

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 subsec. (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 404 and 405 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 406 and 409 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.)

HISTORICAL AND REVISION NOTES

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

AMENDMENTS

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