§ 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 the district of Columbia may be read as the District of Columbia and is not classified to the 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.


§ 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.


§ 3707. Regulations

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


Subpart C—Employee Performance

CHAPTER 41—TRAINING

Sec. 4101. Definitions.
§ 4101

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

Page 298

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) an Executive department;
(E) the Library of Congress;
(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 organizational 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.

AMENDMENTS


§ 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


HISTORICAL AND REVISION NOTES

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

§ 2302

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 “individuals 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.

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 of 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.”.


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 “individuals 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 of 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.”.


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 “individuals 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.

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

**Effective Date of 1967 Amendment**


**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 462 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.


**Historical and Revision Notes**

**Derivation.**

U.S. Code

Revised Statutes and Statutes at Large

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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 233(a) of Title 37” are omitted as unnecessary in view of the definition of “uniformed service” 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. 87–449, 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**


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


**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 353 of this title.

**Effective Date of 1978 Amendment**


**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, 4119(b), 4110, 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 4108(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 4108(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].”
§ 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.
EFFECTIVE DATE OF 1978 AMENDMENT

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

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, § 36, 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. 10865, 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


By virtue of the authority vested in me by section 301 of Title 3 of the United States Code and by section 201 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.

SIC 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.

SIC 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

SIC 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.

SIC 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

SIC 301. The head of each agency shall plan, program, budget, 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.

SIC 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.

SIC 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, as follows:

(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

SIC 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.

SIC 402. The authority vested in the President by section 4101(b)(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

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

EXECUTIVE ORDER No. 11451


EXECUTIVE ORDER No. 12157


EXECUTIVE ORDER No. 12293


EX. ORD. No. 12293. ESTABLISHING EXPERIMENTAL PROGRAM WITHIN PRESIDENT’S COMMISSION ON EXECUTIVE EXCHANGE

Ex. Ord. No. 12293, Nov. 20, 1986, 51 F.R. 42199, provided:

By the authority vested in me as President by the Constitution and the laws 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.

SIC 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.

SIC 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, 55, 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. 12758. PRESIDENT’S COMMISSION ON EXECUTIVE EXCHANGE

Ex. Ord. No. 12758, 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.

SIC 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


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, and 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; representatives 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 standards of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), 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:
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 (OPPP), 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 OPPP; 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 in its annual performance plan 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:
§ 4104  TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES  Page 304

(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.

(2) of title 41'' for ''section 5 of title 41''.

§ 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.

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.

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 6101(b). Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Historical and Revision Notes

Derivation U.S. Code Revised Statutes and

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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 subsec. (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

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.
“(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.”


§ 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 2001(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.


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. (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, 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.”

HISTORICAL AND REVISION NOTES

Historical Notes

1958—Pub. L. 85–507 substituted “Executive orders of the President” for “Executive order”.

In subsection (a)(2), the words “Executive order” are restated in positive form.

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.

Mendments


1990—a) Pub. L. 101–510, §1206(a), substituted “Executive orders of the President” for “Executive order”.

§ 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 4122(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 recoupment under this subsection, if it is shown that the recovery would be against equity and good conscience or against the public interest.

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.

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”.


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.


HISTORICAL AND REVISION NOTES

Derivation U.S. Code
5 USC 2309.

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 465 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

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 into the Department of Defense.”.

1982—Subsec. (a)(2). Pub. L. 97–258 substituted “section 332(a) and (b)” for “section 529”.
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. 90–63 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey” in cls. (A) and (B).

EFFECTIVE DATE OF 1998 AMENDMENT


EFFECTIVE DATE OF 1992 AMENDMENT


EFFECTIVE DATE OF 1984 AMENDMENT

Section 1307(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.”
§ 4110

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(b)(2) of Pub. L. 97-276, set out as an Effective Date note under section 5596a 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. 13266, § 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

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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.

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


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.


HISTORICAL AND REVISION NOTES

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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.


§ 4115. Collection of training information


### Historical and Revision Notes

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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.

- **AMENDMENTS**

- **Effective Date of 1978 Amendment**

- **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.
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.


HISTORICAL AND REVISION NOTES

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


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


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.”


EFFECTIVE DATE OF 1978 AMENDMENT


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 with such advice and assistance as the Architect may request in order to enable the Architect to carry out the purposes of this section.


§ 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.


§ 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.


CHAPTER 43—PERFORMANCE APPRAISAL

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
4301. Definitions.
4302. Establishment of performance appraisal systems.

4302a. Repealed.

[4302a. Repealed.]
tration of the Department of Veterans Affairs whose pay is fixed under chapter 73 of title 38;
(D) an administrative law judge appointed under section 3105 of this title;
(E) an individual in the Senior Executive Service or the Federal Bureau of Investiga-
tion and Drug Enforcement Administration Senior Executive Service;
(F) an individual appointed by the President;
(G) an individual occupying a position not in the competitive service excluded from coverage of this subchapter by regulations of the Office of Personnel Management; or
(H) an individual who is serving without a temporary appointment for less than one year, (ii) will not be considered for a reappointment or for an increase in pay based in whole or in part on performance; and
(3) “unacceptable performance” means performance of an employee which fails to meet established performance standards in one or more critical elements of such employee’s position.


In paragraph (1), the term “Executive agency” is substituted for the reference to “executive departments, the independent establishments and agencies in the executive branch, including corporations wholly owned by the United States” and “the General Accounting Office”. The exception of “a Government controlled corporation” is added in subparagraph (vii) to preserve the application of this chapter to “corporations wholly owned by the United States”. The exceptions for Federal land banks and banks for cooperatives in former section 2001(b)(7), (8) are omitted as included within the exception of “a Government controlled corporation” in subparagraph (vii).

Paragraph (2) is supplied because the definition of “employee” in section 2105 does not encompass individuals employed by the government of the District of Columbia. The definition in paragraph (2) does not encompass members of the uniformed services as they are not “employed” in or under an agency.

Paragraph (2)(E) is based on the third and fifth sentences, respectively, of former sections 1010 and 1011, which are carried into sections 5362 and 5359, respectively, and section 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 792.

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

AMENDMENTS


1991—Par. (2)(C) Pub. L. 102–94 substituted “Veterans Health Administration of the Department of Veterans Affairs” for “Department of Medicine and Surgery, Veterans’ Administration”.


Par. (2)(E) Pub. L. 95–251 substituted “administrative law judge” for “hearing examiner”.

1970—Par. (1)(i) Pub. L. 91–375 repealed cl. (ii) which excluded postal field service from definition of “agency”.

Effective Date of 1996 Amendment
Amendment by Pub. L. 104–201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104–201, set out as a note under section 1101 of Title 10, Armed Forces.

Effective Date of 1978 Amendment

Effective Date of 1970 Amendment
Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 4302. Establishment of performance appraisal systems

(a) Each agency shall develop one or more performance appraisal systems which—
(1) provide for periodic appraisals of job performance of employees;
(2) encourage employee participation in establishing performance standards; and
(3) use the results of performance appraisals as a basis for training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees.

(b) Under regulations which the Office of Personnel Management shall prescribe, each performance appraisal system shall provide for—

(1) establishing performance standards which will, to the maximum extent feasible, permit the accurate evaluation of job performance on the basis of objective criteria (which may include the extent of courtesy demonstrated to the public) related to the job in question for each employee or position under the system;
(2) as soon as practicable, but not later than October 1, 1981, with respect to initial appraisal periods, and thereafter at the beginning of each following appraisal period, communicating to each employee the performance standards and the critical elements of the employee’s position;
(3) evaluating each employee during the appraisal period on such standards;
(4) recognizing and rewarding employees whose performance so warrants;
(5) assisting employees in improving unacceptable performance; and
(6) reassigning, reducing in grade, or removing employees who continue to have unacceptable performance but only after an opportunity to demonstrate acceptable performance.

(c) In accordance with regulations which the Office shall prescribe, the head of an agency may administer and maintain a performance appraisal system electronically.

Historical and Revision Notes

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Effective Date of Repeal

Repeal effective Nov. 1, 1993, see section 3(c) of Pub. L. 103–89, set out as an Effective Date of 1993 Amendment note under section 3372 of this title.

§ 4303. Actions based on unacceptable performance

(a) Subject to the provisions of this section, an agency may reduce in grade or remove an employee for unacceptable performance.

(b)(1) An employee whose reduction in grade or removal is proposed under this section is entitled to—

(A) 30 days’ advance written notice of the proposed action which identifies—

(i) specific instances of unacceptable performance by the employee on which the proposed action is based; and

(ii) the critical elements of the employee’s position involved in each instance of unacceptable performance;

(B) be represented by an attorney or other representative;

(C) a reasonable time to answer orally and in writing; and

(D) a written decision which—

(i) in the case of a reduction in grade or removal is based, and

(ii) unless proposed by the head of the agency, has been concurred in by an employee who is in a higher position than the employee who proposed the action.

(2) An agency may, under regulations prescribed by the head of such agency, extend the notice period under subsection (b)(1)(A) of this section for not more than 30 days. An agency may extend the notice period for more than 30 days only in accordance with regulations issued by the Office of Personnel Management.

(c) The decision to retain, reduce in grade, or remove an employee—

(1) shall be made within 30 days after the date of expiration of the notice period, and

(2) in the case of a reduction in grade or removal, may be based only on those instances of unacceptable performance by the employee—

(A) which occurred during the 1-year period ending on the date of the notice under subsection (b)(1)(A) of this section in connection with the decision; and

(B) for which the notice and other requirements of this section are complied with.

(d) If, because of performance improvement by the employee during the notice period, the employee is not reduced in grade or removed, and the employee’s performance continues to be acceptable for 1 year from the date of the advance...
written notice provided under subsection (b)(1)(A) of this section, any entry or other notation of the unacceptable performance for which the action was proposed under this section shall be removed from any agency record relating to the employee.

(e) Any employee who is—
(1) a preference eligible;
(2) in the competitive service; or
(3) in the excepted service and covered by subchapter II of chapter 75,

and who has been reduced in grade or removed under this section is entitled to appeal the action to the Merit Systems Protection Board under section 7701.

(f) This section does not apply to—
(1) the reduction to the grade previously held of a supervisor or manager who has not completed the probationary period under section 3321(a)(2) of this title,
(2) the reduction in grade or removal of an employee in the competitive service who is serving a probationary or trial period under an initial appointment or who has not completed 1 year of current continuous employment under other than a temporary appointment limited to 1 year or less, or
(3) the reduction in grade or removal of an employee in the excepted service who has not completed 1 year of current continuous employment in the same or similar positions.


HISTORICAL AND REVISION NOTES

Derivation | U.S. Code | Revised Statutes and Statutes at Large
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The words “required by this chapter” 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

1990—Subsec. (e). Pub. L. 101–101 amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Any employee who is a preference eligible or is in the competitive service and who has been reduced in grade or removed under this section is entitled to appeal the action to the Merit Systems Protection Board under section 7701 of this title.”

1978—Pub. L. 95–454 substituted “Actions based on unacceptable performance” for “Performance-rating plans; requirements for” in section catchline and in text substituted provisions relating to actions based on unacceptable performance, for provisions relating to requirements for performance-rating plans.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 2(c) of Pub. L. 101–101 provided that: “The amendments made by this section [amending this section and section 7511 of this title] shall apply with respect to any personnel action taking effect on or after the effective date of this Act [Aug. 17, 1990].”

Section 4 of Pub. L. 101–101 provided that: “This Act and the amendments made by this Act [amending this section, sections 7511 and 7701 of this title, and enacting provisions set out as notes under this section and section 7501 of this title] shall become effective on the date of the enactment of this Act [Aug. 17, 1990], and, except as provided in section 2(c) [set out above], shall apply with respect to any appeal or other proceeding brought on or after such date.”

EFFECTIVE DATE OF 1978 AMENDMENT


§ 4304. Responsibilities of the Office of Personnel Management

(a) The Office of Personnel Management shall make technical assistance available to agencies in the development of performance appraisal systems.

(b)(1) The Office shall review each performance appraisal system developed by any agency under this section and determine whether the performance appraisal system meets the requirements of this subchapter.

(2) The Comptroller General shall from time to time review on a selected basis performance appraisal systems established under this subchapter to determine the extent to which any such system meets the requirements of this subchapter and shall periodically report its findings to the Office and to the Congress.

(3) If the Office determines that a system does not meet the requirements of this subchapter (including regulations prescribed under section 4305), the Office shall direct the agency to implement an appropriate system or to correct operations under the system, and any such agency shall take any action so required.


HISTORICAL AND REVISION NOTES

Derivation | U.S. Code | Revised Statutes and Statutes at Large
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In subsection (a)(1), the words “corresponding to an efficiency rating of ‘good’ under the Veterans’ Preference Act of 1944, as amended, and under laws superseded by this chapter” in clause (1) of former section 2065 are omitted, but are carried into section 3502.

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


EFFECTIVE DATE OF 1978 AMENDMENT


§ 4305. Regulations

The Office of Personnel Management may prescribe regulations to carry out the purpose of this subchapter.
SUBCHAPTER II—PERFORMANCE APPRAISAL IN THE SENIOR EXECUTIVE SERVICE

§ 4311. Definitions

For the purpose of this subchapter, “agency,” “career appointee,” and “career appointee” have the meanings set forth in section 3132(a) of this title.


EFFECTIVE DATE

§ 4312. Senior Executive Service performance appraisal systems

(a) Each agency shall, in accordance with standards established by the Office of Personnel Management, develop one or more performance appraisal systems designed to—

(1) permit the accurate evaluation of performance in any position on the basis of criteria which are related to the position and which specify the critical elements of the position;

(2) provide for systematic appraisals of performance by senior executives;

(3) encourage excellence in performance by senior executives; and

(4) provide a basis for making eligibility determinations for retention in the Senior Executive Service and for Senior Executive Service performance awards.

(b) Each performance appraisal system established by an agency under subsection (a) of this section shall provide—

(1) that, on or before the beginning of each rating period, performance requirements for each senior executive in the agency are established in consultation with the senior executive and communicated to the senior executive;

(2) that written appraisals of performance are based on the individual and organizational performance requirements established for the rating period involved; and

(3) that each senior executive in the agency is provided a copy of the appraisal and rating under section 4314 of this title and is given an opportunity to respond in writing and have the rating reviewed by an employee, or (with the consent of the senior executive) a commissioned officer in the uniformed services serving on active duty, in a higher level in the agency before the rating becomes final.

(2) The Comptroller General shall from time to time review performance appraisal systems under this section to determine the extent to which any such system meets the requirements under this subchapter and shall periodically report its findings to the Office and to each House of the Congress.

(c)(1) The Office shall review each agency’s performance appraisal system under this section, and determine whether the agency performance appraisal system meets the requirements of this subchapter.

(2) The Comptroller General shall from time to time review performance appraisal systems under this section for the performance appraisal system established by an agency under subsection (a) of this section.

(3) If the Office determines that an agency performance appraisal system does not meet the requirements under this subchapter (including regulations prescribed under section 4315), the agency shall take such corrective action as may be required by the Office.

(d) A senior executive may not appeal any appraisal and rating under any performance appraisal system under this section.


AMENDMENTS
1984—Subsec. (b)(3). Pub. L. 98–615 inserted “, or (with the consent of the senior executive) a commissioned officer in the uniformed services serving on active duty,” and directed that “executive” be struck out which was executed by striking “executive” only where it appeared before “level in the agency”.

EFFECTIVE DATE OF 1984 AMENDMENT
Amendment by Pub. L. 98–615 effective following expiration of 90-day period beginning on Nov. 8, 1984, see section 307 of Pub. L. 98–615, set out as a note under section 3393 of this title.

§ 4313. Criteria for performance appraisals

Appraisals of performance in the Senior Executive Service shall be based on both individual
and organizational performance, taking into account such factors as—

(1) improvements in efficiency, productivity, and quality of work or service, including any significant reduction in paperwork;
(2) cost efficiency;
(3) timeliness of performance;
(4) other indications of the effectiveness, productivity, and performance quality of the employees for whom the senior executive is responsible; and
(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth under section 2301 of this title.


AMENDMENTS

1994—Par. (5). Pub. L. 103–424 amended par. (5) generally. Prior to amendment, par. (5) read as follows: "meeting affirmative action goals and achievement of equal employment opportunity requirements."

§ 4314. Ratings for performance appraisals

(a) Each performance appraisal system shall provide for annual summary ratings of levels of performance as follows:

(1) one or more fully successful levels,
(2) a minimally satisfactory level, and
(3) an unsatisfactory level.

(b) Each performance appraisal system shall provide that—

(1) any appraisal and any rating under such system—

(A) are made only after review and evaluation by a performance review board established under subsection (c) of this section;
(B) are conducted at least annually, subject to the limitation of subsection (c)(3) of this section;
(C) in the case of a career appointee, may not be made within 120 days after the beginning of a new Presidential administration; and
(D) are based on performance during a performance appraisal period the duration of which shall be determined under guidelines established by the Office of Personnel Management, but which may be terminated in any case in which the agency making an appraisal determines that an adequate basis exists on which to appraise and rate the senior executive's performance;

(2) any career appointee receiving a rating at any of the fully successful levels under subsection (a)(1) of this section may be given a performance award under section 4304 of this title;

(3) any senior executive receiving an unsatisfactory rating under subsection (a)(3) of this section shall be reassigned or transferred within the Senior Executive Service, or removed from the Senior Executive Service, but any senior executive who receives 2 unsatisfactory ratings in any period of 5 consecutive years shall be removed from the Senior Executive Service; and

(4) any senior executive who twice in any period of 3 consecutive years receives less than fully successful ratings shall be removed from the Senior Executive Service.

(c)(1) Each agency shall establish, in accordance with regulations prescribed by the Office, one or more performance review boards, as appropriate. It is the function of the boards to make recommendations to the appropriate appointing authority of the agency relating to the performance of senior executives in the agency.

(2) The supervising official of the senior executive shall provide to the performance review board, an initial appraisal of the senior executive’s performance. Before making any recommendation with respect to the senior executive, the board shall review any response by the senior executive to the initial appraisal and conduct such further review as the board finds necessary.

(3) Performance appraisals under this subchapter with respect to any senior executive shall be made by the appointing authority only after considering the recommendations by the performance review board with respect to such senior executive under paragraph (1) of this subsection.

(4) Members of performance review boards shall be appointed in such a manner as to assure consistency, stability, and objectivity in performance appraisal. Notice of the appointment of an individual to serve as a member shall be published in the Federal Register.

(5) In the case of an appraisal of a career appointee, more than one-half of the members of the performance review board shall consist of career appointees. The requirement of the preceding sentence shall not apply in any case in which the Office determines that there exists an insufficient number of career appointees available to comply with the requirement.


AMENDMENTS

1995—Subsec. (d). Pub. L. 104–66 struck out subsec. (d) which related to reports to Congress.

§ 4315. Regulations

The Office of Personnel Management shall prescribe regulations to carry out the purpose of this subchapter.


CHAPTER 45—INCENTIVE AWARDS

SUBCHAPTER I—AWARDS FOR SUPERIOR ACCOMPLISHMENTS

Sec. 4501. Definitions.
4502. General provisions.
4503. Agency awards.
4504. Presidential awards.
4505. Awards to former employees.
4505a. Performance-based cash awards.
4506. Regulations.
4507. Awarding of Ranks1 in the Senior Executive Service.

1So in original. Probably should not be capitalized.
4507a. Awarding of ranks to other senior career employees.

4508. Limitation of awards during a Presidential election year.

4509. Prohibition of cash award to Executive Schedule officers.

SUBCHAPTER II—AWARDS FOR COST SAVINGS DISCLOSURES

4511. Definition and general provisions.

4512. Agency awards for cost savings disclosures.

4513. Presidential awards for cost savings disclosures.

4514. Repealed.

SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

4521. Definition.

4522. General provision.

4523. Award authority.

AMENDMENTS


In paragraph (1), the term “Executive agency” is coextensive with and substituted for “executive department or independent agency in the executive branch of the Government including a Government-owned or controlled corporation” in view of the definition of “Executive agency” in section 105. Application to the General Accounting Office (included in the term “Executive agency”) is based on former section 933a.

Par. (2) is supplied because the definition of “employee” in section 2105 does not encompass individuals employed by the government of the District of Columbia.

Paragraph (3) is supplied for clarity and convenience. Standard changes are made to conform with the definition applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1993—Par. (2)(A). Pub. L. 102–487 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “an employee as defined by section 2105 of this title, but does not include an employee covered by the performance management and recognition system established under chapter 54 of this title; and”.

1990—Par. (1). Pub. L. 101–474 redesignated subspar. (C) to (H) as (B) to (G), respectively, and struck out former subpar. (B), which included Administrative Office of United States Courts within definition of “agency”.


1984—Par. (2)(A). Pub. L. 98–615 substituted “the performance management and recognition system established under chapter 54” for “the merit pay system established under section 5402”.


1978—Pub. L. 95–454 added subpar. (C) to (H), added par. (J), and added subpar. (K).

1975—Pub. L. 93–585 inserted reference to employee covered by merit pay system established under section 5402 of this title.

Effective Date of 1993 Amendment

Amendment by Pub. L. 102–487 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103–89, set out as a note under section 3372 of this title.

Effective Date of 1984 Amendment

Section 205 of Pub. L. 98–615 provided that amendment by Pub. L. 98–615 was effective Oct. 1, 1984, and applicable with respect to pay periods commencing on or after that date, with certain exceptions and qualifications.

Effective Date of 1981 Amendment

Section 1703(c) of Pub. L. 97–35 provided that: “The amendments made by this section [enacting subchapter
II of this chapter, designating this section and sections 4502 to 4507 of this title as subchapter 1, and amending this section and sections 4502, 4505, and 4506 of this title) shall take effect on October 1, 1981.""

**Effective Date of 1978 Amendment**

Section 504(a) of Pub. L. 95–454 provided that amendments made by Pub. L. 95–454 were effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.


Ex. Ord. No. 12976, Oct. 5, 1995, 60 F.R. 52829, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 1105, 1108, and 1111 of title 31, United States Code, it is hereby ordered as follows:

**Section 1. Statement of Presidential Principles.** Government corporations subject to this order should not pay bonuses in excess of those authorized by sections 4501 through 4507 of title 5, United States Code, except as otherwise specifically provided by law.

**Section 2. Administration Review.** (a) Before taking action to approve any bonus in excess of those authorized in section 4502 of title 5, United States Code, each corporation subject to this section (as provided in section 6 of this order) shall submit information to the Director of the Office of Management and Budget (OMB) relating to such bonuses as provided in subsection (b). Such corporation shall refrain from approving any such bonus until the Director of OMB has had an opportunity to review the information provided by the corporation.

(b) The Director of OMB shall issue instructions to the corporations subject to this section specifying when information is to be submitted, and the content and form of such information.

**Section 3. Information Reporting Requirements.** (a) Government corporations subject to this order will provide information to the Director of OMB relating to the compensation practices for senior executives of such corporations as provided in subsection (c).

(b) Information submitted shall include the following with respect to senior executives of each corporation subject to this section:

1. the compensation plan, procedures, and structure of such corporation;
2. base salary levels, annual bonuses, and other compensation; and
3. information supporting the senior executive compensation plan and levels.

(c) The Director of OMB shall issue instructions to the corporations subject to this section specifying when information is to be submitted, and the content and form of such information.

**Section 4. Review.** (a) OMB, in consultation with the Department of Labor, will review the information submitted pursuant to section 3, taking into consideration:

1. consistency with statutory requirements;
2. consistency with corporate mission;
3. standards of Federal management and efficiency; and
4. equivalent private sector compensation practices.

**Section 5. Public Dissemination Requirement.** Government corporations subject to this order shall make available through public dissemination the information submitted pursuant to section 3 of this order.

**Section 6. Coverage.** This order will apply to all mixed-ownership and wholly owned corporations listed in section 4501(2) and (3) of title 31, United States Code. Section 2 shall apply only to wholly owned corporations except such corporations that have specific authority to approve bonuses in excess of those authorized under sections 4501 through 4507 of title 5, United States Code.

**Serr. 7. Administration.** All corporations subject to this order shall provide any information in the manner and form, and at the time, requested pursuant to this order by the Director of OMB.

**Serr. 8.** This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other person.

William J. Clinton.

**§ 4502. General provisions**

(a) Except as provided by subsection (b) of this section, a cash award under this subchapter may not exceed $10,000.

(b) When the head of an agency certifies to the Office of Personnel Management that the suggestion, invention, superior accomplishment, or other meritorious effort for which the award is proposed is highly exceptional and unusually outstanding, a cash award in excess of $10,000 but not in excess of $25,000 may be granted with the approval of the Office.

(c) A cash award under this subchapter is in addition to the regular pay of the recipient. Acceptance of a cash award under this subchapter constitutes an agreement that the use by the Government of an idea, method, or device for which the award is made does not form the basis of a further claim of any nature against the Government by the employee, his heirs, or assigns.

(d) A cash award to, and expense for the honorary recognition of, an employee may be paid from the fund or appropriation available to the activity primarily benefiting or the various activities benefiting. The head of the agency concerned determines the amount to be paid by each activity for an agency award under section 4505 of this title. The President determines the amount to be paid by each activity for a Presidential award under section 4504 of this title.

(e) The Office of Personnel Management may by regulation permit agencies to grant employees time off from duty, without loss of pay or charge to leave, as an award in recognition of superior accomplishment or other personal effort that contributes to the quality, efficiency, or economy of Government operations.

(f) The Secretary of Defense may grant a cash award under subsection (b) of this section without regard to the requirements for certification and approval provided in that subsection.

(Ex. Ord. No. 12976, Oct. 5, 1995, 60 F.R. 52829, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 1105, 1108, and 1111 of title 31, United States Code, it is hereby ordered as follows:

**Section 1. Statement of Presidential Principles.** Government corporations subject to this order should not pay bonuses in excess of those authorized by sections 4501 through 4507 of title 5, United States Code, except as otherwise specifically provided by law.

**Section 2. Administration Review.** (a) Before taking action to approve any bonus in excess of those authorized in section 4502 of title 5, United States Code, each corporation subject to this section (as provided in section 6 of this order) shall submit information to the Director of the Office of Management and Budget (OMB) relating to such bonuses as provided in subsection (b). Such corporation shall refrain from approving any such bonus until the Director of OMB has had an opportunity to review the information provided by the corporation.

(b) The Director of OMB shall issue instructions to the corporations subject to this section specifying when information is to be submitted, and the content and form of such information.

**Section 3. Information Reporting Requirements.** (a) Government corporations subject to this order will provide information to the Director of OMB relating to the compensation practices for senior executives of such corporations as provided in subsection (c).

(b) Information submitted shall include the following with respect to senior executives of each corporation subject to this section:

1. the compensation plan, procedures, and structure of such corporation;
2. base salary levels, annual bonuses, and other compensation; and
3. information supporting the senior executive compensation plan and levels.

(c) The Director of OMB shall issue instructions to the corporations subject to this section specifying when information is to be submitted, and the content and form of such information.

**Section 4. Review.** (a) OMB, in consultation with the Department of Labor, will review the information submitted pursuant to section 3, taking into consideration:

1. consistency with statutory requirements;
2. consistency with corporate mission;
3. standards of Federal management and efficiency; and
4. equivalent private sector compensation practices.

**Section 5. Public Dissemination Requirement.** Government corporations subject to this order shall make available through public dissemination the information submitted pursuant to section 3 of this order.

**Section 6. Coverage.** This order will apply to all mixed-ownership and wholly owned corporations listed in section 4501(2) and (3) of title 31, United States Code. Section 2 shall apply only to wholly owned corporations except such corporations that have specific authority to approve bonuses in excess of those authorized under sections 4501 through 4507 of title 5, United States Code.

**Serr. 7. Administration.** All corporations subject to this order shall provide any information in the manner and form, and at the time, requested pursuant to this order by the Director of OMB.

**Serr. 8.** This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other person.

William J. Clinton.
In subsection (c), the word “Government” is substituted for “Government of the United States or the government of the District of Columbia” in view of the definition of “Government” in section 4501. 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**


1993—Subsec. (e). Pub. L. 103–49 struck out par. (2) designation and struck out par. (1) which read as follows: “Notwithstanding section 4501(d), for the purpose of this subsection, ‘employee’ includes an employee covered by the performance management and recognition system established under chapter 54.”


**EFFECTIVE DATE OF 1993 AMENDMENT**

Amendment by Pub. L. 103–39 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103–39, set out as a note under section 3372 of this title.

**EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 (title III, §305) of Pub. L. 101–509, set out as a note under section 5301 of this title.

**EFFECTIVE DATE OF 1981 AMENDMENT**


**EFFECTIVE DATE OF 1978 AMENDMENT**

Section 504(a) of Pub. L. 95–454 provided that amendment by Pub. L. 95–454 was effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.

**$4504. Presidential awards**

The President may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

(1) by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

(2) performs an exceptionally meritorious special act or service in the public interest in connection with or related to his official employment.

A Presidential award may be in addition to an agency award under section 503 of this title.


**HISTORICAL AND REVISION NOTES**

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The word “employee” is substituted for “civilian officers and employees of the Government” in view of the definition of “employee” in section 4501. 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—Par. (1). Pub. L. 95–454 inserted “or achieves a significant reduction in paperwork.”

**EFFECTIVE DATE OF 1978 AMENDMENT**

Section 504(a) of Pub. L. 95–454 provided that amendment by Pub. L. 95–454 was effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.
DELEGATION OF FUNCTIONS

Sections of the Office of Personnel Management under this section as far as it affects officers and employees in, or under executive branch of Government shall be performed without approval of President, see section 2 of Ex. Ord. No. 11228, June 14, 1965, 30 F.R. 7739, set out as a note under section 301 of Title 3, The President.

EX. ORD. No. 9586. THE PRESIDENTIAL MEDAL OF FREEDOM


By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. Medal established. The Medal of Freedom is hereby established as the Presidential Medal of Freedom, with accompanying ribbons and appurtenances. The Presidential Medal of Freedom, hereinafter referred to as the Medal, shall be in two degrees:

SIC. 2. Award of the Medal. (a) The Medal may be awarded by the President as provided in this order to any person who has made an especially meritorious contribution to (1) the security or national interests of the United States, or (2) world peace, or (3) cultural or other significant public or private endeavors.

(b) The President may select for the award of the Medal any person recommended to the President for award of the Medal or any person selected by the President upon his own initiative.

(c) The principal announcement of awards of the Medal shall be made annually, on or about July 4 of each year; but such awards may be made at other times, as the President may deem appropriate.

SECTION 2. Members of the Board. (a) The Board of Distinguished Civilian Service formed, for the purpose of carrying out the objectives of this Order, to include five additional members appointed by the President from outside the Executive Branch of the Government. The terms of service of the members of the Board appointed under this paragraph shall be five years, except that the first five members so appointed shall have terms of service expiring on the 31st day of July 1964, 1965, 1966, 1967, and 1968, respectively. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(b) A chairman of the Board shall be designated by the President from time to time from among the members of the Board appointed from the Executive Branch.

(c) For purposes of recommending to the President persons to receive the President’s Award for Distinguished Civilian Service, and to carry out the other purposes of Executive Order No. 19717, only the members of the Board from the Executive Branch will sit. The names of persons so recommended will be submitted to the President without reference to the other members of the Board.

SIC. 4. Functions of the Board. (a) Any individual or group may make recommendations to the Board with respect to the award of the Medal, and the Board shall consider such recommendations.

(b) With due regard for the provisions of Section 2 of this Order, the Board shall screen such recommendations and, on the basis of such recommendations or upon its own motion, shall from time to time submit to the President nominations of individuals for award of the Medal in appropriate degrees.

SIC. 5. Expenses. Necessary administrative expenses of the Board incurred in connection with the recommendation of persons to receive the Presidential Medal of Freedom, including expenses of travel of members of the Board appointed under Section 3(a) of this Order, during the fiscal year 1963, may be paid from the appropriation provided under the heading “Special Projects” in the Executive Office Appropriation Act, 1963, 78 Stat. 315, and during subsequent fiscal years, to the extent permitted by law, from any corresponding or like appropriation made available for such fiscal years. Such payments shall be without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the Act of March 4, 1909, 31 U.S.C. 672 and 673 (31 U.S.C. 1346(a) and (c)). Members of the Board appointed under Section 3(a) of this Order shall serve without compensation.

SIC. 6. Design of the Medal. The Army Institute of Heraldry shall prepare for the approval of the President a design of the Medal in each of its degrees.

EX. ORD. No. 10717. PRESIDENT’S AWARD FOR DISTINGUISHED FEDERAL CIVILIAN SERVICE


SECTION 1. There is hereby established an honorary award for the recognition of distinguished service by civilian officers and employees of the Federal Government. The award shall be known as the President’s Award for Distinguished Federal Civilian Service and shall consist of a gold medal, the design of which shall be determined by the President upon request by an organization providing a program of public service and is hereby made a part of this order, suspended on a ribbon of appropriate material and color, and accompanied by a citation. Each medal shall be suitably inscribed, and an appropriate citation shall accompany each award.

SIC. 2. (a) The President’s Award for Distinguished Federal Civilian Service shall be presented by the President to civilian officers or employees of the Federal Government for the best achievements having current impact in improving Government operations or serving the public interest. These achievements shall exemplify one or more of the following:

(1) Imagination in developing creative solutions to problems of government.

(2) Courage in persevering against great odds and difficulties.

(3) High ability in accomplishing extraordinary scientific or technological achievement, in providing outstanding leadership in putting into effect a major program of unusual importance and complexity, or in performing an extraordinary act of credit to the Government and the country.

(4) Long and distinguished career service.

(b) The important of the achievements to the Government and to the public interest shall be so outstanding that the officer or employee is deserving of greater public recognition than that which can be accorded by the head of the department or agency in which he is employed. Generally, no more than five awards shall be made in any one year. Presentation of the award shall be made at such times as the President may determine.

SIC. 3. The Director of the Office of Personnel Management shall advise and assist the President in selecting persons to receive this award. In performing this function, the Director shall carefully review nominations submitted pursuant to the provisions of Section 4 of this Order and decide which of them, if any, warrant presentation to the President. The Director shall thereupon transmit to the President the names of those persons who, in the opinion of the Director, merit the award, together with a statement of the reasons therefor. Recipients for the award shall be selected by the President.

SIC. 4. The form and procedures for making nominations for this award shall be prescribed by the Director of the Office of Personnel Management, in accordance with the following principles:
(a) The Director shall be guided in the performance of this function by the provisions of Section 4504 and 4505 of Title 5 of the United States Code, and by additional criteria which the Director may prescribe.
(b) The Director shall not recommend any person for the award without the concurrence of the head of the agency in which that person was employed at the time of the achievement for which the award is recommended.
(c) Persons appointed by the President are not eligible for this award unless, in the opinion of the Director, they are currently serving in a career position.

§ 4505. Awards to former employees

An agency may pay or grant an award under this subchapter notwithstanding the death or separation from the service of the employee concerned, if the suggestion, invention, superior accomplishment, or special act or service in the public interest for which the award is proposed was made or performed while the employee was in the employ of the Government.


HISTORICAL AND REVISION NOTES

Derivation | U.S. Code | Revised Statutes and Statutes at Large
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§ 2123(c) | Sept. 1, 1964, ch. 1206 §301(c), 68 Stat. 1113.

The words “or grant” are added 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


EFFECTIVE DATE OF 1981 AMENDMENT


§ 4505a. Performance-based cash awards

(a)(1) An employee whose most recent performance rating was at the fully successful level or higher (or the equivalent thereof) may be paid a cash award under this section.

(2) A cash award under this section shall be equal to an amount determined appropriate by the head of the agency, but may not be more than 10 percent of the employee’s annual rate of basic pay. Notwithstanding the preceding sentence, the agency head may authorize a cash award equal to an amount exceeding 10 percent of the employee’s annual rate of basic pay if the agency head determines that exceptional performance by the employee justifies such an award, but in no case may an award under this section exceed 20 percent of the employee’s annual rate of basic pay.

(b)(1) A cash award under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee.

(2) The failure to pay a cash award under this section, or the amount of such an award, may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12, chapter 71, or any of the laws referred to in section 2302(d).

(c) The Office of Personnel Management shall prescribe such regulations as it considers necessary for the administration of subsections (a) and (b).

(d) The preceding provisions of this section shall be applicable with respect to any employee to whom subchapter III of chapter 53 applies, and to any category of employees provided for under subsection (e).

(e) At the request of the head of an Executive agency, the President may authorize the application of subsections (a) through (c) with respect to any category of employees within such agency who would not otherwise be covered by this section.


AMENDMENTS

2004—Subsec. (a)(2). Pub. L. 108–411 struck out subpar. (A) designation before “A cash award under” and struck out subpar. (B) which read as follows: “For purposes of computing a percentage of a rate of basic pay under subparagraph (A), the rate of basic pay used shall be determined without taking into account any comparability payment under section 5304.”


Subsecs. (d), (e). Pub. L. 102–378, §2(19)(C), added subsec. (d) which read as follows: “At the request of the head of an Executive agency, the President may authorize the application of the preceding provisions of this section with respect to 1 or more categories of employees within such agency who would not otherwise be covered by this section (including authority under subsection (c) to prescribe any necessary regulations).”

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–411 effective on the first day of the first applicable pay period beginning on or after the 180th day after Oct. 30, 2004, with provisions relating to conversion rules, see section 301(d) of Pub. L. 108–411, set out as a note under section 5363 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT


EFFECTIVE DATE

Section effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101–509, set out as an Effective Date of 1990 Amendment note under section 5301 of this title.

DELEGATION OF FUNCTIONS

Authority of President under subsec. (e) of this section delegated to Director of Office of Personnel Management by Ex. Ord. No. 12828, §1(2), Jan. 5, 1993, 58 F.R. 2965, set out as a note under section 5302 of this title.

EX. ORD. NO. 13415. ASSIGNMENT OF CERTAIN PAY-RELATED FUNCTIONS

Ex. Ord. No. 13415, Dec. 1, 2006, 71 F.R. 70641, provided:
§ 4506 Regulations

The Office of Personnel Management shall prescribe regulations and instructions under which the awards programs set forth by this subchapter shall be carried out.


HISTORICAL AND REVISION NOTES

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<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
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<td>§ 4506</td>
<td>5 U.S.C. 2121 (1st 29 words).</td>
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<td>Sept. 1, 1964, ch. 1208, § 302 (1st 29 words), 68 Stat. 1112</td>
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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

2001—Pub. L. 107–67 substituted “the awards programs” for “the agency awards program”.


EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–67, title VI, § 641(d), Nov. 12, 2001, 115 Stat. 555, provided that: “The amendments made by this section (amending section 4506 of this title and amending this section) shall take effect for awards granted in 2003.”

EFFECTIVE DATE OF 1981 AMENDMENT


EFFECTIVE DATE OF 1978 AMENDMENT

Section 594(a) of Pub. L. 95–454 provided that amendment by Pub. L. 95–454 was effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.

§ 4507 Awarding of ranks in the Senior Executive Service

(a) For the purpose of this section, “agency”, “senior executive”, and “career appointee” have the meanings set forth in section 3132(a) of this title.

(b) Each agency shall submit annually to the Office recommendations of career appointees in the agency to be awarded the rank of Meritorious Executive or Distinguished Executive. The recommendations may take into account the individual’s performance over a period of years. The Office shall review such recommendations and provide to the President recommendations as to which of the agency recommended appointees should receive such rank.

(c) During any fiscal year, the President may, subject to subsection (d) of this section, award to any career appointee recommended by the Office the rank of—

(1) Meritorious Executive, for sustained accomplishment, or

(2) Distinguished Executive, for sustained extraordinary accomplishment.

A career appointee awarded a rank under paragraph (1) or (2) of this subsection shall not be entitled to be awarded that rank during the following 4 fiscal years.

(d) During any fiscal year—

(1) the number of career appointees awarded the rank of Meritorious Executive may not exceed 5 percent of the Senior Executive Service; and

(2) the number of career appointees awarded the rank of Distinguished Executive may not exceed 1 percent of the Senior Executive Service.

(e)(1) Receipt by a career appointee of the rank of Meritorious Executive entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under section 5382 of this title or any award paid under section 5384 of this title.

(2) Receipt by a career appointee of the rank of Distinguished Executive entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under section 5382 of this title or any award paid under section 5384 of this title.


AMENDMENTS

1998—Subsec. (e)(1). Pub. L. 105–277, § 101(h) [title VI, § 631(a)], substituted “an amount equal to 20 percent of annual basic pay” for “$30,000”.

Subsec. (e)(2). Pub. L. 105–277, § 101(h) [title VI, § 631(b)], substituted “an amount equal to 35 percent of annual basic pay” for “$20,000”.

EFFECTIVE DATE OF 1998 AMENDMENT


EFFECTIVE DATE

Section effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through
§ 4507a. Awarding of ranks to other senior career employees

(a) For the purpose of this section, the term "senior career employee" means an individual appointed to a position classified above GS–15 and paid under section 5376 who is not serving—

(1) under a time-limited appointment; or

(2) in a position that is excepted from the competitive service because of its confidential or policy-making character.

(b) Each agency employing senior career employees shall submit annually to the Office of Personnel Management recommendations of senior career employees in the agency to be awarded the rank of Meritorious Senior Professional or Distinguished Senior Professional, which may be awarded by the President for sustained accomplishment or sustained extraordinary accomplishment, respectively.

(c) The recommendations shall be made, reviewed, and awarded under the same terms and conditions (to the extent determined by the Office of Personnel Management) that apply to rank awards for members of the Senior Executive Service under section 4507.


§ 4508. Limitation of awards during a Presidential election year

(a) For purposes of this section, the term—

(1) "Presidential election period" means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

(2) "senior politically appointed officer" means any officer who during a Presidential election period serves—

(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.


§ 4509. Prohibition of cash award to Executive Schedule officers

No officer may receive a cash award under the provisions of this subchapter, if such officer—

(1) serves in—

(A) an Executive Schedule position under subchapter II of chapter 53; or

(B) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53; and

(2) was appointed to such position by the President, by and with the advice and consent of the Senate.


SUBCHAPTER II—AWARDS FOR COST SAVINGS DISCLOSURES

AMENDMENTS


§ 4511. Definition and general provisions

(a) For purposes of this subchapter, the term "agency" means any Executive agency.

(b) A cash award under this subchapter is in addition to the regular pay of the recipient.


EFFECTIVE DATE

Subchapter effective Oct. 1, 1981, see section 1703(c) of Pub. L. 97–35, set out as an Effective Date of 1981 Amendment note under section 4501 of this title.

AUTHORITY TO MAKE AWARDS


§ 4512. Agency awards for cost savings disclosures

(a) The Inspector General of an agency, or any other agency employee designated under subsection (b), may pay a cash award to any employee of such agency whose disclosure of fraud, waste, or mismanagement to the Inspector General of the agency, or to such other designated agency employee, has resulted in cost savings for the agency. The amount of an award under this section may not exceed the lesser of—

(1) $10,000; or

(2) an amount equal to 1 percent of the agency's cost savings which the Inspector General, or other employee designated under subsection (b), determines to be the total savings attributable to the employee's disclosure.

(b) For purposes of paragraph (2), the Inspector General of an agency shall designate an agency employee who shall
have the authority to make the determinations and grant the awards permitted under this section.


AMENDMENTS
1985—Subsec. (c). Pub. L. 99–145 struck out subsec. (c) which provided that the Inspector General, or other employee designated under subsection (b), shall submit to the Comptroller General documentation substantiating any award made under this section and that the Comptroller General shall, from time to time, review awards made under this section and procedures used in making such awards to verify the cost savings for which the awards were made.

§ 4513. Presidential awards for cost savings disclosures

The President may pay a cash award in the amount of $20,000 to any employee whose disclosure of fraud, waste, or mismanagement has resulted in substantial cost savings for the Government. In evaluating the significance of a cost savings disclosure made by an employee for purposes of determining whether to make an award to such employee under this section, the President may take into account cost savings projected for subsequent fiscal years which will be attributable to the disclosure. During any fiscal year, the President may not make more than 50 awards under this section.


SUBCHAPTER III—AWARD TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

AMENDMENTS

§ 4521. Definition

For the purpose of this subchapter, the term “law enforcement officer” means—
(1) a law enforcement officer within the meaning of section 5541(3) and to whom the provisions of chapter 51 apply;
(2) a member of the United States Secret Service Uniformed Division;
(3) a member of the United States Park Police;
(4) a special agent in the Diplomatic Security Service;
(5) a probation officer (referred to in section 3672 of title 18); and
(6) a pretrial services officer (referred to in section 3153 of title 18).

(Added Pub. L. 101–509, title V, §529 [title IV, §408(a)], Nov. 5, 1990, 104 Stat. 1427, 1467; amended Pub. L. 102–141 amended section generally. Prior to amendment, section read as follows: “For the purpose of this subchapter, the term ‘law enforcement officer’ has the same meaning as under section 5949(a).”

EFFECTIVE DATE
Section 529 [title IV, §408(d)] of Pub. L. 101–509 provided that: “The amendments made by this section [enacting this subchapter and amending provisions set out as a note under section 5541 of this title] shall be effective on January 1, 1992.”

TRANSFER OF FUNCTIONS
For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 4522. General provision

An award under this subchapter is in addition to the basic pay of the recipient.


§ 4523. Award authority

(a) An agency may pay a cash award, up to 5 percent of basic pay, to any law enforcement officer employed in or under such agency who possesses and makes substantial use of 1 or more foreign languages in the performance of official duties.

(b) Awards under this section shall be paid under regulations prescribed by the head of the agency involved (or designee thereof). Regulations prescribed by an agency head (or designee) under this subsection shall include—
(1) procedures under which foreign language proficiency shall be ascertained;
(2) criteria for the selection of individuals for recognition under this section; and
(3) any other provisions which may be necessary to carry out the purposes of this subchapter.


CHAPTER 47—PERSONNEL RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

Sec. 4701. Definitions.
4702. Research programs.
4703. Demonstration projects.
4704. Allocation of funds.
4705. Regulations.
4706. Renumbered.

AMENDMENTS

1So in original. Probably should be “subsection”.
§ 4701. Definitions

(a) For the purpose of this chapter—

(1) “agency” means an Executive agency and the Government Printing Office, but does not include—

(A) a Government corporation;

(B) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and, as determined by the President, any Executive agency or unit thereof which is designated by the President and which has as its principal function the conduct of foreign intelligence or counter-intelligence activities; or

(C) the Government Accountability Office;

(2) “employee” means an individual employed in or under an agency;

(3) “eligible” means an individual who has qualified for appointment in an agency and whose name has been entered on the appropriate register or list of eligibles;

(4) “demonstration project” means a project conducted by the Office of Personnel Management, or under its supervision, to determine whether a specified change in personnel management policies or procedures would result in improved Federal personnel management; and

(5) “research program” means a planned study of the manner in which public management policies and systems are operating, the effects of those policies and systems, the possibilities for change, and comparisons among policies and systems.

(b) This chapter shall not apply to any position in the Drug Enforcement Administration which is excluded from the competitive service under section 201 of the Crime Control Act of 1978 (28 U.S.C. 509 note; 90 Stat. 2425).


“(1) Adherence to merit principles set forth in section 2301 of such title.

“(2) A fair, credible, and transparent employee performance appraisal system.

“(3) A link between elements of the pay-for-performance system, the employee performance appraisal system, and the agency’s strategic plan.

“(4) A means for ensuring employee involvement in the design and implementation of the system.

“(5) Adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the pay-for-performance system.

“(6) A process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review.

“(7) Effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance.

“(8) A means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the pay-for-performance system.”

Amendments


§ 4702. Research programs

The Office of Personnel Management shall—

(1) establish and maintain (and assist in the establishment and maintenance of) research programs to study improved methods and technologies in Federal personnel management;

(2) evaluate the research programs established under paragraph (1) of this section;

(3) establish and maintain a program for the collection and public dissemination of information relating to personnel management research and for encouraging and facilitating the exchange of information among interested persons and entities; and

(4) carry out the preceding functions directly or through agreement or contract.


§ 4703. Demonstration projects

(a) Except as provided in this section, the Office of Personnel Management may, directly or through agreement or contract with one or more agencies and other public and private organizations, conduct and evaluate demonstration
projects. Subject to the provisions of this section, the conducting of demonstration projects shall not be limited by any lack of specific authority under this title to take the action contemplated, or by any provision of this title or any rule or regulation prescribed under this title which is inconsistent with the action, including any law or regulation relating to—

(1) the methods of establishing qualification requirements for, recruitment for, and appointment to positions;
(2) the methods of classifying positions and compensating employees;
(3) the methods of assigning, reassigning, or promoting employees;
(4) the methods of disciplining employees;
(5) the methods of providing incentives to employees, including the provision of group or individual incentive bonuses or pay;
(6) the hours of work per day or per week;
(7) the methods of involving employees, labor organizations, and employee organizations in personnel decisions; and
(8) the methods of reducing overall agency staff and grade levels.

(b) Before conducting or entering into any agreement or contract to conduct a demonstration project, the Office shall—

(1) develop a plan for such project which identifies—

(A) the purposes of the project;
(B) the types of employees or eligibles, categorized by occupational series, grade, or organizational unit;
(C) the number of employees or eligibles to be included, in the aggregate and by category;
(D) the methodology;
(E) the duration;
(F) the training to be provided;
(G) the anticipated costs;
(H) the methodology and criteria for evaluation;
(I) a specific description of any aspect of the project for which there is a lack of specific authority; and
(J) a specific citation to any provision of law, rule, or regulation which, if not waived under this section, would prohibit the conducting of the project, or any part of the project as proposed;

(2) publish the plan in the Federal Register;
(3) submit the plan so published to public hearing;
(4) provide notification of the proposed project, at least 180 days in advance of the date any project proposed under this section is to take effect—

(A) to employees who are likely to be affected by the project; and
(B) to each House of the Congress;

(5) obtain approval from each agency involved of the final version of the plan; and
(6) provide each House of the Congress with a report at least 90 days in advance of the date the project is to take effect setting forth the final version of the plan as so approved.

(c) No demonstration project under this section may provide for a waiver of—

(1) any provision of chapter 63 or subpart G of this title;
(2)(A) any provision of law referred to in section 2302(b)(1) of this title; or
(B) any provision of law implementing any provision of law referred to in section 2302(b)(1) of this title by—

(i) providing for equal employment opportunity through affirmative action; or
(ii) providing any right or remedy available to any employee or applicant for employment in the civil service;

(3) any provision of chapter 15 or subchapter III of chapter 73 of this title;
(4) any rule or regulation prescribed under any provision of law referred to in paragraph (1), (2), or (3) of this subsection; or
(5) any provision of chapter 23 of this title, or any rule or regulation prescribed under this title, if such waiver is inconsistent with any merit system principle or any provision thereof relating to prohibited personnel practices.

(d)(1) Each demonstration project shall—

(A) involve not more than 5,000 individuals other than individuals in any control groups necessary to validate the results of the project; and
(B) terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue beyond the date to the extent necessary to validate the results of the project.

(2) Not more than 10 active demonstration projects may be in effect at any time.

(e) Subject to the terms of any written agreement or contract between the Office and an agency, a demonstration project involving the agency may be terminated by the Office, or the agency, if either determines that the project creates a substantial hardship on, or is not in the best interests of, the public, the Federal Government, employees, or eligibles.

(f) Employees within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 of this title shall not be included within any project under subsection (a) of this section—

(1) if the project would violate a collective bargaining agreement (as defined in section 7103(8) of this title) between the agency and the labor organization, unless there is another written agreement with respect to the project between the agency and the organization permitting the inclusion; or
(2) if the project is not covered by such a collective bargaining agreement, until there has been consultation or negotiation, as appropriate, by the agency with the labor organization.

(g) Employees within any unit with respect to which a labor organization has not been accorded exclusive recognition under chapter 71 of this title shall not be included within any project under subsection (a) of this section—

(1) if the project would violate a collective bargaining agreement (as defined in section 7103(8) of this title) between the agency and the labor organization, unless there has been agency consultation regarding the project with the employees in the unit;
(h) The Office shall provide for an evaluation of the results of each demonstration project and its impact on improving public management.
(i) Upon request of the Director of the Office of Personnel Management, agencies shall cooperate with and assist the Office, to the extent practicable, in any evaluation undertaken under subsection (h) of this section and provide the Office with requested information and reports relating to the conducting of demonstration projects in their respective agencies.


AUTHORITY OF EXPORT-IMPORT BANK TO CONDUCT DEMONSTRATION PROGRAM

Pub. L. 104–97, § 2, Jan. 11, 1996, 109 Stat. 984, provided that: ‘‘Notwithstanding section 4701(a)(1)(A) of title 5, United States Code, the Export-Import Bank of the United States may conduct a demonstration project in accordance with section 4703 of such title.’’

§ 4704. Allocation of funds

Funds appropriated to the Office of Personnel Management for the purpose of this chapter may be allocated by the Office to any agency conducting demonstration projects or assisting the Office in conducting such projects. Funds so allocated shall remain available for such period as may be specified in appropriation Acts. No contract shall be entered into under this chapter unless the contract has been provided for in advance in appropriation Acts.


§ 4705. Regulations

The Office of Personnel Management shall prescribe regulations to carry out the purpose of this chapter.


PRIOR PROVISIONS


[$4706. Renumbered § 4705$]

CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

Sec.
4801. Nonapplicability of chapter 47.

§ 4801. Nonapplicability of chapter 47

Chapter 47 shall not apply to this chapter.


EFFECTIVE DATE

Chapter effective Oct. 1, 2001, see section 11 of Pub. L. 107–123, set out as an Effective Date of 2002 Amendment note under section 763e of Title 15, Commerce and Trade.

§ 4802. Securities and Exchange Commission

(a) In this section, the term ‘‘Commission’’ means the Securities and Exchange Commission.

(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

(f) This section shall be administered consistent with merit system principles.


EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS

Pub. L. 107–123, § 8(b), Jan. 16, 2002, 115 Stat. 2398, provided that: ‘‘To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section [enacting this chapter, amending sections 3132 and 5373 of this title, section 1833b of Title 12, Banks and Banking, and section 78d of Title 15, Commerce and Trade, and enacting provisions set out as a note under this section] (including the amendments made by this section).’’

IMPLEMENTATION PLAN AND REPORT


‘‘(1) IMPLEMENTATION PLAN.—

‘‘(A) IN GENERAL.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

‘‘(B) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and Exchange Commission shall include—

‘‘(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and

‘‘(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

‘‘(2) IMPLEMENTATION REPORT.—

‘‘(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] and the Committee on Banking, Housing, and Urban Af-
§ 5101. Purpose

It is the purpose of this chapter to provide a plan for classification of positions whereby—

(1) in determining the rate of basic pay which an employee will receive—

(A) the principle of equal pay for substantially equal work will be followed; and

(B) variations in rates of basic pay paid to different employees will be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work performed and to the contributions of employees to efficiency and economy in the service; and

(2) individual positions will, in accordance with their duties, responsibilities, and qualification requirements, be so grouped and identified by classes and grades, as defined by section 5102 of this title, and the various classes will be so described in published standards, as provided by section 5105 of this title, that the resulting position-classification system can be used in all phases of personnel administration.

(Pub. L. 89–102, July 2, 1966, 80 Stat. 443.)

The words “and for rates of basic compensation” are omitted as inapplicable to this chapter since the provisions of former chapter 21 relating to rates of basic compensation are carried into subchapter III of chapter 53. The word “officer” is omitted as included in “employee” as defined in section 5102.

Subpart D—Pay and Allowances

CHAPTER 51—CLASSIFICATION

Sec. 5101. Purpose

5102. Definitions; application

5103. Determination of applicability

5104. Basis for grading positions

5105. Standards for classification of positions

5106. Basis for classifying positions

5107. Classification of positions

5108. Classification of positions above GS–15

5109. Positions classified by statute

5110. Review of classification of positions

5111. Revocation and restoration of authority to classify positions

5112. General authority of the Office of Personnel Management

5113. Classification records

5114. Repealed.

5115. Regulations.

AMENDMENTS


§ 5101. Purpose

It is the purpose of this chapter to provide a plan for classification of positions whereby—

(1) in determining the rate of basic pay which an employee will receive—

(A) the principle of equal pay for substantially equal work will be followed; and

(B) variations in rates of basic pay paid to different employees will be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work performed and to the contributions of employees to efficiency and economy in the service; and

(2) individual positions will, in accordance with their duties, responsibilities, and qualification requirements, be so grouped and identified by classes and grades, as defined by section 5102 of this title, and the various classes will be so described in published standards, as provided by section 5105 of this title, that the resulting position-classification system can be used in all phases of personnel administration.

(Pub. L. 89–102, July 2, 1966, 80 Stat. 443.)