

**U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection**

CBP DIRECTIVE NO. 51410-022A

DATE: FEBRUARY 2, 2023

ORIGINATING OFFICE: OTD

SUPERSEDES: 51410-022

REVIEW DATE: FEBRUARY 1, 2026

EXTERNAL TRAINING PROGRAMS

1. **PURPOSE.** This directive establishes requirements and procedures for selection, approval, and recording of all external training opportunities. External training is a wide array of education courses, seminars, conferences, training modules, continuing education credits, etc. that is not covered under the Tuition Assistance Program (TAP) and/or centralized managed programs like Senior Service Schools. While U.S. Customs and Border Protection (CBP) is committed to advancing the professional development of our employees, the cost of external training programs can be high and if not implemented properly could be litigious.

This directive ensures external training opportunities outside of CBP's TAP and centralized senior service school type programs are mission-aligned, done in support of a specific professional need that will enhance the workforce, and are equitably applied and available to the workforce.

2. **BACKGROUND.** Previous policy dictated that all advanced external training opportunities that required absences from duty exceeding ten (10) consecutive business days, or tuition exceeding \$5,000 required approval by the CBP Commissioner. Additionally, all Standard Form 182 (SF-182) rules were applicable (Customs Directive No. 51410-017A, Use of SF- 182, Request, Authorization, Agreement and Certification of Training).

In a memo dated October 12, 2011, the Department of Homeland Security (DHS) Under Secretary for Management outlined requirements for "Employee Training and Development Expenses." As stated in the memo, "any one-time training or education opportunity that totals \$6,000 or more or multiple training or education opportunities that cumulatively total \$6,000 or more per employee during the fiscal year must be approved by the Component Head". In addition, the memo states that "All expenditures that meet this \$6,000 threshold will be reported to the Department's Office of the Chief Human Capital Officer (OCHCO) on a quarterly basis."

Prior to the pandemic, DHS rescinded the requirements established in the October 2011 memo. With the revised memo, DHS directed components to follow the guidelines of DHS policies on Employee Learning and Development and any component issued directives. While it rescinded reporting requirements, components are required to keep track of stats in event of future audits, inspections.

3. POLICY.

3.1 CBP components may procure seats on an ad hoc basis in courses, seminars, or conferences offered to the general public as long as the ad hoc educational program is mission-aligned, enhances a required skillset need for the position, and is comparable in cost to other similar programs. There are restrictions on what type of seats may be procured.

3.2 Annual recurring and regular job specific courses that are needed for employees to perform and are not offered within CBP (e.g., Air and Marine Operations Safety Officers, Veterinary care, etc.) are exempt from this policy and should be addressed in accordance with CBP Directive 5220-047 *Conference Planning, Attendance and Fees*.

Note: Approving the use of funding to support educational pursuits should not be used as an employee reward, recognition, bonus and/or settlement for employees. Nor do they replace training and education programs already offered by CBP. Per DHS Directive 258-05 *Employee Learning and Development*, DHS requires that Agencies closely monitor what ad hoc education programs are offered, funded, and recorded.

3.3 Executive Assistant Commissioners/Assistant Commissioners/Executive Directors are the approving officials for ad hoc external training, education, conference, workshop, or seminar opportunities that cost \$6,000 or less for any single employee during a fiscal year. This also includes the total of various programs throughout the fiscal year. Approval/verification is not needed from the Office of Training and Development (OTD). OTD is available for consultation prior to final selection and executing funding, if necessary.

3.4 Any and all ad hoc external training procured for employees in the form of education, conference, workshop, or seminar opportunities that exceed \$6,000 either as a one-time event or in the aggregate of a fiscal year needs to be routed through the chain of command and approved by the CBP Commissioner prior to attending the training. OTD approval/verification is not needed. OTD is available for consultation prior to executing any funding if necessary.

3.5 Offices **cannot** independently procure seats in advanced leadership programs centrally managed by the OTD (e.g., opportunities at certain colleges and universities, DHS sponsored programs, Department of Defense Senior Service Schools, etc.).

3.6 Executive Assistant Commissioners/Assistant Commissioners/Executive Directors, or designees are responsible for establishing and overseeing their component's process to nominate employees regardless of the funding amount. It is incumbent on each office/component to have a selection process in place to nominate their employees for external ad hoc training, ensuring that the sole need for ad hoc training is aligned with the mission and the employees' abilities to be successful in their assigned workplace position, and for ensuring that opportunities are equitably applied and available to employees. Ad hoc external training should not be used for employee recognition or performance awards.

3.7 Participants in external ad hoc educational programs agree to the terms of the DHS Continued Service Agreement (CSA). In accordance with agency CSA policy, an employee must, reimburse the paying agency if he or she leaves the agency without completing the period of service time specified in the CSA.

3.8 Attendance at all external conferences must follow the DHS Policy – Section 7.10.1 Conference Controls. There are separate reporting requirements for attending conferences versus those that are considered training outlined in Section 3-2. Training Exemptions.

3.9 To collect the required data and facilitate accurate monitoring, tracking, and reporting of employee expenditures, a memo and SF-182 must be completed when applying for attendance at any external training, education, conferences, or seminars that have a tuition or fee, regardless of if they fall above or below the \$6,000 threshold. These forms do not require OTD approval. However, OTD is available for consultation prior to executing any funding if necessary.

4. AUTHORITIES AND REFERENCES.

4.1 Chapter 41 of Title 5, United States Code (5 USC 41) Training.

4.2 Part 410 of Title 5, Code of Federal Regulations (5 CFR 410) Training.

4.3 Part 412 of Title 5, Code of Federal Regulations (5 CFR 412) Executive, Management and Supervisory Development.

4.4 Federal Travel Regulations, Part 301-74 – Conference Planning.

4.5 Executive Order 11348, Providing for the Further Training of Government Employees, as Amended.

4.6 Memorandum dated October 13, 2011, DHS Under Secretary for Management to all DHS Components, “Employee Training and Development Expenses.”

4.7 DHS Policy – Section 7.10.1 Conference Controls, dated February 8, 2019.

4.8 CBP Directive No. 5220-047 dated December 23, 2021 titled “Conference Planning, Attendance, and Fees.”

4.9 Homeland Security Policy, Chapter 7: Travel; Section 7.10.1 – Conferences, dated January 8, 2021.

4.10 Memorandum dated March 7, 2014, DHS Under Secretary for Management to Component Heads, “Conference Approval Process.”

4.11 Management Directive 51410-017A “Use of Standard Form 182 (SF-182), Request, Authorization, Agreement, and Certification of Training.”

4.12 Continued Service Agreement, DHS Form 3307 (8/07).

4.13 DHS Directive 258-05 “Employee Learning and Development.”

5. DEFINITIONS.

5.1 **External Training:** A planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education **offered by a non-DHS provider** or designee to improve individual and organizational performance and assist in achieving the agency's mission and performance goals.

5.2 **Centrally Managed Programs:** Long-term and/or high-cost formal training and education programs that CBP has identified to meet the needs of leaders within the organization. OTD maintains an ongoing list of centrally managed programs and manages the recruitment and final selection of participants. Individual offices cannot send employees to centrally managed programs outside the OTD managed process.

5.3 **Conferences:** Prearranged gatherings, with formal agendas, held for presentation, consultation, discussion and/or exchange of information, views or opinions on a common purpose or topic. Conferences may take the form of a retreat, convention, seminar, symposium, or workshop. A conference is not a routine or regular meeting which addresses matters of internal operations, process, or policy and means by which they will be accomplished. A conference may be considered training if it qualifies as a developmental assignment under Title 5, Section 410.404 of the Code of Federal Regulations. These types of programs are not funded by the National Training Plan. To qualify as training, all the following conditions must hold true:

- 5.3.1 Training is performed by DHS Instructors and federal employee guest speakers or by external instructors at no cost to DHS.
- 5.3.2 Over 75% of the time is scheduled for planned, organized exchange of information between presenters and audience as defined in section 4101 of Title 5, United States Code.
- 5.3.3 Training is conducted at a federally owned or leased facility (excluding rented hotels, conference centers, etc.)
- 5.3.4 Costs (including any associated events) are limited to travel, transportation, and per diem.

6. RESPONSIBILITIES.

6.1 The CBP Commissioner has oversight for ensuring development of CBP employees.

6.2 The Executive Assistant Commissioners/Assistant Commissioners/Executive Directors have a responsibility for developing and executing a centralized process within their office to select and approve employees for ad hoc, external training opportunities. It is the responsibility of each office/component to enforce a CSA and ensure Commissioner-level approval, as required by Department, for any training costing more than \$6,000 annually (either singular or in the aggregate) before attending any ad hoc training opportunity.

6.3 The Assistant Commissioner, OTD, will consult with any office about their ad hoc educational program to ensure it does not overlap with CBP's programs to include TAP.

7. PROCEDURES. It is incumbent upon each component/office to establish their own nomination and selection process for ad hoc training. External ad hoc training and educational programs and conferences follow these solicitation and selection procedures:

7.1 Each office or individual identifies the specific need, program, and provider that is aligned with the mission and the employee's professional position and enhances the workplace.

7.2 Each office or individual generates a memo and SF-182 Authorization, Agreement and Certification of Training and routes to office leadership (Executive Assistant Commissioner, Assistant Commissioner, Executive Director) through the chain of command for approval. If above the \$6,000 threshold, it is the components responsibility to obtain approval from the Commissioner prior to approving an ad hoc training program for an employee. The memo should include the following:

7.2.1 Brief description of the course to be attended and total costs

7.2.2 Why the employee was selected or being sent

7.2.3 What is the benefit for CBP/Government

7.3 Each office sends approved memo and SF-182 to CBP Office of Finance/National Finance Center and OTD's National Training Plan at (b) (7)(E) for financial and audit record keeping.

7.4 Each office captures training/education completion status in Acadis.

8. RECORD KEEPING. Each office will maintain a copy of those employees who have attended external training along with any required CSA and SF-182 for reporting to OHS OCHO through the Assistant Commissioner, OTO, as required by Department policy and in case of a future audit.

9. MEASUREMENT. OTD will work with all CBP offices to ensure processes are in place for approving and tracking employees who have attended any external course/training.

10. POINT OF CONTACT. For questions regarding this directive, please contact OTO at (b) (7)(E)

11. NO PRIVACY RIGHTS CREATED. This document is an internal policy statement of CBP and does not create or confer any private rights, privileges, or benefits for any person or party.

7. APPROVAL AUTHORITY.


Troy A. Miller
Acting Commissioner
U.S. Customs and Border Protection

MAR 20 2023

Date