



U.S. Department of Justice

Office of Legislative Affairs

---

Office of the Assistant Attorney General

Washington, D.C. 20530

April 18, 2000

The Honorable Henry J. Hyde  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515-6216

Dear Mr. Chairman:

This responds to your letters dated November 5, 1999 and December 22, 1999, for information concerning award programs in the U.S. Department of Justice. Let me note first, with respect to the time period of the information provided, that in general we are able to retrieve data only as far back as 1993. In that year the Department moved to its current payroll provider and official record-keeper.<sup>1</sup> Second, the Federal Bureau of Investigation (FBI) has a separate payroll and personnel system. We are providing its data separately.

A number of items are attached hereto:

Tab 1 Responds to your request, "for the years [1990] through 1999, please provide the following information in chart form . . . broken out by major component, bureau, division or office: for cash awards exceeding \$4,499, the name and title of the recipient, the amount of the cash award, and the legal authority for granting the

---

<sup>1</sup>We should also make several observations with respect to the accuracy of data. Like any computer-generated report, it is only as good as the data which was input -- there are several "error" entries on the report which we cannot currently explain. Additionally, there are several places in which there appear to be two entries for the same award. We cannot explain this apparent double counting, but believe it represents only one award. Finally, the distinctions among the types of award appear to be accurate, for the most part. However, there may be some errors in coding the type of award.

award."<sup>2</sup> This information supercedes that provided earlier.

The legal basis under which each award was given may be identified by the information in the "award type" column and by the number in the column "NAT ACT CDE" (nature of action code) which precedes the award amount.

As we have previously indicated, in general, an agency head's authority to grant cash awards is limited by 5 U.S.C. 4502 to \$10,000. Within the Department, the Attorney General has reserved the authority to grant awards greater than \$5,000 and such awards are infrequent. These awards can be identified on Tab 1 by the code '877' or '885' which precedes the dollar amount of the award.<sup>3</sup>

There are two types of this general principle:

- Presidential Rank Awards. Each year, a limited number of career members of the Senior Executive Service (SES) are nominated by the Attorney General for "Presidential Rank" awards of "Meritorious Executive" and "Distinguished Executive," which carry with them cash payments.<sup>4</sup> These awards are reviewed by a panel of citizens under the guidance of the U.S. Office of Personnel Management, and approved by the President. Generally, fewer than 10 employees of the Department receive these awards each year.

---

<sup>2</sup>In a conversation shortly after we received your second letter, Will Moschella of your staff clarified that the information sought pertained to awards exceeding \$4,999, rather than \$4,499.

<sup>3</sup>The one award in this category for \$19,800 was approved by the Director of the U.S. Office of Personnel Management, who may approve awards up to \$25,000.

<sup>4</sup>For most of the period covered by this report, the amounts were \$10,000 for Meritorious Executive and \$20,000 for Distinguished Executive; in FY 1999, the amounts were increased to \$23,600 and \$41,300 respectively.

They can be identified by the code '878' which precedes the dollar amount of the award.

- SES Bonuses. When Congress created the Senior Executive Service in 1978, it established, as part of the SES compensation plan, annual bonuses for a limited number of career executives. These bonuses are authorized by 5 U.S.C. 5384. Each year, an agency may grant performance bonuses to its career SES members in an amount which does not exceed, in the aggregate, 10 percent of the agency's total SES salaries. The minimum payment to an individual executive is 5 percent of base pay and the maximum is 20 percent of base pay. The Department has never paid more than \$20,000 as the maximum individual award under this program. The number, amounts, and distribution of these awards by component remains relatively consistent from year to year. These awards can be identified by the code '879' which precedes the dollar amount of the award.

There are also a small number of "gainsharing" or "suggestion" awards on Tab 1, identified by the code '874' or '875' which precedes the dollar amount of the award. These are awards which recognize an employee's action or suggestion which has improved a Department business process or saved the Department money in a demonstrable and quantifiable manner.

Tab 2 Responds to your request, "for the years [1990] through 1999 [a report] that includes the total amount for each award range per year, and the total amount awarded per year for each major component, bureau, division, or office." This Tab also shows, at the bottom of page 40, "the total amount of all performance awards for the entire Department for the years [1993] through 1999," except the FBI.

Tab 3 Responds to your request for "a description and any records, including directives, memoranda, or guidance, outlining the Departments performance award program, [including] responsive records dating back to January 1, 1993."

The Honorable Henry J. Hyde  
Page 4

Tab 4 Includes FBI information responsive to your  
December 22, 1999 request.

I hope this information is helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Raben". The signature is written in a cursive, somewhat stylized font.

Robert Raben  
Assistant Attorney General

Enclosures

cc: The Honorable John Conyers  
Ranking Minority Member