

agency who would not otherwise be covered by this section (including authority under subsection (c) to prescribe any necessary regulations).”

Statutory Notes and Related Subsidiaries

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.

Executive Documents

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.

§ 4506. Regulations

The Office of Personnel Management shall prescribe regulations and instructions under which the awards programs set forth by this subchapter shall be carried out.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 443; Pub. L. 95-454, title V, §503(d), Oct. 13, 1978, 92 Stat. 1184; Pub. L. 97-35, title XVII, §1703(b)(2), Aug. 13, 1981, 95 Stat. 756; Pub. L. 107-67, title VI, §641(b), Nov. 12, 2001, 115 Stat. 555.)

HISTORICAL AND REVISION NOTES

| Derivation | U.S. Code                     | Revised Statutes and Statutes at Large                       |
|------------|-------------------------------|--|
| .....      | 5 U.S.C. 2121 (1st 29 words). | Sept. 1, 1954, ch. 1208, §302 (1st 29 words), 68 Stat. 1112. |

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

2001—Pub. L. 107-67 substituted “the awards programs” for “the agency awards program”.

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

1978—Pub. L. 95-454 substituted “Office of Personnel Management shall” for “Civil Service Commission may”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-67, title VI, §641(d), Nov. 12, 2001, 115 Stat. 555, provided that: “The amendments made by this section [enacting section 4507a of this title and amending this section] shall take effect for awards granted in 2003.”

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 out as a note under section 4501 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-454, title V, §504(a), Oct. 13, 1978, 92 Stat. 1184, provided that amendment by Pub. L. 95-454 was effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.

§ 4507. Awarding of ranks in the Senior Executive Service

(a) For the purpose of this section, “agency”, “senior executive”, and “career appointee” have the meanings set forth in section 3132(a) of this title.

(b) Each agency shall submit annually to the Office recommendations of career appointees in the agency to be awarded the rank of Meritorious Executive or Distinguished Executive. The recommendations may take into account the individual’s performance over a period of years. The Office shall review such recommendations and provide to the President recommendations as to which of the agency recommended appointees should receive such rank.

(c) During any fiscal year, the President may, subject to subsection (d) of this section, award to any career appointee recommended by the Office the rank of—

- (1) Meritorious Executive, for sustained accomplishment, or
- (2) Distinguished Executive, for sustained extraordinary accomplishment.

A career appointee awarded a rank under paragraph (1) or (2) of this subsection shall not be entitled to be awarded that rank during the following 4 fiscal years.

(d) During any fiscal year—

- (1) the number of career appointees awarded the rank of Meritorious Executive may not exceed 5 percent of the Senior Executive Service; and
- (2) the number of career appointees awarded the rank of Distinguished Executive may not

exceed 1 percent of the Senior Executive Service.

(e)(1) Receipt by a career appointee of the rank of Meritorious Executive entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under section 5382 of this title or any award paid under section 5384 of this title.

(2) Receipt by a career appointee of the rank of Distinguished Executive entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under section 5382 of this title or any award paid under section 5384 of this title.

(Added Pub. L. 95-454, title IV, §406(a), Oct. 13, 1978, 92 Stat. 1170; amended Pub. L. 105-277, div. A, §101(h) [title VI, §631(a), (b)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-523.)

#### Editorial Notes

##### AMENDMENTS

1998—Subsec. (e)(1). Pub. L. 105-277, §101(h) [title VI, §631(a)], substituted “an amount equal to 20 percent of annual basic pay” for “\$10,000”.

Subsec. (e)(2). Pub. L. 105-277, §101(h) [title VI, §631(b)], substituted “an amount equal to 35 percent of annual basic pay” for “\$20,000”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-277, div. A, §101(h) [title VI, §631(c)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-523, provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 1998, or the date of enactment of this Act [Oct. 21, 1998], whichever is later.”

##### EFFECTIVE DATE

Section effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415(a)(1), (b), of Pub. L. 95-454, set out as a note under section 3131 of this title.

#### § 4507a. Awarding of ranks to other senior career employees

(a) For the purpose of this section, the term “senior career employee” means an individual appointed to a position classified above GS-15 and paid under section 5376 who is not serving—

- (1) under a time-limited appointment; or
- (2) in a position that is excepted from the competitive service because of its confidential or policy-making character.

(b) Each agency employing senior career employees shall submit annually to the Office of Personnel Management recommendations of senior career employees in the agency to be awarded the rank of Meritorious Senior Professional or Distinguished Senior Professional, which may be awarded by the President for sustained accomplishment or sustained extraordinary accomplishment, respectively.

(c) The recommendations shall be made, reviewed, and awarded under the same terms and conditions (to the extent determined by the Office of Personnel Management) that apply to rank awards for members of the Senior Executive Service under section 4507.

(Added Pub. L. 107-67, title VI, §641(a), Nov. 12, 2001, 115 Stat. 554.)

#### Editorial Notes

##### REFERENCES IN TEXT

GS-15, referred to in subsec. (a), is contained in the General Schedule, which is set out under section 5332 of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective for awards granted in 2003, see section 641(d) of Pub. L. 107-67, set out as an Effective Date of 2001 Amendment note under section 4506 of this title.

#### § 4508. Limitation of awards during a Presidential election year

(a) For purposes of this section, the term—

(1) “Presidential election period” means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

(2) “senior politically appointed officer” means any officer who during a Presidential election period serves—

(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

(Added Pub. L. 103-425, §2(a), Oct. 31, 1994, 108 Stat. 4369.)

#### § 4509. Prohibition of cash award to Executive Schedule officers

No officer may receive a cash award under the provisions of this subchapter, if such officer—

(1) serves in—

(A) an Executive Schedule position under subchapter II of chapter 53; or

(B) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53; and

(2) was appointed to such position by the President, by and with the advice and consent of the Senate.

(Added Pub. L. 103-425, §2(a), Oct. 31, 1994, 108 Stat. 4370.)

#### SUBCHAPTER II—AWARDS FOR COST SAVINGS DISCLOSURES

#### Editorial Notes

##### AMENDMENTS

1981—Pub. L. 97-35, title XVII, §1703(a), Aug. 13, 1981, 95 Stat. 755, added subchapter II.

#### § 4511. Definition and general provisions

(a) For purposes of this subchapter, the term “agency” means any Executive agency.