

REFERENCES IN TEXT

Section 309 of the Foreign Service Act of 1980, referred to in text, is classified to section 3949 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as a note under section 3901 of Title 22, Foreign Relations and Intercourse.

SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

CODIFICATION

Pub. L. 108-447, div. B, title I, §114(a), Dec. 8, 2004, 118 Stat. 2869, and Pub. L. 108-458, title II, §2004(a), Dec. 17, 2004, 118 Stat. 3704, amended chapter identically adding subchapter VII heading.

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

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

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

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

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

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

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

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

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ployees in the Bureau during periods of emergency, as determined by the Director.

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

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

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

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

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

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

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

CHAPTER 37—INFORMATION TECHNOLOGY EXCHANGE PROGRAM

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3704.	Assignment of employees from private sector organizations.
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§ 3701. Definitions

For purposes of this chapter—

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

(2) the term “detail” means—

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

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

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

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

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

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

## AMENDMENTS

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

## EFFECTIVE DATE

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

**§ 3702. General provisions**

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

- (1) works in the field of information technology management;
- (2) is considered an exceptional performer by the individual’s current employer; and
- (3) is expected to assume increased information technology management responsibilities in the future.

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

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

- (1) require the employee to serve in the civil service, upon completion of the assignment, for a period equal to the length of the assignment; and
- (2) provide that, in the event the employee fails to carry out the agreement (except for good and sufficient reason, as determined by the head of the agency from which assigned) the employee shall be liable to the United States for payment of all expenses of the assignment.

An amount under paragraph (2) shall be treated as a debt due the United States.

(c) **TERMINATION.**—Assignments may be terminated by the agency or private sector organization concerned for any reason at any time.

(d) **DURATION.**—Assignments under this chapter shall be for a period of between 3 months and 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year, except that no assignment under this chapter may commence after the end of the 5-year period beginning on the date of the enactment of this chapter.

(e) **ASSISTANCE.**—The Chief Information Officers Council, by agreement with the Office of Personnel Management, may assist in the administration of this chapter, including by main-

taining lists of potential candidates for assignment under this chapter, establishing mentoring relationships for the benefit of individuals who are given assignments under this chapter, and publicizing the program.

(f) **CONSIDERATIONS.**—In exercising any authority under this chapter, an agency shall take into consideration—

- (1) the need to ensure that small business concerns are appropriately represented with respect to the assignments described in sections 3703 and 3704, respectively; and
- (2) how assignments described in section 3703 might best be used to help meet the needs of the agency for the training of employees in information technology management.

(Added Pub. L. 107-347, title II, §209(c)(1), Dec. 17, 2002, 116 Stat. 2925.)

## REFERENCES IN TEXT

GS-11, referred to in subsec. (a), is contained in the General Schedule which is set out under section 5332 of this title.

Section 209(b) of the E-Government Act of 2002, referred to in subsec. (a), is section 209(b) of Pub. L. 107-347, which is set out in a note under section 3501 of Title 44, Public Printing and Documents.

The date of the enactment of this chapter, referred to in subsec. (d), is the date of enactment of Pub. L. 107-347, which was approved Dec. 17, 2002.

**PILOT PROGRAM FOR THE TEMPORARY ASSIGNMENT OF INFORMATION TECHNOLOGY PERSONNEL TO PRIVATE SECTOR ORGANIZATIONS**

Pub. L. 111-84, div. A, title XI, §1110, Oct. 28, 2009, 123 Stat. 2493, provided that:

“(a) **ASSIGNMENT AUTHORITY.**—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

- “(1) the employee—
  - “(A) works in the field of information technology management;
  - “(B) is considered by the Secretary of Defense to be an exceptional employee;
  - “(C) is expected to assume increased information technology management responsibilities in the future; and
  - “(D) is compensated at not less than the GS-11 level (or the equivalent); and
- “(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 [Pub. L. 107-347] (44 U.S.C. 3501 note).

“(b) **AGREEMENTS.**—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private sector organization, and the employee concerned regarding the terms and conditions of the employee’s assignment under this section. The agreement—

- “(1) shall require that employees of the Department of Defense, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and
- “(2) shall provide that if the employee of the Department of Defense or of the private sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense.

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.