

LII > U.S. Code > Title 5 > PART III > Subpart B > CHAPTER 37 > **§ 3702**

Quick search by citation:

**Title**

enter title

**Section**

section

Go!

# 5 U.S. Code § 3702 - General provisions

U.S. Code      Notes

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**(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 maintaining 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.)



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