

842, which was classified principally to chapter 20 (§§ 921, 922, 931–934, 941–946) of former Title 28, Judicial Code and Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and 2671 et seq. of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted Title 28. The Federal Tort Claims Act is also commonly used to refer to chapter 171 of Title 28, Judiciary and Judicial Procedure. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into the revised Title 28, see Table at the beginning of Title 28.

The Ethics in Government Act of 1978, referred to in subsec. (b)(2)(E), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95–521 in the Appendix to this title and Tables.

Section 1043 of the Internal Revenue Code of 1986, referred to in subsec. (b)(2)(F), is classified to section 1043 of Title 26, Internal Revenue Code.

#### AMENDMENTS

2011—Subsec. (b)(2)(G). Pub. L. 111–350 substituted “chapter 21 of title 41” for “section 27 of the Office of Federal Procurement Policy Act”.

### § 3705. Application to Office of the Chief Technology Officer of the District of Columbia

(a) IN GENERAL.—The Chief Technology Officer of the District of Columbia may arrange for the assignment of an employee of the Office of the Chief Technology Officer to a private sector organization, or an employee of a private sector organization to such Office, in the same manner as the head of an agency under this chapter.

(b) TERMS AND CONDITIONS.—An assignment made pursuant to subsection (a) shall be subject to the same terms and conditions as an assignment made by the head of an agency under this chapter, except that in applying such terms and conditions to an assignment made pursuant to subsection (a), any reference in this chapter to a provision of law or regulation of the United States shall be deemed to be a reference to the applicable provision of law or regulation of the District of Columbia, including the applicable provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–601.01 et seq., D.C. Official Code) and section 601 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act (sec. 1–1106.01, D.C. Official Code).

(c) DEFINITION.—For purposes of this section, the term “Office of the Chief Technology Officer” means the office established in the executive branch of the government of the District of Columbia under the Office of the Chief Technology Officer Establishment Act of 1998 (sec. 1–1401 et seq., D.C. Official Code).

(Added Pub. L. 107–347, title II, § 209(c)(1), Dec. 17, 2002, 116 Stat. 2929.)

#### REFERENCES IN TEXT

The District of Columbia Government Comprehensive Merit Personnel Act of 1978, referred to in subsec. (b), is an act of the District of Columbia and is not classified to the Code.

The District of Columbia Campaign Finance Reform and Conflict of Interest Act, referred to in subsec. (b), is Pub. L. 93–376, Aug. 14, 1974, 88 Stat. 447, as amended, which is not classified to the Code.

The Office of the Chief Technology Officer Establishment Act of 1998, referred to in subsec. (c), is an act of

the District of Columbia and is not classified to the Code.

### § 3706. Reporting requirement

(a) IN GENERAL.—The Office of Personnel Management shall, not later than April 30 and October 31 of each year, prepare and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a semiannual report summarizing the operation of this chapter during the immediately preceding 6-month period ending on March 31 and September 30, respectively.

(b) CONTENT.—Each report shall include, with respect to the 6-month period to which such report relates—

(1) the total number of individuals assigned to, and the total number of individuals assigned from, each agency during such period;

(2) a brief description of each assignment included under paragraph (1), including—

(A) the name of the assigned individual, as well as the private sector organization and the agency (including the specific bureau or other agency component) to or from which such individual was assigned;

(B) the respective positions to and from which the individual was assigned, including the duties and responsibilities and the pay grade or level associated with each; and

(C) the duration and objectives of the individual’s assignment; and

(3) such other information as the Office considers appropriate.

(c) PUBLICATION.—A copy of each report submitted under subsection (a)—

(1) shall be published in the Federal Register; and

(2) shall be made publicly available on the Internet.

(d) AGENCY COOPERATION.—On request of the Office, agencies shall furnish such information and reports as the Office may require in order to carry out this section.

(Added Pub. L. 107–347, title II, § 209(c)(1), Dec. 17, 2002, 116 Stat. 2929.)

#### CHANGE OF NAME

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.

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

### § 3707. Regulations

The Director of the Office of Personnel Management shall prescribe regulations for the administration of this chapter.

(Added Pub. L. 107–347, title II, § 209(c)(1), Dec. 17, 2002, 116 Stat. 2930.)

## Subpart C—Employee Performance

### CHAPTER 41—TRAINING

Sec.  
4101. Definitions.

- Sec.
- 4102. Exceptions; Presidential authority.
- 4103. Establishment of training programs.
- 4104. Government facilities; use of.
- 4105. Non-Government facilities; use of.
- [4106. Repealed.]
- 4107. Academic degree training.
- 4108. Employee agreements; service after training.
- 4109. Expenses of training.
- 4110. Expenses of attendance at meetings.
- 4111. Acceptance of contributions, awards, and other payments.
- 4112. Absorption of costs within funds available.
- [4113. Repealed.]
- [4114. Repealed.]
- 4115. Collection of training information.
- 4116. Training program assistance.
- 4117. Administration.
- 4118. Regulations.
- 4119. Training for employees under the Office of the Architect of the Capitol and the Botanic Garden.
- 4120. Training for employees of the Capitol Police.
- 4121. Specific training programs.

AMENDMENTS

2004—Pub. L. 108-411, title II, §201(b)(2), Oct. 30, 2004, 118 Stat. 2312, added item 4121.  
 2003—Pub. L. 108-7, div. H, title I, §1010(b), Feb. 20, 2003, 117 Stat. 360, added item 4120.  
 2002—Pub. L. 107-296, title XIII, §1331(b), Nov. 25, 2002, 116 Stat. 2299, substituted “Academic degree training” for “Restriction on degree training” in item 4107.  
 1995—Pub. L. 104-66, title II, §2181(c)(2), Dec. 21, 1995, 109 Stat. 732, struck out item 4113 “Agency review of training needs; annual program reports”.  
 1994—Pub. L. 103-226, §2(b)(2), Mar. 30, 1994, 108 Stat. 112, struck out item 4106 “Non-Government facilities; amount of training limited”, substituted “Restriction on degree training” for “Non-Government facilities; restrictions” in item 4107, and struck out item 4114 “Non-Government facilities; review of training programs”.  
 1982—Pub. L. 97-346, §1(b), Oct. 15, 1982, 96 Stat. 1647, added item 4119.

§ 4101. Definitions

For the purpose of this chapter—

- (1) “agency”, subject to section 4102 of this title, means—
  - (A) an Executive department;
  - (B) an independent establishment;
  - (C) a Government corporation subject to chapter 91 of title 31;
  - (D) the Library of Congress;
  - (E) the Government Printing Office; and
  - (F) the government of the District of Columbia;
- (2) “employee”, subject to section 4102 of this title, means—
  - (A) an individual employed in or under an agency; and
  - (B) a commissioned officer of the Environmental Science Services Administration;
- (3) “Government” means the Government of the United States and the government of the District of Columbia;
- (4) “training” means the process of providing for and making available to an employee, and placing or enrolling the employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which will improve individual and organiza-

tional performance and assist in achieving the agency’s mission and performance goals;

(5) “Government facility” means property owned or substantially controlled by the Government and the services of any civilian and military personnel of the Government; and

(6) “non-Government facility” means—

(A) the government of a State or of a territory or possession of the United States including the Commonwealth of Puerto Rico, and an interstate governmental organization, or a unit, subdivision, or instrumentality of any of the foregoing;

(B) a foreign government or international organization, or instrumentality of either, which is designated by the President as eligible to provide training under this chapter;

(C) a medical, scientific, technical, educational, research, or professional institution, foundation, or organization;

(D) a business, commercial, or industrial firm, corporation, partnership, proprietorship, or other organization;

(E) individuals other than civilian or military personnel of the Government; and

(F) the services and property of any of the foregoing furnishing the training.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 432; Pub. L. 90-206, title II, §224(a), Dec. 16, 1967, 81 Stat. 642; Pub. L. 97-258, §3(a)(8), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 103-226, §2(a)(1), Mar. 30, 1994, 108 Stat. 111.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2302.	July 7, 1958, Pub. L. 85-507, §3, 72 Stat. 328.

In paragraph (1), the word “agency” is substituted for “department”. Reference to the “General Accounting Office” is omitted as included in “independent establishment” because of the definition in section 104.

In paragraph (2)(B), the words “in the Department of Commerce” are omitted as unnecessary.

In paragraph (6)(C), the word “agency” is omitted as unnecessary and to avoid confusion with the word “agency” defined by paragraph (1).

In paragraph (6)(E), the words “individuals other than civilian or military personnel of the Government” are substituted for “an individual not a civilian or military officer or employee of the Government of the United States or of the municipal government of the District of Columbia” to conform to paragraph (5).

The definition of “Commission” in former section 2302(4) is omitted as unnecessary as the title “Civil Service Commission” is fully set out the first time it is used in each section of this chapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994—Par. (4). Pub. L. 103-226 substituted “fields which will improve individual and organizational performance and assist in achieving the agency’s mission and performance goals;” for “fields which are or will be directly related to the performance by the employee of official duties for the Government, in order to increase the knowledge, proficiency, ability, skill, and qualifications of the employee in the performance of official duties;”.

1982—Par. (1)(C). Pub. L. 97-258 substituted “chapter 91” for “sections 846-852 or 856-859”.

1967—Par. (2)(B). Pub. L. 90-206 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

#### EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective Dec. 16, 1967, see section 220(a)(1) of Pub. L. 90-206, set out as an Effective Date note under section 3110 of this title.

#### TRANSFER OF FUNCTIONS

For transfer of Environmental Science Services Administration to National Oceanic and Atmospheric Administration, see Transfer of Functions note set out under section 5541 of this title.

#### DELEGATION OF FUNCTIONS

Functions of President under subsec. (6)(B) of this section delegated to head of each agency concerned, see section 402 of Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, set out as a note under section 4103 of this title.

### § 4102. Exceptions; Presidential authority

(a)(1) This chapter does not apply to—

(A) a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(B) the Tennessee Valley Authority; or

(C) an individual (except a commissioned officer of the National Oceanic and Atmospheric Administration) who is a member of a uniformed service during a period in which he is entitled to pay under section 204 of title 37.

(2) This chapter (except sections 4110 and 4111) does not apply to—

(A) the Foreign Service of the United States; or

(B) an individual appointed by the President, unless the individual is specifically designated by the President for training under this chapter.

(b) The President, at any time in the public interest, may—

(1) except an agency or part thereof, or an employee or group or class of employees therein, from this chapter or a provision thereof (except this section); and

(2) withdraw an exception made under this subsection.

However, the President may not except the Office of Personnel Management from a provision of this chapter which vests in or imposes on the Office a function, duty, or responsibility concerning any matter except the establishment, operation, and maintenance, in the same capacity as other agencies, of training programs and plans for its employees.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 433; Pub. L. 90-83, §1(4), Sept. 11, 1967, 81 Stat. 196; Pub. L. 94-183, §2(11), Dec. 31, 1975, 89 Stat. 1057; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-54, §2(a)(15), (19), Aug. 14, 1979, 93 Stat. 382.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2303.	July 7, 1958, Pub. L. 85-507, § 4, 72 Stat. 329. May 26, 1959, Pub. L. 86-33, 73 Stat. 62. Aug. 2, 1962, Pub. L. 87-566, 76 Stat. 264.

In subsection (a)(1), the exception for the President and Vice President is omitted as surplusage as these elected officers are not employed in or under an agency and thus are not included in the definition of “employee” in section 4101(2).

In subsection (a)(1)(C), the words “as defined by section 231(a) of Title 37” are omitted as unnecessary in view of the definition of “uniformed services” in section 2101(b). The words “section 204 of title 37” are substituted for “sections 232-234, 235, 236, 237, 238, and 239 of Title 37” on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87-649, 76 Stat. 497.

In subsection (a)(2)(B), the words “by the President” are coextensive with and substituted for “by the President by and with the advice and consent of the Senate or by the President alone”.

In subsection (b)(1), reference to “section 21, and section 22” is omitted as unnecessary since the sections are not carried into this title, but are scheduled for repeal, see Table II.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### AMENDMENTS

1979—Subsec. (a)(1)(C). Pub. L. 96-54, §2(a)(19), substituted “National Oceanic and Atmospheric” for “Environmental Science Services”.

Subsec. (b). Pub. L. 96-54, §2(a)(15), substituted “Office” for “Commission”.

1978—Subsec. (b). Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

1975—Subsec. (a)(2)(B). Pub. L. 94-183 struck out “(except a Postmaster)” after “an individual appointed by the President”.

1967—Subsec. (a)(1)(C). Pub. L. 90-83 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey.” See Historical and Revision Notes under section 2101 of this title.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendments by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

#### DELEGATION OF FUNCTIONS

Functions of President under subsec. (b)(1) of this section delegated to Office of Personnel Management, see section 401(a) of Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, set out as a note under section 4103 of this title.

#### EX. ORD. NO. 10805. CENTRAL INTELLIGENCE AGENCY

Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, provided: SECTION 1. The Central Intelligence Agency is hereby designated as excepted from the following-described provisions of the Government Employees Training Act [this chapter and section 1308 of this title]:

(a) Section 2(4), 6, 9(b)(1), 11, 12, 15, 16, and 18 [sections 4117, 4118, 4105(b)(1), 4108, 4106, 4114, 4115, and 1308(a)(4)(A)-(C), (b) and 4113(b) respectively of this title].

(b) The last sentence of section 5 [section 4113(a) of this title].

(c) That part of section 7 [section 4103(1) of this title] which reads “shall conform, on or after the effective date of the regulations prescribed by the Commission under section 6 of this Act [section 4118 of this title], to the principles, standards, and related requirements contained in such regulations then current.”

(d) That part of section 10 [section 4109(a) of this title] which reads “in accordance with regulations issued by the Commission under authority of section 6(a)(8) [section 4118(a)(8) of this title].”

SEC. 2. Section 2 of Executive Order No. 10800, of January 15, 1959, is hereby amended by deleting the reference to “section 5” and the reference to “section 5(b)” and by inserting in lieu thereof “section 4” and “section 4(b)”, respectively.

EXECUTIVE ORDER NO. 11531

Ex. Ord. No. 11531, May 26, 1970, 35 F.R. 8337, which related to the delegation of Presidential authority to designate United States Marshals and United States Attorneys for training, was superseded by Ex. Ord. No. 11895, Jan. 6, 1976, 41 F.R. 1465, set out below.

EX. ORD. NO. 11895. DELEGATION OF PRESIDENTIAL AUTHORITY TO DESIGNATE INDIVIDUALS APPOINTED BY THE PRESIDENT TO RECEIVE TRAINING

Ex. Ord. No. 11895, Jan. 6, 1976, 41 F.R. 1465, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Except as provided in Section 2 of this Order, the Office of Personnel Management is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) of Title 5, United States Code, to designate individuals appointed by the President for training under Chapter 41 of Title 5, United States Code.

SEC. 2. The Attorney General is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) to designate individuals appointed by the President as United States Attorneys and United States Marshals for training under Chapter 41 of Title 5, United States Code.

SEC. 3. Executive Order No. 11531 of May 26, 1970, is hereby superseded.

**§ 4103. Establishment of training programs**

(a) In order to assist in achieving an agency’s mission and performance goals by improving employee and organizational performance, the head of each agency, in conformity with this chapter, shall establish, operate, maintain, and evaluate a program or programs, and a plan or plans thereunder, for the training of employees in or under the agency by, in, and through Government facilities and non-Government facilities. Each program, and plan thereunder, shall—

- (1) conform to the principles, standards, and related requirements contained in the regulations prescribed under section 4118 of this title;
- (2) provide for adequate administrative control by appropriate authority;
- (3) provide that information concerning the selection and assignment of employees for training and the applicable training limitations and restrictions be made available to employees of the agency; and
- (4) provide for the encouragement of self-training by employees by means of appropriate recognition of resultant increases in proficiency, skill, and capacity.

Two or more agencies jointly may operate under a training program.

(b)(1) Notwithstanding any other provision of this chapter, an agency may train any employee of the agency to prepare the employee for placement in another agency if the head of the agency determines that such training would be in the interests of the Government.

(2) In selecting an employee for training under this subsection, the head of the agency shall consider—

- (A) the extent to which the current skills, knowledge, and abilities of the employee may be utilized in the new position;
- (B) the employee’s capability to learn skills and acquire knowledge and abilities needed in the new position; and
- (C) the benefits to the Government which would result from such training.

(c) The head of each agency shall, on a regular basis—

- (1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and
- (2) modify such program or plan as needed to accomplish such plans and goals.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 433; Pub. L. 95-454, title III, § 304, Oct. 13, 1978, 92 Stat. 1146; Pub. L. 103-226, § 2(a)(2), Mar. 30, 1994, 108 Stat. 111; Pub. L. 108-411, title II, § 201(a), Oct. 30, 2004, 118 Stat. 2311.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2306.	July 7, 1958, Pub. L. 85-507, § 7, 72 Stat. 331.

The words “Within two hundred and seventy days after the date of enactment of this Act [July 7, 1958]” are omitted as obsolete.

In paragraph (1), reference to the effective date of the regulations is omitted as obsolete.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-411 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-226, § 2(a)(2)(A)(i), in introductory provisions, substituted “In order to assist in achieving an agency’s mission and performance goals by improving employee and organizational performance, the head of each agency, in conformity with this chapter, shall establish, operate, maintain, and evaluate” for “In order to increase economy and efficiency in the operations of the agency and to raise the standards of performance by employees of their official duties to the maximum possible level of proficiency, the head of each agency, in conformity with this chapter, shall establish, operate, and maintain”.

Subsec. (a)(3), (4). Pub. L. 103-226, § 2(a)(2)(A)(ii)-(iv), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(1). Pub. L. 103-226, § 2(a)(2)(B)(i), substituted “determines that such training would be in the interests of the Government.” for “determines that the employee will otherwise be separated under conditions which would entitle the employee to severance pay under section 5595 of this title.”

Subsec. (b)(2). Pub. L. 103-226, § 2(a)(2)(B)(ii), (iii), redesignated par. (3) as (2), in subpar. (C) substituted “such training” for “retaining the employee in the Federal service”, and struck out former par. (2) which read as follows: “Before undertaking any training under this subsection, the head of the agency shall obtain verification from the Office of Personnel Management that there exists a reasonable expectation of placement in another agency.”

Subsec. (b)(3). Pub. L. 103-226, § 2(a)(2)(B)(ii), redesignated par. (3) as (2).

1978—Pub. L. 95-454 designated existing provisions as subsec. (a) and added subsec. (b).

## EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

## OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS

Pub. L. 104-146, §9, May 20, 1996, 110 Stat. 1373, provided that:

“(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation, except for training necessary to protect the health and safety of the Federal employee and the individuals served by such employees. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

“(b) DEFINITION.—As used in subsection (a), the term ‘Federal employee’ has the same meaning given the term ‘employee’ in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.”

## EXPERIMENTAL PROGRAM RELATING TO ACCEPTANCE OF VOLUNTARY SERVICES FROM PARTICIPANTS IN EXECUTIVE EXCHANGE PROGRAM

Pub. L. 101-416, §1, Oct. 12, 1990, 104 Stat. 902, authorized a 90-day extension of programs established under Pub. L. 99-424 for individuals who were participating in the program on the expiration date.

Pub. L. 99-424, Sept. 30, 1986, 100 Stat. 964, as amended by Pub. L. 101-87, Aug. 16, 1989, 103 Stat. 595, authorized President to establish an experimental program, to be conducted during fiscal years 1987 through 1990, under which voluntary services could be accepted by the Government, without regard to 31 U.S.C. 1342.

## DEPARTMENT OF HOMELAND SECURITY

Exception from provisions of subsec. (a)(1) of this section of those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection through the Department’s Assistant Secretary for Information Analysis, see Ex. Ord. No. 13286, §86, Feb. 28, 2003, 68 F.R. 10632, set out as a note under section 111 of Title 6, Domestic Security.

## CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from certain provisions of subsec. (a)(1) of this section, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

## EX. ORD. NO. 11348. FURTHER TRAINING OF GOVERNMENT EMPLOYEES

Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by section 301 of Title 3 of the United States Code and by section 2 of the Act of July 7, 1958 (72 Stat. 327), it is ordered as follows:

## PART I—GENERAL

SECTION 101. (a) As used in this order, the terms “agency”, “employee”, “Government”, and “training”, have meanings given to those terms, respectively, by section 4101 of Title 5, United States Code.

(b) “Interagency training” means training provided by one agency for other agencies or shared by two or more agencies.

SEC. 102. It is the policy of the Government of the United States to develop its employees through the establishment and operation of progressive and efficient training programs, thereby improving public service,

increasing efficiency and economy, building and retaining a force of skilled and efficient employees, and installing and using the best modern practices and techniques in the conduct of the Government’s business.

SEC. 103. The Office of Personnel Management shall provide leadership and guidance to insure that the policy set forth in section 102 is carried out.

## PART II—OFFICE OF PERSONNEL MANAGEMENT RESPONSIBILITIES

SEC. 201. The Office of Personnel Management shall plan and promote the development, improvement, coordination, and evaluation of training in accordance with chapter 41 of Title 5, United States Code, and with the policy set forth in section 102 of this order.

SEC. 202. In carrying out its responsibilities under chapter 41 of Title 5, United States Code, and section 201 of this order, the Office shall:

(a) Advise the President on means for furthering and strengthening programs of training;

(b) Counsel heads of agencies and other agency officials on the improvement of training;

(c) Assist agencies to develop sound programs and financial plans for training and provide advice, information, and assistance to agencies on planning, programming, budgeting, operating, and evaluating training programs;

(d) Identify functional areas in which new or expanded interagency training activity is needed and either conduct such training or arrange for agencies having the substantive competence to do so;

(e) Coordinate interagency training conducted by and for agencies (including agencies and portions of agencies excepted by section 4102(a) of Title 5, United States Code);

(f) Encourage agencies to make appropriate use of non-Government training resources;

(g) Develop, install, and maintain a system to provide the training data needed to carry out its own functions and to provide staff assistance to the President; and

(h) Provide for identification and dissemination of findings of research into training technology and undertake or assign to other agencies, such research projects as may be needed.

## PART III—AGENCY RESPONSIBILITIES AND OPERATIONS

SEC. 301. The head of each agency shall plan, program, budget, operate, and evaluate training programs in accordance with chapter 41 of Title 5, United States Code, and with the policy set forth in section 102 of this order.

SEC. 302. The head of each agency shall:

(a) Foster employee self-development by creating a work environment in which self-development is encouraged, by assuring that opportunities for training and self-study materials are reasonably available, where the employee is stationed, and by recognizing self-initiated improvement in performance;

(b) Provide training for employees without regard to race, creed, color, national origin, sex, or other factors unrelated to the need for training;

(c) Establish and make full use of agency facilities for training employees;

(d) Extend agency training programs to employees of other agencies (including agencies and portions of agencies excepted by section 4102(a) of Title 5, United States Code) and assign his employees to interagency training whenever this will result in better training, improved service, or savings to the Government;

(e) Establish interagency training facilities in areas of substantive competence as arranged by the Office of Personnel Management; and

(f) Use non-Government training resources as appropriate.

SEC. 303. In carrying out his responsibilities, the head of each agency shall, consonant with chapter 41 of Title 5, United States Code, this order, and regulations of the Office of Personnel Management:

(a) Review periodically, but not less often than annually, the agency’s program to identify training needed

to bring about more effective performance at the least possible cost;

(b) Conduct periodic reviews of individual employee's training needs as related to program objectives;

(c) Conduct research related to training objectives and required for program improvement and effectiveness;

(d) Plan, program, and evaluate training for both short and longrange program needs by occupations, organizations, or other appropriate groups;

(e) Establish priorities for needed training, and provide for the use of funds and manhours in accordance with these priorities;

(f) Utilize the flexibility of work assignments to provide work experience which promotes growth leading to higher quality and greater quantity of work done;

(g) Establish training facilities and services as needed;

(h) Monitor the effectiveness with which self-development is encouraged and on-the-job training is provided at all levels; and

(i) Establish criteria for the selection of employees for training; and

(j) Approve the acceptance of any contributions, awards, or payments to employees authorized by section 401(b) of this order and regulations issued by the Office of Personnel Management.

#### PART IV—DELEGATIONS

SEC. 401. The following functions vested in the President are hereby delegated to the Office of Personnel Management:

(a) The authority under section 4102(b)(1) of Title 5, United States Code, to designate any agency or part thereof, or any employee or employees therein, as excepted from any provision of chapter 41, of Title 5, United States Code, other than sections 4102, 4111(b), and 4112; and to designate any such agency or part thereof, or any employee or employees therein previously excepted, as again subject to chapter 41 of Title 5, United States Code, or any provision of that chapter.

(b) The authority under section 4111(a) of Title 5, United States Code, to fix by regulation the extent to which the contributions, awards, and payments referred to in that section may be made to and accepted by employees.

SEC. 402. The authority vested in the President by section 4101(6)(B) of Title 5, United States Code, to designate a foreign government or international organization or instrumentality of either as eligible to provide training, is hereby delegated to the head of each agency for his employees except that each such designation shall be made only after the agency head concerned has obtained and given due consideration to the advice of the Department of State thereon prior to the first use of such training facility and thereafter periodically but not less often than once every three years.

#### PART V—REVOCATION OF PRIOR ORDER

SEC. 501. Executive Order No. 10800 of January 15, 1959, is hereby revoked.

##### EXECUTIVE ORDER NO. 11451

Ex. Ord. No. 11451, Jan. 19, 1969, 34 F.R. 921, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, which established the President's Commission on Personnel Interchange, was superseded by Ex. Ord. No. 12136, May 15, 1979, 44 F.R. 28771, formerly set out below.

##### EXECUTIVE ORDER NO. 12136

Ex. Ord. No. 12136, May 15, 1979, 44 F.R. 28771, which continued the President's Commission on Personnel Interchange and renamed it the President's Commission on Executive Exchange, was revoked by Ex. Ord. No. 12493, Dec. 5, 1984, 49 F.R. 47819, formerly set out below.

##### EXECUTIVE ORDER NO. 12493

Ex. Ord. No. 12493, Dec. 5, 1984, 49 F.R. 47819, as amended by Ex. Ord. No. 12516, May 21, 1985, 50 F.R.

21417; Ex. Ord. No. 12602, July 15, 1987, 52 F.R. 27187, which continued the President's Commission on Executive Exchange, was revoked by Ex. Ord. No. 12760, § 2, May 2, 1991, 56 F.R. 21062, set out below.

##### EX. ORD. NO. 12574. ESTABLISHING EXPERIMENTAL PROGRAM WITHIN PRESIDENT'S COMMISSION ON EXECUTIVE EXCHANGE

Ex. Ord. No. 12574, Nov. 20, 1986, 51 F.R. 42199, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Executive Exchange Program Voluntary Services Act of 1986 (5 U.S.C. 4103 note, 100 Stat. 964), it is hereby ordered as follows:

SECTION 1. *Establishment of the Program.* Effective October 1, 1986, there is established, within the Executive Exchange Program of the President's Commission on Executive Exchange, an experimental program under which Executive agencies of the government may accept voluntary services for the United States from private sector participants in the Executive Exchange Program.

SEC. 2. *Program Limits.* The experimental program shall be conducted during the fiscal years 1987 through 1989, and not more than ten individuals may commence participation in the program during any fiscal year. Acceptance of voluntary services from such individuals may not result in the displacement of any employee of the government.

SEC. 3. *Participant Restrictions.* An individual participating in the experimental program shall be considered an employee of the agency to which assigned for purposes of any laws, rules, and regulations of the United States, except that such individual shall not be covered by chapters 51, 53, 63, 83, 87, or 89 of title 5, United States Code, or any comparable provisions relating to classification, pay, leave, retirement, life insurance, or health benefits for employees of the government.

RONALD REAGAN.

##### EX. ORD. NO. 12760. PRESIDENT'S COMMISSION ON EXECUTIVE EXCHANGE

Ex. Ord. No. 12760, May 2, 1991, 56 F.R. 21062, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. The President's Commission on Executive Exchange is hereby abolished. The Director of the Office of Personnel Management shall be responsible for terminating the functions of the Commission, which shall be completed no later than September 30, 1991.

SEC. 2. Executive Order No. 12493 of December 5, 1984 is revoked.

GEORGE BUSH.

##### EX. ORD. NO. 13111. USING TECHNOLOGY TO IMPROVE TRAINING OPPORTUNITIES FOR FEDERAL GOVERNMENT EMPLOYEES

Ex. Ord. No. 13111, Jan. 12, 1999, 64 F.R. 2793, as amended by Ex. Ord. No. 13188, Jan. 12, 2001, 66 F.R. 5419; Ex. Ord. No. 13218, §3(a), June 20, 2001, 66 F.R. 33628; Ex. Ord. No. 13316, §3(a), Sept. 17, 2003, 68 F.R. 55255, provided:

Advances in technology and increased skills needs are changing the workplace at an ever increasing rate. These advances can make Federal employees more productive and provide improved service to our customers, the American taxpayers. We need to ensure that we continue to train Federal employees to take full advantage of these technological advances and to acquire the skills and learning needed to succeed in a changing workplace. A coordinated Federal effort is needed to provide flexible training opportunities to employees and to explore how Federal training programs, initiatives, and policies can better support lifelong learning through the use of learning technology.

To help us meet these goals, I am creating a task force on Federal training technology, directing Federal

agencies to take certain steps to enhance employees' training opportunities through the use of training technology, and an advisory committee on the use of training technology, which also will explore options for financing the training and post-secondary education needed to upgrade skills and gain new knowledge.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in furtherance of the purposes of Chapter 41 of title 5, United States Code, the Government Employees Training Act of 1958 (Public Law 85-507 [see Tables for classification]), as amended, and Executive Order 11348, "Providing for the Further Training of Government Employees," [set out above] and in order to make effective use of technology to improve training opportunities for Federal Government employees, it is ordered as follows:

**SECTION 1. *Establishment of the President's Task Force on Federal Training Technology.*** (a) The "President's Task Force on Federal Training Technology" (Task Force) is established. The Task Force shall provide leadership regarding the effective use of technology in training and education; make training opportunities an integral part of continuing employment in the Federal Government; and facilitate the ongoing coordination of Federal activities concerning the use of technology in training. The Task Force shall consist of the heads of the following departments and agencies or their representatives: the Departments of State, the Treasury, Defense, Justice, Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, and Education; the Office of Personnel Management, General Services Administration, Environmental Protection Agency, National Aeronautics and Space Administration, Small Business Administration, and Social Security Administration; a representative from the Small Agency Council; and representatives from other relevant agencies and related Federal councils, as determined by the Chair and Vice Chair of the Task Force.

(b) Within 30 days of the date of this order, the head of each agency or council shall designate a senior official to serve as a representative to the Task Force. The representative shall report directly to the agency head or the President's Management Council member on the agency's or council's activities under this order.

(c) The Director of the Office of Personnel Management (OPM) shall be the Chair and the representative from the Department of Labor shall be the Vice Chair of the Task Force.

(d) The Chair and Vice Chair shall appoint an Executive Director.

(e) The Task Force member agencies shall provide any required staffing and funding, as appropriate.

**SEC. 2. *Duties of the Task Force.*** (a) Within 18 months of the date of this order, the Task Force shall develop and recommend to the President, through the Assistant to the President for Economic Policy and the Assistant to the President for Science and Technology, a policy to make effective use of technology to improve training opportunities for Federal Government employees. The policy should promote and integrate the effective use of training technologies to create affordable and convenient training opportunities to improve Federal employee performance. The Task Force shall seek the views of experts from industry, academia, and State and local governments as the Task Force proceeds, as appropriate. Specifically, the Task Force shall:

(1) develop strategies to improve the efficiency and availability of training opportunities for Federal Government employees;

(2) form partnerships among key Federal agencies, State and local governments, businesses, universities, and other appropriate entities to promote the development and use of high-quality training opportunities;

(3) analyze the use of technology in existing training programs and policies of the Task Force member agencies to determine what changes, modifications,

and innovations may be necessary to advance training opportunities;

(4) in consultation with the Department of Defense and the National Institute of Standards and Technology, recommend standards for training software and associated services purchased by Federal agencies and contractors. These standards should be consistent with voluntary industry consensus-based commercial standards. Agencies, where appropriate, should use these standards in procurements to promote reusable training component software and thereby reduce duplication in the development of courseware;

(5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration activities of Task Force member agencies related to Federal training technology;

(6) identify and support cross-agency training areas that would particularly benefit from new instructional technologies and facilitate multiagency procurement and use of training materials, where appropriate;

(7) in consultation with the General Services Administration, the Office of Personnel Management, and the Office of Federal Procurement Policy of the Office of Management and Budget (OFPP), promote existing and new procurement vehicles that allow agencies to provide innovative training opportunities for Federal employees;

(8) recommend changes that may be needed to existing procurement laws to further the objectives of this order and forward the recommendations to the Administrator of OFPP; and

(b) develop options and recommendations for establishing a Federal Individual Training Account for each Federal worker for training relevant to his or her Federal employment. To the extent permitted by law, such accounts may be established with the funds allocated to the agency for employee training. Approval for training would be within the discretion of the individual employee's manager. Options and recommendations shall be reported no later than 6 months from the date of this order.

**SEC. 3. *Duties of All Federal Agencies.*** (a) Each Federal agency shall, to the extent permitted by law:

(1) include as part of its annual budget process a set of goals to provide the highest quality and most efficient training opportunities possible to its employees, and a set of performance measures of the quality and availability of training opportunities possible to its employees. Such measures should be, where appropriate, based on outcomes related to performance rather than time allocation;

(2) identify the resources necessary to achieve the aforementioned goals and performance measures articulated in its annual performance plan;

(3) and, where practicable, use the standards recommended by the Task Force and published by the Office of Personnel Management for purchasing training software and associated services; and

(4) subject to the availability of appropriations, post training courses, information, and other learning opportunities on the Department of Labor's America's Learning Exchange (ALX), or other appropriate information dissemination vehicles as determined by the Task Force, to make information about Federal training courses, information, and other learning opportunities widely available to Federal employees.

(b) Each Federal agency, to the extent permitted by law, is encouraged to consider how savings achieved through the efficient use of training technology can be reinvested in improved training for their employees.

**SEC. 4. *Duties of Specific Federal Agencies.*** (a) In light of the Office of Personnel Management's responsibility for developing Government-wide training policy, coordinating and managing training policy programs, and providing technical assistance to Federal agencies, the Office of Personnel Management or other appropriate agency as determined by the Task Force shall:

(1) in consultation with the Task Force, the Department of Defense, the National Institute of Standards and Technology, the Department of Labor, and other appropriate agencies as determined by OPM, publish the standards for training software and associated services recommended by the Task Force; and

(2) ensure that qualification standards for civil service positions, where appropriate, reflect standard industry certification practices.

(b) The Department of Labor or other appropriate agency as determined by the Task Force shall, subject to the availability of appropriations:

(1) establish a specialized database for Federal training within the framework of the Department of Labor's ALX, or other appropriate information dissemination vehicles determined by the Task Force, to make information about Federal training courses, information, and other learning opportunities widely available to Federal employees;

(2) establish and maintain a training technology website for agencies to post training needs and to foster communication among the agencies and between public and private sector organizations to identify and meet common needs; and

(3) establish a staffed help desk and technology resource center to support Federal agencies using training technology and to facilitate the development of online training courses.

(c) The Department of Defense or other appropriate agency as determined by the Task Force shall:

(1) in consultation with the National Institute of Standards and Technology, lead Federal participation in business and university organizations charged with developing consensus standards for training software and associated services and lead the Federal review of the standards; and

(2) provide guidance to Defense agencies and advise the civilian agencies, as appropriate, on how best to use these standards for large-scale development and implementation of efficient and effective distributed learning technologies.

(d) Each Executive department shall designate at least one subject area of training that it will use to demonstrate opportunities in technology-based training and assign an agency leader in the designated area. Leaders in these training technology experiments shall work closely with other agencies with similar training interests. Each Executive department shall develop a plan for measuring and evaluating the effectiveness, cost-effectiveness, and benefits to employees and the agency for each designated subject area.

[SECS. 5 to 7. Revoked by Ex. Ord. No. 13316, §3(a), Sept. 17, 2003, 68 F.R. 55255, eff. Sept. 30, 2003.]

SEC. 8. *Definitions.* (a) As used in this order, the terms “agency,” “employee,” “Government,” and “training” have the meaning given to those terms, respectively, by section 4101 of title 5, United States Code.

(b) The term “technology,” means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources. For purposes of the preceding sentence, equipment is used by an Executive agency if the equipment is used by the Executive agency directly or is used by a contractor under a contract with the Executive agency that requires the use of such equipment. The term “technology” does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

SEC. 9. *Judicial Review.* This order does not create any enforceable rights against the United States, its agencies, its officers, or any person.

**§ 4104. Government facilities; use of**

An agency program for the training of employees by, in, and through Government facilities under this chapter shall—

(1) provide for training, insofar as practicable, by, in, and through Government facilities under the jurisdiction or control of the agency; and

(2) provide for the making by the agency, to the extent necessary and appropriate, of agreements with other agencies in any branch of the Government, on a reimbursable basis when requested by the other agencies, for—

(A) use of Government facilities under the jurisdiction or control of the other agencies in any branch of the Government; and

(B) extension to employees of the agency of training programs of other agencies.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 434.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2307.	July 7, 1958, Pub. L. 85-507, §8, 72 Stat. 331.

In paragraph (2), the words “other agencies in any branch of the Government” and “the other agencies” are coextensive with and substituted for “other departments, and with other agencies in any branch of the Government” and “such other departments and agencies”. This is so because “other agencies in any branch of the Government” is broader than “agency” as defined for the purpose of this chapter in section 4101(1).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

**§ 4105. Non-Government facilities; use of**

The head of an agency, without regard to section 6101(b) to (d) of title 41, may make agreements or other arrangements for the training of employees of the agency by, in, or through non-Government facilities under this chapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 434; Pub. L. 103-226, §2(a)(3), Mar. 30, 1994, 108 Stat. 111; Pub. L. 111-350, §5(a)(7), Jan. 4, 2011, 124 Stat. 3841.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2308.	July 7, 1958, Pub. L. 85-507, §9, 72 Stat. 331.

In subsection (a), the word “appropriate” is omitted as unnecessary.

In subsection (b)(1), the words “by, in, and through non-Government facilities” are omitted as unnecessary in view of the previous reference in the subsection.

In subsection (b)(2), the word “appropriate” is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2011—Pub. L. 111-350 substituted “section 6101(b) to (d) of title 41” for “section 5 of title 41”.

1994—Pub. L. 103-226 struck out subsec. (a) designation and subsecs. (b) and (c), which read as follows:

“(b) An agency program for the training of employees by, in, and through non-Government facilities under this chapter shall—

“(1) provide that information concerning the selection and assignment of employees for training and the applicable training limitations and restrictions be made available to employees of the agency; and



“(2) give consideration to the needs and requirements of the agency in recruiting and retaining scientific, professional, technical, and administrative employees.

“(c) In order to protect the Government concerning payment and reimbursement of training expenses, each agency shall prescribe such regulations as it considers necessary to implement the regulations prescribed under section 4118(a)(8) of this title.”

**[§ 4106. Repealed. Pub. L. 103-226, § 2(a)(4), Mar. 30, 1994, 108 Stat. 112]**

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 434; Pub. L. 95-454, title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224, related to limitations on amount of training of employees through non-Government facilities.

**§ 4107. Academic degree training**

(a) Subject to subsection (b), an agency may select and assign an employee to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training—

(1) contributes significantly to—

(A) meeting an identified agency training need;

(B) resolving an identified agency staffing problem; or

(C) accomplishing goals in the strategic plan of the agency;

(2) is part of a planned, systemic, and coordinated agency employee development program linked to accomplishing the strategic goals of the agency; and

(3) is accredited and is provided by a college or university that is accredited by a nationally recognized body.

(b) In exercising authority under subsection (a), an agency shall—

(1) consistent with the merit system principles set forth in paragraphs (2) and (7) of section 2301(b), take into consideration the need to—

(A) maintain a balanced workforce in which women, members of racial and ethnic minority groups, and persons with disabilities are appropriately represented in Government service; and

(B) provide employees effective education and training to improve organizational and individual performance;

(2) assure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement;

(3) assure that no authority under this subsection is exercised on behalf of any employee occupying or seeking to qualify for—

(A) a noncareer appointment in the senior Executive Service; or

(B) appointment to any position that is excepted from the competitive service because of its confidential policy-determining, policy-making or policy-advocating character; and

(4) to the greatest extent practicable, facilitate the use of online degree training.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 435; Pub. L. 101-510, div. A, title XII, § 1206(a), Nov. 5, 1990, 104 Stat. 1659; Pub. L. 103-226, § 2(a)(5), Mar. 30, 1994, 108 Stat. 112; Pub. L. 106-398, § 1 [[div. A], title XI, § 1121], Oct. 30, 2000, 114 Stat. 1654, 1654A-315; Pub. L. 107-296, title XIII, § 1331(a), Nov. 25, 2002, 116 Stat. 2298.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a) .....	5 U.S.C. 2313.	July 7, 1958, Pub. L. 85-507, § 14, 72 Stat. 334.
(b) .....	5 U.S.C. 2318(d).	July 7, 1958, Pub. L. 85-507, § 19(d), 72 Stat. 336.
(c) .....	5 U.S.C. 2312.	July 7, 1958, Pub. L. 85-507, § 13, 72 Stat. 334.

The prohibitions are restated in positive form.

In subsection (a)(2), the words “Executive order” are substituted for “Executive orders of the President”.

In subsection (c), the words “under authority of this chapter” and “by the Government” are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2002—Pub. L. 107-296 amended section catchline and text generally, substituting provisions authorizing selection and assignment of employees for academic degree training and payment or reimbursement of costs, for provisions relating to restrictions on degree training or the payment or reimbursement of the costs of training and provisions setting forth exceptions and special rules with respect to employees of the Department of Defense.

2000—Subsec. (a). Pub. L. 106-398, § 1 [[div. A], title XI, § 1121(1)], substituted “subsections (b) and (c)” for “subsection (b)” in introductory provisions.

Subsec. (b)(1). Pub. L. 106-398, § 1 [[div. A], title XI, § 1121(2)], substituted “subsection (a) or (c)” for “subsection (a)”.

Subsec. (c). Pub. L. 106-398, § 1 [[div. A], title XI, § 1121(3)], added subsec. (c).

1994—Pub. L. 103-226, § 2(a)(5)(A), substituted “Restriction on degree training” for “Non-Government facilities; restrictions” in section catchline.

Subsec. (a). Pub. L. 103-226, § 2(a)(5)(B), (C), redesignated subsec. (c) as (a), in introductory provisions substituted “subsection (b)” for “subsection (d)” and struck out “by, in, or through a non-Government facility” after “employee for training”, and struck out former subsec. (a) which read as follows: “Appropriations or other funds available to an agency are not available for payment for training an employee—

“(1) by, in or through a non-Government facility which teaches or advocates the overthrow of the Government of the United States by force or violence; or

“(2) by or through an individual concerning whom determination has been made by a proper Government administrative or investigatory authority that, on the basis of information or evidence developed in investigations and procedures authorized by law or Executive order, there exists a reasonable doubt of his loyalty to the United States.”

Subsec. (b). Pub. L. 103-226, § 2(a)(5)(B), (D), redesignated subsec. (d) as (b), substituted “subsection (a)” for “subsection (c)” in par. (1), and struck out former subsec. (b) which read as follows: “This chapter does not authorize training an employee by, in, or through a non-Government facility a substantial part of the activities of which is—

“(1) carrying on propaganda, or otherwise attempting, to influence legislation; or

“(2) participating or intervening, including publishing or distributing statements, in a political campaign on behalf of a candidate for public office.”

Subsecs. (c), (d). Pub. L. 103-226, §2(a)(5)(B), redesignated subsecs. (c) and (d) as (a) and (b), respectively.

1990—Subsec. (c). Pub. L. 101-510, §1206(a)(1), substituted “Except as provided in subsection (d) of this section, this” for “This” in introductory provisions.

Subsec. (d). Pub. L. 101-510, §1206(a)(2), added subsec. (d).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

**§ 4108. Employee agreements; service after training**

(a) An employee selected for training for more than a minimum period prescribed by the head of the agency shall agree in writing with the Government before assignment to training that he will—

(1) continue in the service of his agency after the end of the training period for a period at least equal to three times the length of the training period unless he is involuntarily separated from the service of his agency; and

(2) pay to the Government the amount of the additional expenses incurred by the Government in connection with his training if he is voluntarily separated from the service of his agency before the end of the period for which he has agreed to continue in the service of his agency.

(b) The payment agreed to under subsection (a)(2) of this section may not be required of an employee who leaves the service of his agency to enter into the service of another agency in any branch of the Government unless the head of the agency that authorized the training notifies the employee before the effective date of his entrance into the service of the other agency that payment will be required under this section.

(c) If an employee, except an employee relieved of liability under subsection (b) of this section or section 4102(b) of this title, fails to fulfill his agreement to pay to the Government the additional expenses incurred by the Government in connection with his training, a sum equal to the amount of the additional expenses of training is recoverable by the Government from the employee or his estate by—

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned, under the regulations prescribed under section 4118 of this title, may waive in whole or in part a right of recovery under this subsection, if it is shown that the recovery would be against equity and good conscience or against the public interest.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 435; Pub. L. 98-224, §5(a), Mar. 2, 1984, 98 Stat. 48; Pub. L. 103-226, §2(a)(6), Mar. 30, 1994, 108 Stat. 112; Pub. L. 107-347, title II, §209(g)(1)(B), Dec. 17, 2002, 116 Stat. 2932.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2310.	July 7, 1958, Pub. L. 85-507, §11, 72 Stat. 332.

In subsection (a), the last sentence of former section 2310(a) is omitted as included in the first sentence of the revised subsection.

In subsection (b), the words, “another agency in any branch of the Government” are coextensive with and substituted for “another department or of any other agency in any branch of the Government”. This is so because “agency in any branch of the Government” is broader than “agency” as defined for the purpose of this chapter in section 4101(1).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-347 struck out subsec. (d) which read as follows: “For purposes of this section, ‘training’ includes a private sector assignment of an employee participating in the Executive Exchange Program of the President’s Commission on Executive Exchange.”

1994—Subsec. (a). Pub. L. 103-226 substituted “for more than a minimum period prescribed by the head of the agency” for “by, in, or through a non-Government facility under this chapter”.

1984—Subsec. (d). Pub. L. 98-224 added subsec. (d).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107-347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

DEPARTMENT OF HOMELAND SECURITY

Exception from provisions of this section of those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection through the Department’s Assistant Secretary for Information Analysis, see Ex. Ord. No. 13286, §86, Feb. 28, 2003, 68 F.R. 10632, set out as a note under section 111 of Title 6, Domestic Security.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of this section, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

**§ 4109. Expenses of training**

(a) The head of an agency, under the regulations prescribed under section 4118(a)(8) of this title and from appropriations or other funds available to the agency, may—

(1) pay all or a part of the pay (except overtime, holiday, or night differential pay) of an employee of the agency selected and assigned for training under this chapter, for the period of training; and

(2) pay, or reimburse the employee for, all or a part of the necessary expenses of the training, without regard to section 3324(a) and (b) of title 31, including among the expenses the necessary costs of—

(A) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title or, in the case of commissioned officers of the National Oceanic and Atmospheric Administration, sections 474 and 475 of title

37, and the Joint Travel Regulations for the Uniformed Services;

(B) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing, draying, and unpacking under section 5724 of this title or, in the case of commissioned officers of the National Oceanic and Atmospheric Administration, sections 476 and 479 of title 37, and the Joint Travel Regulations for the Uniformed Services, when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

(C) tuition and matriculation fees;

(D) library and laboratory services;

(E) purchase or rental of books, materials, and supplies; and

(F) other services or facilities directly related to the training of the employee.

(b) The expenses of training do not include membership fees except to the extent that the fee is a necessary cost directly related to the training itself or that payment of the fee is a condition precedent to undergoing the training.

(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller of such Administration, and the Secretary of Defense may pay an individual training to be an air traffic controller of the Department of Defense, during the period of such training, at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.

(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 436; Pub. L. 90-83, § 1(4), Sept. 11, 1967, 81 Stat. 196; Pub. L. 96-54, § 2(a)(19), Aug. 14, 1979, 93 Stat. 382; Pub. L. 97-258, § 3(a)(9), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 97-276, § 151(a), Oct. 2, 1982, 96 Stat. 1200; Pub. L. 98-224, § 5(b)(2), Mar. 2, 1984, 98 Stat. 48; Pub. L. 98-525, title XV, § 1537(a), Oct. 19, 1984, 98 Stat. 2635; Pub. L. 102-378, § 2(17), Oct. 2, 1992, 106 Stat. 1347; Pub. L. 105-277, div. A, § 101(h) [title VI, § 628(c)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-521; Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2309.	July 7, 1958, Pub. L. 85-507, § 10, 72 Stat. 332.

In subsection (a)(1) and (2), the words "training under this chapter" and "the training" are substituted for "training by, in, or through Government facilities or non-Government facilities under authority of this chapter" and "such training", respectively.

In subsection (a)(2)(A), the words "and the Standardized Government Travel Regulations" are omitted as included by the reference to "subchapter I of chapter 57 of this title".

In subsection (a)(2)(A) and (B), the words "sections 404 and 405 of title 37" and "sections 406 and 409 of title

37" are substituted for the references to "section 253 of title 37" on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87-649, 76 Stat. 497.

In subsection (a)(2)(B), the words "under section 5724 of this title" are substituted for "in accordance with section 73b-1 of this title, and Executive Order Numbered 9805, as amended" to reflect the codification of former section 73b-1 in this title and in view of the revocation of Executive Order No. 9805 by Executive Order No. 11012 of Mar. 27, 1962. The reference only to section 5724 is sufficient since that section contains the applicable substantive law, including the authority of the President to prescribe regulations.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CODIFICATION

In subsec. (a)(2)(A), (B), "474", "475", "476", and "479" substituted for "404", "405", "406", and "409", respectively, pursuant to section 631(f)(4)(B) of Pub. L. 112-81, which provided that any reference in a provision of law other than a section of title 10, 32, or 37, United States Code, to a section of title 37 that was transferred and redesignated by "subsection (c)" of section 631 was deemed to refer to the section as so redesignated, notwithstanding that sections of title 37 were transferred and redesignated by subsection (d) of section 631 rather than subsection (c), to reflect the probable intent of Congress.

AMENDMENTS

2011—Subsec. (a)(2)(A), (B). Pub. L. 112-81 substituted "474" for "404" and "475" for "405" in subpar. (A), and "476" for "406" and "479" for "409" in subpar. (B). See Codification note above.

1998—Subsec. (d). Pub. L. 105-277 added subsec. (d).

1992—Subsec. (d). Pub. L. 102-378 struck out subsec. (d) which made revolving fund referred to in section 1304(e)(1) of this title available for costs of education and related travel of participants in such program, for printing, and for entertainment expenses, and which required crediting of participation fees to revolving fund.

1984—Subsec. (c). Pub. L. 98-525 inserted "and the Secretary of Defense may pay an individual training to be an air traffic controller of the Department of Defense,".

Subsec. (d). Pub. L. 98-224 added subsec. (d).

1982—Subsec. (a)(2). Pub. L. 97-258 substituted "section 3324(a) and (b)" for "section 529".

Subsec. (c). Pub. L. 97-276 added subsec. (c).

1979—Subsec. (a)(2). Pub. L. 96-54 substituted "National Oceanic and Atmospheric" for "Environmental Science Services" in cls. (A) and (B).

1967—Subsec. (a)(2). Pub. L. 90-83 substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey" in cls. (A) and (B). See Historical and Revision Notes under section 2101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-277, div. A, § 101(h) [title VI, § 628(e)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-521, provided that: "The amendments made by this section [enacting section 5545b of this title and amending this section and sections 5542 and 8331 of this title] shall take effect on the first day of the first applicable pay period which begins on or after October 1, 1998."

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-378 effective Oct. 1, 1991, see section 9(b)(3) of Pub. L. 102-378, set out as a note under section 6303 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 1537(f) of Pub. L. 98-525 provided that: "The amendments made by this section [amending this section and sections 5532, 5546a, 5547, and 8344 of this title] shall take effect on October 1, 1984."

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-276 effective on first day of first applicable pay period beginning after Oct. 2, 1982, see section 151(h)(2) of Pub. L. 97-276, set out as an Effective Date note under section 5546a of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

DEPARTMENT OF HOMELAND SECURITY

Exception from introductory provisions of subsec. (a) of this section of those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection through the Department's Assistant Secretary for Information Analysis, see Ex. Ord. No. 13286, §86, Feb. 28, 2003, 68 F.R. 10632, set out as a note under section 111 of Title 6, Domestic Security.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from certain introductory provisions of subsec. (a) of this section, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

§ 4110. Expenses of attendance at meetings

Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 436.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 5 U.S.C. 2318(b). July 7, 1958, Pub. L. 85-507, §19(b), 72 Stat. 336.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 4111. Acceptance of contributions, awards, and other payments

(a) To the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at meetings, may be made to and accepted by an employee, without regard to section 209 of title 18, if the contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described by section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26.

(b) When a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses under subsection (a) of this section, an appropriate reduction, under regulations of the President, shall be made from payment by the Government to the employee for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 437; Pub. L. 96-54, §2(a)(2), Aug. 14, 1979, 93 Stat. 381.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: (a) ..... 5 U.S.C. 2318(a). July 7, 1958, Pub. L. 85-507, §19(a), 72 Stat. 336. Row 2: (b) ..... 5 U.S.C. 2318(c). July 7, 1958, Pub. L. 85-507, §19(c), 72 Stat. 336.

In subsection (a), the words "section 209 of title 18" are substituted for "section 1914 of title 18" on authority of the Act of Oct. 23, 1962, Pub. L. 87-849, §2, 76 Stat. 1126.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-54 substituted "President" for "Director of the Bureau of the Budget".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to this title. Section 102 of 1970 Reorg. Plan No. 2, redesignated Bureau of the Budget as Office of Management and Budget.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Office of Personnel Management, see section 401(b) of Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, set out as a note under section 4103 of this title.

Functions of President under subsec. (b) of this section delegated to Director of Office of Management and Budget, see Ex. Ord. No. 12152, Aug. 14, 1979, 44 F.R. 48143, set out as a note under section 301 of Title 3, The President.

§ 4112. Absorption of costs within funds available

(a) The President, to the extent he considers practicable, shall provide by regulation for the absorption of the costs of the training programs and plans under this chapter by the respective agencies from applicable appropriations or funds available for each fiscal year.

(b) Subsection (a) of this section may not be held or considered to require—

- (1) the separation of an individual from the service by reduction in force or other personnel action; or
- (2) the placement of an individual in a leave-without-pay status.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 437; Pub. L. 96-54, §2(a)(2), Aug. 14, 1979, 93 Stat. 381.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 5 U.S.C. 2319. July 7, 1958, Pub. L. 85-507, §23, 72 Stat. 338.

In subsection (a), the words "for each fiscal year" are substituted for "for the fiscal year in which this chapter is enacted and for each succeeding fiscal year".

In subsection (b), the prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-54 substituted “President” for “Director of the Bureau of the Budget”.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Director of Office of Management and Budget, see Ex. Ord. No. 12152, Aug. 14, 1979, 44 F.R. 48143, set out as a note under section 301 of Title 3, The President.

§ 4113. Repealed. Pub. L. 104-66, title II, § 2181(c)(1), Dec. 21, 1995, 109 Stat. 732

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 437; Pub. L. 95-454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 103-226, §2(a)(7), Mar. 30, 1994, 108 Stat. 112, related to agency review of training needs and annual program reports.

§ 4114. Repealed. Pub. L. 103-226, § 2(a)(8), Mar. 30, 1994, 108 Stat. 112

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224, related to review of employee training programs at non-Government facilities.

§ 4115. Collection of training information

The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and the methods inside and outside the Government. The Office, on request, may make the information available to an agency and to Congress.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 5 U.S.C. 2315. July 7, 1958, Pub. L. 85-507, §16, 72 Stat. 335.

In the first sentence, the words “from time to time” are omitted as unnecessary. In the second sentence, the word “appropriate” is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978—Pub. L. 95-454 substituted “Office of Personnel Management” and “Office” for “Civil Service Commission” and “Commission”, respectively.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

DEPARTMENT OF HOMELAND SECURITY

Exception from provisions of this section of those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection through the Department’s Assistant Secretary for Information Analysis, see Ex. Ord. No. 13286, §86,

Feb. 28, 2003, 68 F.R. 10632, set out as a note under section 111 of Title 6, Domestic Security.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of this section, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

§ 4116. Training program assistance

The Office of Personnel Management, on request of an agency, shall advise and assist in the establishment, operation, and maintenance of the training programs and plans of the agency under this chapter, to the extent of its facilities and personnel available for that purpose.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 5 U.S.C. 2316. July 7, 1958, Pub. L. 85-507, §17, 72 Stat. 335.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

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

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

§ 4117. Administration

The Office of Personnel Management has the responsibility and authority for effective promotion and coordination of the training programs under this chapter and training operations thereunder. The functions, duties, and responsibilities of the Office under this chapter are subject to supervision and control by the President and review by Congress.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 5 U.S.C. 2301(4). July 7, 1958, Pub. L. 85-507, §2(4), 72 Stat. 328. Row 2: ..... 5 U.S.C. 2318(e). July 7, 1958, Pub. L. 85-507, §19(e), 72 Stat. 336.

Former sections 2301(4) and 2318(e) are combined and restated for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978—Pub. L. 95-454 substituted “Office of Personnel Management” and “Office” for “Civil Service Commission” and “Commission”, respectively.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

DEPARTMENT OF HOMELAND SECURITY

Exception from provisions of this section of those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection through the Department's Assistant Secretary for Information Analysis, see Ex. Ord. No. 13286, §86, Feb. 28, 2003, 68 F.R. 10632, set out as a note under section 111 of Title 6, Domestic Security.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from certain provisions of this section, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

§ 4118. Regulations

(a) The Office of Personnel Management, after considering the needs and requirements of each agency for training its employees and after consulting with the agencies principally concerned, shall prescribe regulations containing the principles, standards, and related requirements for the programs, and plans thereunder, for the training of employees under this chapter, including requirements for coordination of and reasonable uniformity in the agency training programs and plans. The regulations shall provide for the maintenance of necessary information concerning the general conduct of the training activities of each agency, and such other information as is necessary to enable the President and Congress to discharge effectively their respective duties and responsibilities for supervision, control, and review of these training programs. The regulations also shall cover—

- (1) requirements concerning the determination and continuing review by each agency of its training needs and requirements;
- (2) the scope and conduct of the agency training programs and plans;
- (3) the selection and assignment of employees of each agency for training;
- (4) the use in each agency of the services of employees who have undergone training;
- (5) the evaluation of the results and effects of the training programs and plans;
- (6) the interchange of training information among the agencies;
- (7) the submission of reports by the agencies on results and effects of training programs and plans and economies resulting therefrom, including estimates of costs of training;
- (8) requirements and limitations necessary with respect to payments and reimbursements in accordance with section 4109 of this title; and
- (9) other matters considered appropriate or necessary by the Office to carry out the provisions of this chapter.

(b) The Office, in accordance with this chapter, may revise, supplement, or abolish regulations prescribed under this section, and prescribe additional regulations.

(c) This section does not authorize the Office to prescribe the types and methods of intra-agency training or to regulate the details of intra-agency training programs.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 438; Pub. L. 95-454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 103-226, §2(a)(9), Mar. 30, 1994, 108 Stat. 112.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2305.	July 7, 1958, Pub. L. 85-507, §6, 72 Stat. 329.

In subsection (a), the word "appropriate" is omitted as unnecessary. The words "with respect to training by, in, and through Government facilities and non-Government facilities" are omitted as unnecessary.

In subsection (b)(2) and (3), the words "by, in, or through a non-Government facility" are omitted as unnecessary in view of the previous reference in the subsection.

In subsection (c), the words "From time to time" are omitted as unnecessary.

In subsection (d), the prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994—Subsec. (a)(7). Pub. L. 103-226, §2(a)(9)(A), struck out before semicolon at end "by, in, and through non-Government facilities".

Subsecs. (b) to (d). Pub. L. 103-226, §2(a)(9)(B), (C), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: "In addition to the matters set forth by subsection (a) of this section, the regulations, concerning training of employees by, in, or through non-Government facilities, shall—

"(1) prescribe general policies governing the selection of a non-Government facility to provide training;

"(2) authorize training of employees only after the head of the agency concerned determines that adequate training for employees by, in, or through a Government facility is not reasonably available, and that consideration has been given to the existing or reasonably foreseeable availability and use of fully trained employees; and

"(3) prohibit training an employee for the purpose of filling a position by promotion if there is in the agency concerned another employee, of equal ability and suitability, fully qualified to fill the position and available at, or within a reasonable distance from, the place where the duties of the position are to be performed."

1978—Subsecs. (a), (c), (d). Pub. L. 95-454 substituted "Office of Personnel Management" and "Office" for "Civil Service Commission" and "Commission", respectively, wherever appearing.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

DEPARTMENT OF HOMELAND SECURITY

Exception from provisions of this section of those elements of the Department of Homeland Security that are supervised by the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection through the Department's Assistant Secretary for Information Analysis, see Ex. Ord. No. 13286, §86, Feb. 28, 2003, 68 F.R. 10632, set out as a note under section 111 of Title 6, Domestic Security.

CENTRAL INTELLIGENCE AGENCY

Exception of Central Intelligence Agency from provisions of this section, see Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, set out as a note under section 4102 of this title.

**§ 4119. Training for employees under the Office of the Architect of the Capitol and the Botanic Garden**

(a) The Architect of the Capitol may, by regulation, make applicable such provisions of this chapter as the Architect determines necessary to provide for training of (1) individuals employed under the Office of the Architect of the Capitol and the Botanic Garden and (2) other congressional employees who are subject to the administrative control of the Architect. The regulations shall provide for training which, in the determination of the Architect, is consistent with the training provided by agencies under the preceding sections of this chapter.

(b) The Office of Personnel Management shall provide the Architect of the Capitol with such advice and assistance as the Architect may request in order to enable the Architect to carry out the purposes of this section.

(Added Pub. L. 97-346, §1(a), Oct. 15, 1982, 96 Stat. 1647.)

**§ 4120. Training for employees of the Capitol Police**

(a) The Chief of the Capitol Police may, by regulation, make applicable such provisions of this chapter as the Chief determines necessary to provide for training of employees of the Capitol Police. The regulations shall provide for training which, in the determination of the Chief, is consistent with the training provided by agencies under the preceding sections of this chapter.

(b) The Office of Personnel Management shall provide the Chief of the Capitol Police with such advice and assistance as the Chief may request in order to enable the Chief to carry out the purposes of this section.

(Added Pub. L. 108-7, div. H, title I, § 1010(a), Feb. 20, 2003, 117 Stat. 360.)

**§ 4121. Specific training programs**

In consultation with the Office of Personnel Management, the head of each agency shall establish—

(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

(2) a program to provide training to managers on actions, options, and strategies a manager may use in—

(A) relating to employees with unacceptable performance;

(B) mentoring employees and improving employee performance and productivity; and

(C) conducting employee performance appraisals.

(Added Pub. L. 108-411, title II, § 201(b)(1), Oct. 30, 2004, 118 Stat. 2311.)

**CHAPTER 43—PERFORMANCE APPRAISAL**

**SUBCHAPTER I—GENERAL PROVISIONS**

Sec.	
4301.	Definitions.
4302.	Establishment of performance appraisal systems.
[4302a.	Repealed.]

Sec.	
4303.	Actions based on unacceptable performance.
4304.	Responsibilities of <sup>1</sup> Office of Personnel Management.
4305.	Regulations.

**SUBCHAPTER II—PERFORMANCE APPRAISAL IN THE SENIOR EXECUTIVE SERVICE**

4311.	Definitions.
4312.	Senior Executive Service performance appraisal systems.
4313.	Criteria for performance appraisals.
4314.	Ratings for performance appraisals.
4315.	Regulations.

**AMENDMENTS**

1993—Pub. L. 103-89, §3(b)(1)(B)(ii), Sept. 30, 1993, 107 Stat. 981, struck out item 4302a “Establishment of performance appraisal systems for performance management and recognition system employees”.

1984—Pub. L. 98-615, title II, §202(b), Nov. 8, 1984, 98 Stat. 3216, added item 4302a.

1978—Pub. L. 95-454, title II, §203(a), title IV, §405(b), Oct. 13, 1978, 92 Stat. 1131, 1170, in chapter heading substituted “APPRAISAL” for “RATING”, added heading for subchapter I, in item 4302 substituted “Establishment of performance appraisal systems” for “Performance-rating plans; establishment of”, in item 4303 substituted “Actions based on unacceptable performance” for “Performance-rating plans; requirements for”, in item 4304 substituted “Responsibilities of Office of Personnel Management” for “Ratings for performance”, in item 4305 substituted “Regulations” for “Review of ratings”, struck out items 4306 to 4308 “Performance-rating plans; inspection of”, “Other rating procedures prohibited”, and “Regulations”, respectively, and added item for subchapter II and items 4311 to 4315.

**SUBCHAPTER I—GENERAL PROVISIONS**

**AMENDMENTS**

1979—Pub. L. 96-54, §2(a)(20), Aug. 14, 1979, 93 Stat. 382, added heading for subchapter I.

**§ 4301. Definitions**

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency; and

(B) the Government Printing Office;

but does not include—

(i) a Government corporation;

(ii) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or any Executive agency or unit thereof which is designated by the President and the principal function of which is the conduct of foreign intelligence or counterintelligence activities; or

(iii) the Government Accountability Office;

(2) “employee” means an individual employed in or under an agency, but does not include—

(A) an employee outside the United States who is paid in accordance with local native prevailing wage rates for the area in which employed;

(B) an individual in the Foreign Service of the United States;

(C) a physician, dentist, nurse, or other employee in the Veterans Health Adminis-

<sup>1</sup> So in original. Does not conform to section catchline.