

equal number of members representing management and labor, including representatives from each collective bargaining unit.

(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

- (i) provide for the effective and appropriate functioning of the program; and
- (ii) ensure that—

(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(B) The Director of the Patent and Trademark Office shall—

- (i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and
- (ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.

(Added Pub. L. 111-292, §3(a), Dec. 9, 2010, 124 Stat. 3171.)

REFERENCES IN TEXT

The date of the enactment of the Telework Enhancement Act of 2010, referred to in subsec. (g), is the date of enactment of Pub. L. 111-292, which was approved Dec. 9, 2010.

SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

§ 5721. Definitions

For the purpose of this subchapter—

- (1) “agency” means—
 - (A) an Executive agency;
 - (B) a military department;
 - (C) a court of the United States;
 - (D) the Administrative Office of the United States Courts;

- (E) the Library of Congress;
- (F) the Botanic Garden;
- (G) the Architect of the Capitol;
- (H) the Government Publishing Office; and
- (I) the government of the District of Columbia;

but does not include a Government controlled corporation;

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

(3) “continental United States” means the several States and the District of Columbia, but does not include Alaska or Hawaii;

(4) “Government” means the Government of the United States and the government of the District of Columbia;

(5) “appropriation” includes funds made available by statute under section 9104 of title 31;

(6) “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979); and

(7) “Foreign Service of the United States” means the Foreign Service as constituted under the Foreign Service Act of 1980.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 97-258, §3(a)(14), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 105-264, §6(1), Oct. 19, 1998, 112 Stat. 2356; Pub. L. 110-161, div. H, title I, §1303(a), Dec. 26, 2007, 121 Stat. 2242; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.)

HISTORICAL AND REVISION NOTES

The section is based on sections 18 and 19 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811, 812. Sections 18 and 19 of the Act of Aug. 2, 1946, are omitted from this title and transferred to other titles of the United States Code since such sections apply also to sections 9, 11, and 16(a) of the Act of Aug. 2, 1946, which sections appear in titles 31 and 41 of the United States Code.

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

REFERENCES IN TEXT

Section 3(a) of the Panama Canal Act of 1979, referred to in par. (6), is classified to section 3602(a) of Title 22, Foreign Relations and Intercourse.

The Foreign Service Act of 1980, referred to in par. (7), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

AMENDMENTS

2007—Par. (1)(G) to (I). Pub. L. 110-161 added subpar. (G) and redesignated former subpars. (G) and (H) as (H) and (I), respectively.

1998—Pars. (6), (7). Pub. L. 105-264 added pars. (6) and (7).

1982—Par. (5). Pub. L. 97-258 substituted “section 9104” for “section 849”.

CHANGE OF NAME

“Government Publishing Office” substituted for “Government Printing Office” in par. (1)(H) on author-

ity of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

§ 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States

(a) Under regulations prescribed under section 5738 of this title and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States;

(2) these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the continental United States; and

(3) the expenses of transporting a privately owned motor vehicle as authorized under section 5727(c) of this title.

(b) An agency may pay expenses under subsection (a)(1) of this section only after the individual selected for appointment agrees in writing to remain in the Government service for a minimum period of—

(1) one school year as determined under chapter 25 of title 20, if selected for appointment to a teaching position, except as a substitute, in the Department of Defense under that chapter; or

(2) 12 months after his appointment, if selected for appointment to any other position;

unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the Government for the expenses is recoverable from the individual as a debt due the Government.

(c) An agency may pay expenses under subsection (a)(2) of this section only after the individual has served for a minimum period of—

(1) one school year as determined under chapter 25 of title 20, if employed in a teaching position, except as a substitute, in the Department of Defense under that chapter; or

(2) not less than one nor more than 3 years prescribed in advance by the head of the agency, if employed in any other position;

unless separated for reasons beyond his control which are acceptable to the agency concerned. These expenses are payable whether the separation is for Government purposes or for personal convenience.

(d) This section does not apply to appropriations for the Foreign Service of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 501; Pub. L. 104-201, div. A, title XVII, §§1715(b)(1), 1723(b)(1), Sept. 23, 1996, 110 Stat. 2755, 2759; Pub. L. 105-264, §6(2), Oct. 19, 1998, 112 Stat. 2356.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|--|---|
| | 5 U.S.C. 73b-3(a) (less 3d-6th proviso). | Aug. 2, 1946, ch. 744, §7, 60 Stat. 808. Sept. 23, 1950, ch. 1010, §2, 64 Stat. 985. Aug. 30, 1961, Pub. L. 87-172, §2, 75 Stat. 409. |

In subsections (b)(1) and (c)(1), the words “under chapter 25 of title 20” are substituted for “under the Defense Department Overseas Teachers Pay and Personnel Practices Act” to reflect the scheduled transfer of that Act from chapter 34 of title 5 to chapter 25 of title 20.

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

AMENDMENTS

1998—Subsec. (a)(2). Pub. L. 105-264, §6(2)(A), substituted “continental United States;” for “United States;”.

Subsec. (b). Pub. L. 105-264, §6(2)(B), substituted “Government” for “United States” in two places in concluding provisions.

1996—Subsec. (a). Pub. L. 104-201, §1723(b)(1), in introductory provisions, substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

Subsec. (a)(3). Pub. L. 104-201, §1715(b)(1), added par. (3).

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title XVII, §1725(a), Sept. 23, 1996, 110 Stat. 2760, provided that: “The amendments made by this title [enacting sections 5737, 5738, and 5756 of this title, amending this section, sections 3375, 5723 to 5724c, 5726 to 5729, and 5731 of this title, section 1348 of Title 31, Money and Finance, section 707 of Title 38, Veterans’ Benefits, and sections 290aa and 299c-4 of Title 42, The Public Health and Welfare] shall take effect 180 days after the date of the enactment of this Act [Sept. 23, 1996].”

REGULATIONS

Pub. L. 104-201, div. A, title XVII, §1725(b), Sept. 23, 1996, 110 Stat. 2760, provided that: “The Administrator of General Services shall, not later than the effective date set forth under subsection (a) [set out above], issue final regulations implementing the amendments made by this title [see Effective Date of 1996 Amendment note above].”

ASSESSMENT OF COST SAVINGS

Pub. L. 104-201, div. A, title XVII, §1724, Sept. 23, 1996, 110 Stat. 2759, directed Comptroller General, not later than one year after the effective date set forth in section 1725(a) of Pub. L. 104-201, to submit to Congress an assessment of costs of Federal travel administration that were saved as a result of the amendments made by title XVII of div. A of Pub. L. 104-201 and the regulations prescribed to carry out the amendments.

§ 5723. Travel and transportation expenses of new appointees and student trainees

(a) Under regulations prescribed under section 5738 of this title and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses (A) of a new appointee, or a student trainee when assigned on completion of college work, to any position, (B) of a new appointee to the Senior Executive Service or the Federal Bureau of Investigation and Drug