus under this section to an employee of the Bureau if—

(1)(A) the unusually high or unique qualifications of the employee or a special need of the Bureau for the employee's services makes it essential to retain the employee; and

(B) the Director of the Federal Bureau of Investigation determines that, in the absence of such a bonus, the employee would be likely to leave—

(i) the Federal service; or

(ii) for a different position in the Federal service; or

(2) the individual is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills (as determined by the Director of the Federal Bureau of Investigation).

(b) **SERVICE AGREEMENT.**—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Bureau to complete a period of service with the Bureau. Such agreement shall include—

(1) the period of service the individual shall be required to complete in return for the bonus; and

(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination, including requirements for a bonus recipient's repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.

(c) **LIMITATION ON AUTHORITY.**—A bonus paid under this section may not exceed 50 percent of the employee's annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.

(d) **IMPACT ON BASIC PAY.**—A bonus paid under this section is not part of the basic pay of an employee for any purpose.

(Added Pub. L. 108-447, div. B, title I, § 113(a), Dec. 8, 2004, 118 Stat. 2868; amended Pub. L. 111-117, div. B, title II, § 217, Dec. 16, 2009, 123 Stat. 3141; Pub. L. 111-259, title IV, § 443, Oct. 7, 2010, 124 Stat. 2733.)

Editorial Notes

AMENDMENTS

2010—Subsec. (a)(2). Pub. L. 111-259, § 443(1), substituted “is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills” for “is transferred to a different geographic area with a higher cost of living”.

Subsec. (b)(2). Pub. L. 111-259, § 443(2), substituted “, including requirements for a bonus recipient's repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.” for the period.

Subsec. (c). Pub. L. 111-259, § 443(3), substituted “annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.” for “basic pay.”

Subsec. (d). Pub. L. 111-259, § 443(4), substituted “bonus paid under this section” for “retention bonus”.

2009—Subsec. (e). Pub. L. 111-117 struck out subsec. (e). Text read as follows: “The authority to grant bonuses under this section shall cease to be available after December 31, 2009.”

¹ So in original. No section 5758 has been enacted.