

amount of training limited”, substituted “Restriction on degree training” for “Non-Government facilities; restrictions” in item 4107, and struck out item 4114 “Non-Government facilities; review of training programs”.

1982—Pub. L. 97-346, §1(b), Oct. 15, 1982, 96 Stat. 1647, added item 4119.

§ 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 Publishing 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; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.)

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.

Editorial Notes

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”

Statutory Notes and Related Subsidiaries.

CHANGE OF NAME

“Government Publishing Office” substituted for “Government Printing Office” in par. (1)(E) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

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.

Executive Documents

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.

§ 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—

(A) the Foreign Service of the United States; or

(B) an individual appointed by the President, unless the individual is specifically designated by the President for training under this chapter.

(b) The President, at any time in the public interest, may—

(1) except an agency or part thereof, or an employee or group or class of employees therein, from this chapter or a provision thereof (except this section); and

(2) withdraw an exception made under this subsection.

However, the President may not except the Office of Personnel Management from a provision of this chapter which vests in or imposes on the Office a function, duty, or responsibility concerning any matter except the establishment, operation, and maintenance, in the same capacity as other agencies, of training programs and plans for its employees.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 433; Pub. L. 90-83, §1(4), Sept. 11, 1967, 81 Stat. 196; Pub. L. 94-183, §2(11), Dec. 31, 1975, 89 Stat. 1057; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-54, §2(a)(15), (19), Aug. 14, 1979, 93 Stat. 382.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2303.	July 7, 1958, Pub. L. 85-507, § 4, 72 Stat. 329. May 26, 1959, Pub. L. 86-33, 73 Stat. 62. Aug. 2, 1962, Pub. L. 87-566, 76 Stat. 264.

In subsection (a)(1), the exception for the President and Vice President is omitted as surplusage as these elected officers are not employed in or under an agency and thus are not included in the definition of "employee" in section 4101(2).

In subsection (a)(1)(C), the words "as defined by section 231(a) of Title 37" are omitted as unnecessary in view of the definition of "uniformed services" in section 2101(b). The words "section 204 of title 37" are substituted for "sections 232-234, 235, 236, 237, 238, and 239 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 "by the President" are coextensive with and substituted for "by the President by and with the advice and consent of the Senate or by the President alone".

In subsection (b)(1), reference to "section 21, and section 22" is omitted as unnecessary since the sections are not carried into this title, but are scheduled for repeal, see Table II.

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

Editorial Notes

AMENDMENTS

1979—Subsec. (a)(1)(C). Pub. L. 96-54, §2(a)(19), substituted "National Oceanic and Atmospheric" for "Environmental Science Services".

Subsec. (b). Pub. L. 96-54, §2(a)(15), substituted "Office" for "Commission".

1978—Subsec. (b). Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

1975—Subsec. (a)(2)(B). Pub. L. 94-183 struck out "(except a Postmaster)" after "an individual appointed by the President".

1967—Subsec. (a)(1)(C). Pub. L. 90-83 substituted "Environmental Science Services Administration" for "Coast and Geodetic Survey." See Historical and Revision Notes under section 2101 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1979 AMENDMENT

Amendments 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.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b)(1) of this section delegated to Office of Personnel Management, see section 401(a) of Ex. Ord. No. 11348, Apr. 20, 1967, 32 F.R. 6335, set out as a note under section 4103 of this title.

EX. ORD. NO. 10805. CENTRAL INTELLIGENCE AGENCY

Ex. Ord. No. 10805, Feb. 18, 1959, 24 F.R. 1301, provided: SECTION 1. The Central Intelligence Agency is hereby designated as excepted from the following-described provisions of the Government Employees Training Act [this chapter and section 1308 of this title]:

(a) Section 2(4), 6, 9(b)(1), 11, 12, 15, 16, and 18 [sections 4117, 4118, 4105(b)(1), 4108, 4106, 4114, 4115, and 1308(a)(4)(A)-(C), (b) and 4113(b) respectively of this title].

(b) The last sentence of section 5 [section 4113(a) of this title].

(c) That part of section 7 [section 4103(1) of this title] which reads "shall conform, on or after the effective date of the regulations prescribed by the Commission under section 6 of this Act [section 4118 of this title], to the principles, standards, and related requirements contained in such regulations then current,".

(d) That part of section 10 [section 4109(a) of this title] which reads "in accordance with regulations issued by the Commission under authority of section 6(a)(8) [section 4118(a)(8) of this title]."

SEC. 2. Section 2 of Executive Order No. 10800, of January 15, 1959, is hereby amended by deleting the reference to "section 5" and the reference to "section 5(b)" and by inserting in lieu thereof "section 4" and "section 4(b)", respectively.

EXECUTIVE ORDER NO. 11531

Ex. Ord. No. 11531, May 26, 1970, 35 F.R. 8337, which related to the delegation of Presidential authority to designate United States Marshals and United States Attorneys for training, was superseded by Ex. Ord. No. 11895, Jan. 6, 1976, 41 F.R. 1465, set out below.

EX. ORD. NO. 11895. DELEGATION OF PRESIDENTIAL AUTHORITY TO DESIGNATE INDIVIDUALS APPOINTED BY THE PRESIDENT TO RECEIVE TRAINING

Ex. Ord. No. 11895, Jan. 6, 1976, 41 F.R. 1465, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Except as provided in Section 2 of this Order, the Office of Personnel Management is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) of Title 5, United States Code, to designate individuals appointed by the President for training under Chapter 41 of Title 5, United States Code.

SEC. 2. The Attorney General is hereby designated and empowered to exercise the authority vested in the President by Section 4102(a)(2)(B) to designate individuals appointed by the President as United States Attorneys and United States Marshals for training under Chapter 41 of Title 5, United States Code.

SEC. 3. Executive Order No. 11531 of May 26, 1970, is hereby superseded.

§ 4103. Establishment of training programs

(a) In order to assist in achieving an agency's mission and performance goals by improving employee and organizational performance, the head of each agency, in conformity with this chapter, shall establish, operate, maintain, and evaluate a program or programs, and a plan or plans thereunder, for the training of employees in or under the agency by, in, and through Government facilities and non-Government facilities. Each program, and plan thereunder, shall—

(1) conform to the principles, standards, and related requirements contained in the regulations prescribed under section 4118 of this title;

(2) provide for adequate administrative control by appropriate authority;

(3) provide that information concerning the selection and assignment of employees for training and the applicable training limitations and restrictions be made available to employees of the agency; and

(4) provide for the encouragement of self-training by employees by means of appropriate recognition of resultant increases in proficiency, skill, and capacity.

Two or more agencies jointly may operate under a training program.

(b)(1) Notwithstanding any other provision of this chapter, an agency may train any employee of the agency to prepare the employee for placement in another agency if the head of the agency determines that such training would be in the interests of the Government.

(2) In selecting an employee for training under this subsection, the head of the agency shall consider—

(A) the extent to which the current skills, knowledge, and abilities of the employee may be utilized in the new position;

(B) the employee's capability to learn skills and acquire knowledge and abilities needed in the new position; and

(C) the benefits to the Government which would result from such training.

(c) The head of each agency shall, on a regular basis—

(1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and

(2) modify such program or plan as needed to accomplish such plans and goals.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 433; Pub. L. 95-454, title III, § 304, Oct. 13, 1978, 92 Stat. 1146; Pub. L. 103-226, § 2(a)(2), Mar. 30, 1994, 108 Stat. 111; Pub. L. 108-411, title II, § 201(a), Oct. 30, 2004, 118 Stat. 2311.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2306.	July 7, 1958, Pub. L. 85-507, § 7, 72 Stat. 331.

The words "Within two hundred and seventy days after the date of enactment of this Act [July 7, 1958]" are omitted as obsolete.

In paragraph (1), reference to the effective date of the regulations is omitted as obsolete.

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

Editorial Notes

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-411 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-226, § 2(a)(2)(A)(i), in introductory provisions, substituted "In order to assist in achieving an agency's mission and performance goals by improving employee and organizational performance, the head of each agency, in conformity with this chapter, shall establish, operate, maintain, and evaluate" for "In order to increase economy and efficiency in the operations of the agency and to raise the standards of performance by employees of their official duties to the maximum possible level of proficiency, the head of each agency, in conformity with this chapter, shall establish, operate, and maintain".

Subsec. (a)(3), (4). Pub. L. 103-226, § 2(a)(2)(A)(ii)-(iv), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(1). Pub. L. 103-226, § 2(a)(2)(B)(i), substituted "determines that such training would be in the interests of the Government." for "determines that the employee will otherwise be separated under conditions which would entitle the employee to severance pay under section 5595 of this title."

Subsec. (b)(2). Pub. L. 103-226, § 2(a)(2)(B)(ii), (iii), redesignated par. (3) as (2), in subpar. (C) substituted "such training" for "retaining the employee in the Federal service", and struck out former par. (2) which read as follows: "Before undertaking any training under this subsection, the head of the agency shall obtain verification from the Office of Personnel Management that there exists a reasonable expectation of placement in another agency."

Subsec. (b)(3). Pub. L. 103-226, § 2(a)(2)(B)(ii), redesignated par. (3) as (2).

1978—Pub. L. 95-454 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS

Pub. L. 104-146, § 9, May 20, 1996, 110 Stat. 1373, provided that:

"(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such at-