

for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

(f) **LIMITATION ON MEMBERSHIP.**—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.

(Added Pub. L. 108-447, div. B, title I, §114(a), Dec. 8, 2004, 118 Stat. 2869.)

### **§ 3598.<sup>1</sup> Federal Bureau of Investigation Reserve Service**

(a) **ESTABLISHMENT.**—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the “FBI Reserve Service”) for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

(b) **MEMBERSHIP.**—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

(c) **ANNUITANTS.**—If an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual’s service becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

(d) **NO IMPACT ON BUREAU PERSONNEL CEILING.**—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

(e) **EXPENSES.**—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

(f) **LIMITATION ON MEMBERSHIP.**—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.

(g) **LIMITATION ON DURATION OF SERVICE.**—An individual may not be reemployed under this section for more than 180 days in connection with any particular emergency unless, in the judgment of the Director, the public interest so requires.

(Added Pub. L. 108-458, title II, §2004(a), Dec. 17, 2004, 118 Stat. 3703.)

## **CHAPTER 37—INFORMATION TECHNOLOGY EXCHANGE PROGRAM**

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<sup>1</sup> Another section 3598 is set out preceding this section.

### **§ 3701. Definitions**

For purposes of this chapter—

(1) the term “agency” means an Executive agency, but does not include the Government Accountability Office; and

(2) the term “detail” means—

(A) the assignment or loan of an employee of an agency to a private sector organization without a change of position from the agency that employs the individual, or

(B) the assignment or loan of an employee of a private sector organization to an agency without a change of position from the private sector organization that employs the individual,

whichever is appropriate in the context in which such term is used.

(Added Pub. L. 107-347, title II, §209(c)(1), Dec. 17, 2002, 116 Stat. 2925; amended Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

### **Editorial Notes**

#### **AMENDMENTS**

2004—Par. (1). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

### **Statutory Notes and Related Subsidiaries**

#### **EFFECTIVE DATE**

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

### **§ 3702. General provisions**

(a) **ASSIGNMENT AUTHORITY.**—On request from or with the agreement of a private sector organization, and with the consent of the employee concerned, the head of an agency may arrange for the assignment of an employee of the agency to a private sector organization or an employee of a private sector organization to the agency. An eligible employee is an individual who—

(1) works in the field of information technology management;

(2) is considered an exceptional performer by the individual’s current employer; and

(3) is expected to assume increased information technology management responsibilities in the future.

An employee of an agency shall be eligible to participate in this program only if the employee is employed at the GS-11 level or above (or equivalent) and is serving under a career or career-conditional appointment or an appointment of equivalent tenure in the excepted service, and applicable requirements of section 209(b) of the E-Government Act of 2002 are met with respect to the proposed assignment of such employee.

(b) **AGREEMENTS.**—Each agency that exercises its authority under this chapter shall provide for a written agreement between the agency and the employee concerned regarding the terms and conditions of the employee’s assignment. In the case of an employee of the agency, the agreement shall—

(1) require the employee to serve in the civil service, upon completion of the assignment,