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# 5 U.S. Code § 5403 - Human Capital Performance Fund

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**(a)** There is hereby established the Human Capital Performance Fund, to be administered by the Office for the purpose of this chapter.

**(b)**

**(1)**

**(A)** An agency shall submit a plan as described in section 5406 to be eligible for consideration by the Office for an allocation under this section. An allocation shall be made only upon approval by the Office of an agency's plan.

**(B)**

- (i)** After the reduction for training required under section 5408, ninety percent of the remaining amount appropriated to the Fund may be allocated by the Office to the agencies. Of the amount to be allocated, an agency's pro rata distribution may not exceed its pro rata share of Executive branch payroll.
- (ii)** If the Office does not allocate an agency's full pro rata share, the undistributed amount remaining from that share will become available for distribution to other agencies, as provided in subparagraph (C).

**(C)**

- (i)** After the reduction for training under section 5408, ten percent of the remaining amount appropriated to the Fund, as well as the amount of the pro rata share not distributed because of an agency's failure to submit a satisfactory plan, shall be allocated among agencies with exceptionally high-quality plans.
- (ii)** An agency with an exceptionally high-quality plan is eligible to receive an additional distribution in addition to its full pro rata distribution.

**(2)** Each agency is required to provide to the Office such payroll information as the Office specifies necessary to determine the Executive branch payroll.

(Added Pub. L. 108-136, div. A, title XI, § 1129(a), Nov. 24, 2003, 117 Stat. 1642.)