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5 U.S. Code § 3372 - General provisions

U.S. Code Notes

(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of a Federal agency may arrange for the assignment of—

(1) an employee of his agency, other than a noncareer appointee, limited term appointee, or limited emergency appointee (as such terms are defined in section 3132(a) of this title) in the Senior Executive Service and an employee in a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character, to a State or local government; and

(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of a Federal agency may extend the period of assignment for not more than two additional years. In the case of assignments made to Indian tribes or tribal organizations as defined in section 3371(2)(C) of this subchapter, the head of an executive agency may extend the period of assignment for any period of time where it is determined that this will continue to benefit both the executive agency and the Indian tribe or tribal organization. If the assigned employee fails to complete the period of assignment and there is another employee willing and available to do so, the Secretary may assign the employee to complete the period of assignment and may execute an agreement with the tribal organization with respect to the replacement employee. That agreement may provide for a different period of assignment as may be agreed to by the Secretary and the tribal organization.

(b) This subchapter is authority for and applies to the assignment of—

- (1)** an employee of a Federal agency to an institution of higher education;
- (2)** an employee of an institution of higher education to a Federal agency;
- (3)** an employee of a Federal agency to any other organization; and
- (4)** an employee of an other organization to a Federal agency.

(c)

(1) An employee of a Federal agency may be assigned under this subchapter only if the employee agrees, as a condition of accepting an assignment under this subchapter, to serve in the civil service upon the completion of the assignment for a period equal to the length of the assignment.

(2) Each agreement required under paragraph (1) of this subsection shall 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 Federal agency from which assigned) the employee shall be liable to the United States for payment of all expenses (excluding salary) of the assignment. The amount shall be treated as a debt due the United States.

(d) Where the employee is assigned to a tribal organization, the employee shall be eligible for promotions, periodic step-increases, and additional step-increases, as defined in [chapter 53 of this title](#), on the same basis as other Federal employees.

(e) Under regulations prescribed pursuant to [section 3376 of this title](#)—

(1) an assignment of an employee of a [Federal agency](#) to an [other organization](#) or an institution of higher education, and an employee so assigned, shall be treated in the same way as an assignment of an employee of a [Federal agency](#) to a [State or local government](#), and an employee so assigned, is treated under the provisions of this subchapter governing an assignment of an employee of a [Federal agency](#) to a [State or local government](#), except that the rate of pay of an employee assigned to a federally funded research and development center may not exceed the rate of pay that such employee would be paid for continued service in the position in the [Federal agency](#) from which assigned; and

(2) an assignment of an employee of an [other organization](#) or an institution of higher education to a [Federal agency](#), and an employee so assigned, shall be treated in the same way as an assignment of an employee of a [State or local government](#) to a [Federal agency](#), and an employee so assigned, is treated under the provisions of this subchapter governing an assignment of an employee of a [State or local government](#) to a [Federal agency](#).

(Added Pub. L. 91-648, title IV, § 402(a), Jan. 5, 1971, [84 Stat. 1921](#); amended Pub. L. 93-638, title I, § 104(k), (l), as added Pub. L. 100-472, title II, § 203(f), Oct. 5, 1988, [102 Stat. 2290](#); Pub. L. 95-454, title VI, § 603(b), (c), Oct. 13, 1978, [92 Stat. 1190](#); Pub. L. 98-146, title II, Nov. 4, 1983, [97 Stat. 946](#); Pub. L. 103-89, § 3(b)(1)(A), Sept. 30, 1993, [107 Stat. 981](#); Pub. L. 103-337, div. A, title X, § 1068(b), Oct. 5, 1994, [108 Stat. 2852](#).)