§ 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

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	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 Repealed.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

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(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

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	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.