§ 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

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In subsection (a)(1) and (2), the words “training under this chapter” and “the training” are substituted for “training by, in, or through Government facilities or non-Government facilities under authority of this chapter” and “such training”, respectively.

In subsection (a)(2)(A), the words “and the Standardized Government Travel Regulations” are omitted as included by the reference to “subchapter I of chapter 57 of this title”.

In subsection (a)(2)(A) and (B), the words “sections 404 and 405 of title 37” and “sections 406 and 409 of title 37” are substituted for the references to “section 253 of title 37” on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87–649, 76 Stat. 497.

In subsection (a)(2)(B), the words “under section 5724 of this title” are substituted for “in accordance with section 73b–1 of this title, and Executive Order Numbered 9805, as amended” to reflect the codification of former section 73b–1 in this title and in view of the revocation of Executive Order No. 9805 by Executive Order No. 11012 of Mar. 27, 1962. The reference only to section 5724 is sufficient since that section contains the applicable substantive law, including the authority of the President to prescribe regulations.

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

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 of the Department of Defense,”.


1982—Subsec. (a)(2). Pub. L. 97–258 substituted “section 3324 (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).


Effective Date of 1998 Amendment

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NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html).

5542 and 8331 of this title] shall take effect on the first day of the first applicable pay period which begins on or after October 1, 1998."

**Effective Date of 1992 Amendment**


**Effective Date of 1984 Amendment**

Section 1537(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.”

**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(h)(2) of Pub. L. 97–276, set out as an Effective Date note under section 5546a 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. 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 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.