

which he is employed. Generally, not more than five awards shall be made in any one year. Presentation of the award shall be made at such times as the President may determine.

SEC. 3. The Director of the Office of Personnel Management shall advise and assist the President in selecting persons to receive this award. In performing this function, the Director shall carefully review nominations submitted pursuant to the provisions of Section 4 of this Order and decide which of them, if any, warrant presentation to the President. The Director shall thereupon transmit to the President the names of those persons who, in the opinion of the Director, merit the award, together with a statement of the reasons therefor. Recipients for the award shall be selected by the President.

SEC. 4. The form and procedures for making nominations for this award shall be prescribed by the Director of the Office of Personnel Management, in accord with the following principles:

(a) The Director shall be guided in the performance of this function by the provisions of Section 4504 and 4505 of Title 5 of the United States Code, and by additional criteria which the Director may prescribe.

(b) The Director shall not recommend any person for the award without the concurrence of the head of the agency in which that person was employed at the time of the achievement for which the award is recommended.

(c) Persons appointed by the President are not eligible for this award unless, in the opinion of the Office, they are currently serving in a career position.

§ 4505. Awards to former employees

An agency may pay or grant an award under this subchapter notwithstanding the death or separation from the service of the employee concerned, if the suggestion, invention, superior accomplishment, other personal effort, or special act or service in the public interest for which the award is proposed was made or performed while the employee was in the employ of the Government.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 443; Pub. L. 97–35, title XVII, §1703(b)(2), Aug. 13, 1981, 95 Stat. 756.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|-------------------|---|
| | 5 U.S.C. 2123(c). | Sept. 1, 1954, ch. 1208 §304(c), 68 Stat. 1113. |

The words “or grant” are added for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

1981—Pub. L. 97–35 substituted “subchapter” for “chapter”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Oct. 1, 1981, see section 1703(c) of Pub. L. 97–35, set as a note under section 4501 of this title.

§ 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; Pub. L. 115–73, title I, §107(a)(2)(A), Oct. 26, 2017, 131 Stat. 1239; Pub. L. 115–91, div. A, title X, §1097(b)(3)(A), Dec. 12, 2017, 131 Stat. 1617.)

Editorial Notes

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)”.

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