

§ 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

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 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 Repealed.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 exempted 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

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: (a) ..... 5 U.S.C. 2313. July 7, 1958, Pub. L. 85-507, §14, 72 Stat. 334. Row 2: (b) ..... 5 U.S.C. 2318(d). July 7, 1958, Pub. L. 85-507, §19(d), 72 Stat. 336. Row 3: (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.