

(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.

§ 5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive

(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the heads of agencies, travel and transportation described in subsection (d) may be provided for not more than 3 family members of an employee described in subsection (b).

(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the head of an agency may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in subsection (b) if the head of an agency determines—

(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the head of the agency; and

(B) no other family member who is eligible for travel and transportation under subsection (a) is able to serve as an attendant for the family member.

(3) If no family member of an employee described in subsection (b) is able to travel to the repatriation site of the employee, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the employee.

(b) COVERED EMPLOYEES.—An employee described in this subsection is an employee (as defined in section 2105 of this title) who—

(1) was held captive, as determined by the head of an agency concerned; and

(2) is repatriated to a site inside or outside the United States.

(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term “family member” has the meaning given the term in section 451(a) of title 37.

(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the employee is located.

(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 464 of title 37.

(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 452(d) of title 37.

(4) An allowance under this subsection may be paid in advance.

(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.

(Added Pub. L. 109-163, div. A, title XI, §1121(a), Jan. 6, 2006, 119 Stat. 3451; amended Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948; Pub. L. 117-263, div. A, title VI, §626(b)(3), Dec. 23, 2022, 136 Stat. 2628.)

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.)

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