

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.”

### §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.)

**CHAPTER 59—ALLOWANCES**

## SUBCHAPTER I—UNIFORMS

Sec.	
5901.	Uniform allowances.
5902.	Increase in maximum uniform allowance.
5903.	Regulations.

## SUBCHAPTER II—QUARTERS

5911.	Quarters and facilities; employees in the United States.
5912.	Quarters in Government owned or rented buildings; employees in foreign countries.
5913.	Official residence expenses.

## SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

5921.	Definitions.
5922.	General provisions.
5923.	Quarters allowances.
5924.	Cost-of-living allowances.
5925.	Post differentials.
5926.	Compensatory time off at certain posts in foreign areas.
5927.	Advances of pay.
5928.	Danger pay allowance.

## SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

5941.	Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska.
5942.	Allowance based on duty at remote worksites.
5942a.	Separate maintenance allowance for duty at Johnston Island.
5943.	Foreign currency appreciation allowances.

Sec.	
[5944.	Repealed.]
5945.	Notary public commission expenses.
5946.	Membership fees; expenses of attendance at meetings; limitations.
5947.	Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations.
5948.	Physicians comparability allowances.
5949.	Hostile fire pay.

**Editorial Notes**

## AMENDMENTS

2001—Pub. L. 107–107, div. A, title XI, § 1111(b), Dec. 28, 2001, 115 Stat. 1238, added item 5949.

1991—Pub. L. 102–190, div. A, title X, § 1092(a)(2), Dec. 5, 1991, 105 Stat. 1487, added item 5942a.

1983—Pub. L. 98–164, title I, § 127(b)(2), Nov. 22, 1983, 97 Stat. 1027, struck out item 5944 “Illness and burial expenses; native employees in foreign countries”.

1980—Pub. L. 96–465, title II, §§ 2310(b), 2311(b), Oct. 17, 1980, 94 Stat. 2166, added items 5927 and 5928.

1978—Pub. L. 95–603, § 2(b), Nov. 6, 1978, 92 Stat. 3020, added item 5948.

Pub. L. 95–426, title IV, § 411(b), Oct. 7, 1978, 92 Stat. 981, added item 5926.

1971—Pub. L. 91–656, §§ 6(c), 7(b), Jan. 8, 1971, 84 Stat. 1954, substituted “duty at remote worksites” for “duty on California offshore islands or at Nevada Test Site” in item 5942 and added item 5947.

1967—Pub. L. 90–83, § 1(40)(B), (42), Sept. 11, 1967, 81 Stat. 206, 207, added items 5902 and 5903, and inserted “or at Nevada Test Site” in item 5942.

## SUBCHAPTER I—UNIFORMS

**§ 5901. Uniform allowances**

(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, such sums as may be necessary to carry out this subchapter. The head of the agency concerned, out of funds made available by the appropriation, shall—

(1) furnish to each of these employees a uniform at a cost not to exceed \$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902); or

(2) pay to each of these employees an allowance for a uniform not to exceed \$400 a year (or such higher maximum amount as the Office of Personnel Management may establish under section 5902).

The allowance may be paid only at the times and in the amounts authorized by the regulations prescribed under section 5903 of this title. When the agency pays direct to the uniform vendor, the head of the agency may deduct a service charge of not more than 4 percent.

(b) When the furnishing of a uniform or the payment of a uniform allowance is authorized under another statute or regulation existing on September 1, 1954, the head of the agency concerned may continue the furnishing of the uniform or the payment of the uniform allowance under that statute or regulation, but in that event a uniform may not be furnished or allowance paid under this section.

(c) An allowance paid under this section is not wages within the meaning of section 409 of title 42 or chapters 21 and 24 of title 26.