

voluntary separation incentive payments to qualified employees to extent necessary to eliminate positions and functions identified by strategic plan to be submitted to Congress outlining intended use of such incentive payments and proposed organizational chart for agency once such incentive payments have been completed, provided that no amount would be payable based on any separation occurring before Aug. 6, 1996, or after Sept. 30, 2000, and further provided for definitions, amount and treatment of payments, additional agency contributions to the Retirement Fund, effect of subsequent employment with the Government, reduction of agency employment levels, and that program would take effect Oct. 1, 1996.

Pub. L. 104-134, title I, §101(c) [title III, §339], Apr. 26, 1996, 110 Stat. 1321-156, 1321-210; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, provided that, in order to avoid or minimize need for involuntary separations due to reduction in force, reorganization, transfer of function, or other similar action, Secretary of the Smithsonian Institution could pay, or authorize payment of, voluntary separation incentive payments to Smithsonian Institution employees who separated from Federal service voluntarily through Oct. 1, 1996 (whether by retirement or resignation).

Pub. L. 104-19, title I, §702, July 27, 1995, 109 Stat. 221, provided that General Accounting Office could for such employees as it deemed appropriate authorize payment to employees who voluntarily separated before Oct. 1, 1995, whether by retirement or resignation, which payment would be paid in accordance with provisions of subsection (d) of this section.

Section 3 of Pub. L. 103-226 authorized Executive agencies (other than Department of Defense, Central Intelligence Agency, or General Accounting Office) to provide voluntary separation incentive payments to qualified employees of such agencies in order to avoid or minimize need for involuntary separations due to reduction in force, reorganization, transfer of function, or other similar action, provided that in order to receive incentive payment, employee must have separated from service with agency (whether by retirement or resignation) before Apr. 1, 1995, or, under certain circumstances, not later than Mar. 31, 1997, and further provided for definitions, amount and treatment of payments, effect of subsequent employment with the Government, regulations, and authority for Director of Administrative Office of the United States Courts to establish similar program for individuals serving in the judicial branch.

#### MONITORING AND REPORT RELATING TO VOLUNTARY SEPARATION INCENTIVE PAYMENTS

Section 6 of Pub. L. 103-226 provided that: "No later than December 31st of each fiscal year, the Office of Personnel Management shall submit to the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate and the Committee on Post Office and Civil Service of the House of Representatives a report which, with respect to the preceding fiscal year, shall include—

"(1) the number of employees who received a voluntary separation incentive payment under section 3 [set out above] during such preceding fiscal year;

"(2) the agency from which each such employee separated;

"(3) at the time of separation from service by each such employee—

"(A) such employee's grade or pay level; and

"(B) the geographic location of such employee's official duty station, by region, State, and city (or foreign nation, if applicable); and

"(4)(A) the number of waivers made (in the repayment upon subsequent employment) by each agency or other authority under section 3 [set out above] or the amendments made by section 8 [amending this section and section 403x of Title 50, War and National Defense]; and

"(B) the title and the grade or pay level of the position filled by the employee to whom such waiver applied."

[Committee on Post Office and Civil Service of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on Post Office and Civil Service treated as referring to Committee on Government Reform and Oversight, see section 1(b) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.]

#### SOURCE OF PAYMENTS

Section 4436(b)(1) of Pub. L. 102-484 provided that: "For fiscal years after fiscal year 1993, separation pay shall be paid by an agency out of any funds or appropriations available for salaries and expenses of such agency."

#### REPORT

Section 4436(c) of Pub. L. 102-484 provided that: "At the end of each of fiscal years 1993 through 1998, the Secretary of Defense shall submit to the President, the Congress, and the Director of the Office of Personnel Management a report on the effectiveness and costs of carrying out the amendments made by this section [enacting this section]."

### CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

#### SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

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AMENDMENTS

- 2010—Pub. L. 111-292, §3(b), Dec. 9, 2010, 124 Stat. 3173, added item 5711.
- Pub. L. 111-178, §2(c), June 9, 2010, 124 Stat. 1263, added item 5724d.
- 2009—Pub. L. 111-117, div. B, title II, §219(b), Dec. 16, 2009, 123 Stat. 3142, added item 5761.
- 2008—Pub. L. 110-181, div. A, title XI, §1104(b), Jan. 28, 2008, 122 Stat. 347, added item 5737a.
- 2006—Pub. L. 109-163, div. A, title XI, §1121(b), Jan. 6, 2006, 119 Stat. 3452, added item 5760.
- 2004—Pub. L. 108-447, div. B, title I, §113(b), Dec. 8, 2004, 118 Stat. 2869, added item 5759.
- Pub. L. 108-411, title I, §101(a)(2), Oct. 30, 2004, 118 Stat. 2309, substituted “Retention bonuses” for “Retention allowances” in item 5754.

<sup>1</sup> So in original. Two sections 5757 have been enacted.

- 2002—Pub. L. 107-273, div. A, title II, §207(a)(2), Nov. 2, 2002, 116 Stat. 1780, added item 5757 “Extended assignment incentive”.
- 2001—Pub. L. 107-107, div. A, title XI, §1112(b), Dec. 28, 2001, 115 Stat. 1239, added item 5757 “Payment of expenses to obtain professional credentials”.
- 1998—Pub. L. 105-264, §§4(b), 5(c), Oct. 19, 1998, 112 Stat. 2354, 2355, added items 5706c, 5710, and 5739.
- 1996—Pub. L. 104-201, div. A, title XVI, §1605(a)(2), title XVII, §1723(c), Sept. 23, 1996, 110 Stat. 2736, 2759, added items 5736 to 5738 and 5756.
- 1994—Pub. L. 103-337, div. A, title III, §345(a)(2), Oct. 5, 1994, 108 Stat. 2724, added item 5735.
- 1992—Pub. L. 102-378, §2(46), Oct. 2, 1992, 106 Stat. 1353, struck out “; manpower shortage positions” after “trainees” in item 5723 and added item 5755.
- 1990—Pub. L. 101-509, title V, §529 [title II, §§206(a)(2), 208(b)], Nov. 5, 1990, 104 Stat. 1427, 1457, 1460, added items 5706b, 5753, and 5754.
- Pub. L. 101-391, §4(b), Sept. 25, 1990, 104 Stat. 750, added item 5707a.
- 1986—Pub. L. 99-234, title I, §§103(b), 106(b), Jan. 2, 1986, 99 Stat. 1758, 1759, added items 5706a and 5734.
- 1983—Pub. L. 98-151, §118(a)(7)(A)(ii), Nov. 14, 1983, 97 Stat. 979, added items 5724b and 5724c.
- 1978—Pub. L. 95-454, title IV, §409(c), Oct. 13, 1978, 92 Stat. 1173, added item 5752.
- 1975—Pub. L. 94-22, §7, May 19, 1975, 89 Stat. 86, inserted “and reports” after “Regulations” in item 5707.
- 1970—Pub. L. 91-563, §4(b), Dec. 19, 1970, 84 Stat. 1477, added heading of Subchapter IV and item 5751.
- Pub. L. 91-481, §1(2), Oct. 21, 1970, 84 Stat. 1081, added item 5709.
- 1967—Pub. L. 90-206, title II, §222(c)(2), Dec. 16, 1967, 81 Stat. 641, added item 5733.
- Pub. L. 90-83 §1(37)(B), Sept. 11, 1967, 81 Stat. 205, added item 5724a.

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

§ 5701. Definitions

Except as otherwise provided in section 5707(d),<sup>1</sup> for the purpose of this subchapter—

- (1) “agency” means—
  - (A) an Executive agency;
  - (B) a military department;
  - (C) an office, agency, or other establishment in the legislative branch;
  - (D) an office, agency, or other establishment in the judicial branch; and
  - (E) the government of the District of Columbia;

but does not include—

- (i) a Government controlled corporation;
- (ii) a Member of Congress; or
- (iii) an office or committee of either House of Congress or of the two Houses;

(2) “employee” means an individual employed in or under an agency including an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at \$1 a year;

(3) “subsistence” means lodging, meals, and other necessary expenses for the personal sustenance and comfort of the traveler;

(4) “per diem allowance” means a daily payment instead of actual expenses for subsistence and fees or tips to porters and stewards;

(5) “Government” means the Government of the United States and the government of the District of Columbia; and

<sup>1</sup> See References in Text note below.