

§ 4101. Definitions

For the purpose of this chapter—

(1) “agency”, subject to section 4102 of this title, means—

- (A) an Executive department;
- (B) an independent establishment;
- (C) a Government corporation subject to chapter 91 of title 31;
- (D) the Library of Congress;
- (E) the Government Printing Office; and
- (F) the government of the District of Columbia;

(2) “employee”, subject to section 4102 of this title, means—

- (A) an individual employed in or under an agency; and
- (B) a commissioned officer of the Environmental Science Services Administration;

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

(4) “training” means the process of providing for and making available to an employee, and placing or enrolling the employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which will improve individual and organizational performance and assist in achieving the agency’s mission and performance goals;

(5) “Government facility” means property owned or substantially controlled by the Government and the services of any civilian and military personnel of the Government; and

- (6) “non-Government facility” means—
  - (A) the government of a State or of a territory or possession of the United States including the Commonwealth of Puerto Rico, and an interstate governmental organization, or a unit, subdivision, or instrumentality of any of the foregoing;
  - (B) a foreign government or international organization, or instrumentality of either, which is designated by the President as eligible to provide training under this chapter;
  - (C) a medical, scientific, technical, educational, research, or professional institution, foundation, or organization;
  - (D) a business, commercial, or industrial firm, corporation, partnership, proprietorship, or other organization;
  - (E) individuals other than civilian or military personnel of the Government; and
  - (F) the services and property of any of the foregoing furnishing the training.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 432; Pub. L. 90-206, title II, §224(a), Dec. 16, 1967, 81 Stat. 642; Pub. L. 97-258, §3(a)(8), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 103-226, §2(a)(1), Mar. 30, 1994, 108 Stat. 111.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2302.	July 7, 1958, Pub. L. 85-507, §3, 72 Stat. 328.

In paragraph (1), the word “agency” is substituted for “department”. Reference to the “General Accounting

Office” is omitted as included in “independent establishment” because of the definition in section 104.

In paragraph (2)(B), the words “in the Department of Commerce” are omitted as unnecessary.

In paragraph (6)(C), the word “agency” is omitted as unnecessary and to avoid confusion with the word “agency” defined by paragraph (1).

In paragraph (6)(E), the words “individuals other than civilian or military personnel of the Government” are substituted for “an individual not a civilian or military officer or employee of the Government of the United States or of the municipal government of the District of Columbia” to conform to paragraph (5).

The definition of “Commission” in former section 2302(4) is omitted as unnecessary as the title “Civil Service Commission” is fully set out the first time it is used in each section of this chapter.

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

1994—Par. (4). Pub. L. 103-226 substituted “fields which will improve individual and organizational performance and assist in achieving the agency’s mission and performance goals;” for “fields which are or will be directly related to the performance by the employee of official duties for the Government, in order to increase the knowledge, proficiency, ability, skill, and qualifications of the employee in the performance of official duties;”.

1982—Par. (1)(C). Pub. L. 97-258 substituted “chapter 91” for “sections 846-852 or 856-859”.

1967—Par. (2)(B). Pub. L. 90-206 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective Dec. 16, 1967, see section 220(a)(1) of Pub. L. 90-206, set out as an Effective Date note under section 3110 of this title.

TRANSFER OF FUNCTIONS

For transfer of Environmental Science Services Administration to National Oceanic and Atmospheric Administration, see Transfer of Functions note set out under section 5541 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (6)(B) of this section delegated to head of each agency concerned, see section 402 of Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, set out as a note under section 4103 of this title.

CROSS REFERENCES

Executive departments, see section 101 of this title.  
Government corporation, see section 103 of this title.  
Independent establishment, see section 104 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5379 of this title.

§ 4102. Exceptions; Presidential authority

(a)(1) This chapter does not apply to—

(A) a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(B) the Tennessee Valley Authority; or

(C) an individual (except a commissioned officer of the National Oceanic and Atmospheric Administration) who is a member of a uniformed service during a period in which he is entitled to pay under section 204 of title 37.

(2) This chapter (except sections 4110 and 4111) does not apply to—