Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 105. Executive agency

For the purpose of this title, ''Executive agency'' means an Executive department, a Government corporation, and an independent establishment.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 379.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining ''Executive agency'' each time it is used in this title.

CHAPTER 3—POWERS

AMENDMENTS

2011—Pub. L. 111–352, § 13(a), Jan. 4, 2011, 124 Stat. 3882, added item 306 and struck out former item 306 ''Strategic plans''.

1993—Pub. L. 103–62, § 11(a), Aug. 3, 1993, 107 Stat. 295, added item 306.

§ 301. Departmental regulations

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 379.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 22.	R.S. § 161. Aug. 12, 1958, Pub. L. 85–619, 72 Stat. 547.

The words ''Executive department'' are substituted for ''department'' as the definition of ''department'' applicable to this section is coextensive with the definition of ''Executive department'' in section 101. The words ''not inconsistent with law'' are omitted as surplusage as a regulation which is inconsistent with law is invalid.

The words ''or military department'' are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which provided:

''All laws, orders, regulations, and other actions relating to the National Military Establishment, the Departments of the Army, the Navy, or the Air Force, or to any officer or activity of such establishment or such departments, shall, except to the extent inconsistent with the provisions of this Act, have the same effect as if this Act had not been enacted; but, after the effective date of this Act, any such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or establishment, shall be deemed to have vested such function in or relate to the officer, or department, executive or military, succeeding the officer, department, or establishment in which such function was vested. For purposes of this subsection the Department of Defense shall be deemed the department succeeding the National Military Establishment, and the military departments of Army, Navy, and Air Force shall be deemed the departments succeeding the Executive Departments of Army, Navy, and Air Force.''

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171–1), which provides ''Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense'' is omitted from this title but is not repealed.

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

FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT

Pub. L. 114–113, div. N, title III, Dec. 18, 2015, 129 Stat. 2975, provided that:

''SEC. 301. SHORT TITLE.

''This title may be cited as the 'Federal Cybersecurity Workforce Assessment Act of 2015'.

''SEC. 302. DEFINITIONS.

''In this title:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Armed Services of the Senate;

''(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(C) the Select Committee on Intelligence of the Senate;

''(D) the Committee on Commerce, Science, and Transportation of the Senate;

''(E) the Committee on Armed Services of the House of Representatives;

''(F) the Committee on Homeland Security of the House of Representatives;

''(G) the Committee on Oversight and Government Reform of the House of Representatives; and

''(H) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

''(3) NATIONAL INITIATIVE FOR CYBERSECURITY EDUCATION.—The term 'National Initiative for Cybersecurity Education' means the initiative under the national cybersecurity awareness and education program, as authorized under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451).

''(4) WORK ROLES.—The term 'work roles' means a specialized set of tasks and functions requiring specific knowledge, skills, and abilities.

''SEC. 303. NATIONAL CYBERSECURITY WORKFORCE MEASUREMENT INITIATIVE.

''(a) IN GENERAL.—The head of each Federal agency shall—

''(1) identify all positions within the agency that require the performance of cybersecurity or other cyber-related functions; and

''(2) assign the corresponding employment code under the National Initiative for Cybersecurity Education in accordance with subsection (b).

''(b) EMPLOYMENT CODES.—

''(1) PROCEDURES.—

''(A) CODING STRUCTURE.—Not later than 180 days after the date of the enactment of this Act [Dec. 18, 2015], the Director, in coordination with the National Institute of Standards and Technology, shall develop a coding structure under the National Initiative for Cybersecurity Education.

''(B) IDENTIFICATION OF CIVILIAN CYBER PERSONNEL.—Not later than 9 months after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence, shall establish procedures to implement the National Initiative for Cybersecurity Education coding structure to identify all Federal civilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.

''(C) IDENTIFICATION OF NONCIVILIAN CYBER PERSONNEL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Defense shall establish procedures to implement the National Initiative for Cybersecurity Education's coding structure to identify all Federal noncivilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.

''(D) BASELINE ASSESSMENT OF EXISTING CYBERSECURITY WORKFORCE.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall submit to the appropriate congressional committees of jurisdiction a report that identifies—

''(i) the percentage of personnel with information technology, cybersecurity, or other cyber-related job functions who currently hold the appropriate industry-recognized certifications as identified under the National Initiative for Cybersecurity Education;

''(ii) the level of preparedness of other civilian and noncivilian cyber personnel without existing credentials to take certification exams; and

''(iii) a strategy for mitigating any gaps identified in clause (i) or (ii) with the appropriate training and certification for existing personnel.

''(E) PROCEDURES FOR ASSIGNING CODES.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall establish procedures—

''(i) to identify all encumbered and vacant positions with information technology, cybersecurity, or other cyber-related functions (as defined in the National Initiative for Cybersecurity Education's coding structure); and

''(ii) to assign the appropriate employment code to each such position, using agreed standards and definitions.

''(2) CODE ASSIGNMENTS.—Not later than 1 year after the date after the procedures are established under paragraph (1)(E), the head of each Federal agency shall complete assignment of the appropriate employment code to each position within the agency with information technology, cybersecurity, or other cyber-related functions.

''(c) PROGRESS REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit a progress report on the implementation of this section to the appropriate congressional committees.

''SEC. 304. IDENTIFICATION OF CYBER-RELATED WORK ROLES OF CRITICAL NEED.

''(a) IN GENERAL.—Beginning not later than 1 year after the date on which the employment codes are assigned to employees pursuant to section 303(b)(2), and annually thereafter through 2022, the head of each Federal agency, in consultation with the Director, the Director of the National Institute of Standards and Technology, and the Secretary of Homeland Security, shall—

''(1) identify information technology, cybersecurity, or other cyber-related work roles of critical need in the agency's workforce; and

''(2) submit a report to the Director that—

''(A) describes the information technology, cybersecurity, or other cyber-related roles identified under paragraph (1); and

''(B) substantiates the critical need designations.

''(b) GUIDANCE.—The Director shall provide Federal agencies with timely guidance for identifying information technology, cybersecurity, or other cyber-related roles of critical need, including—

''(1) current information technology, cybersecurity, and other cyber-related roles with acute skill shortages; and

''(2) information technology, cybersecurity, or other cyber-related roles with emerging skill shortages.

''(c) CYBERSECURITY NEEDS REPORT.—Not later than 2 years after the date of the enactment of this Act [Dec. 18, 2015], the Director, in consultation with the Secretary of Homeland Security, shall—

''(1) identify critical needs for information technology, cybersecurity, or other cyber-related workforce across all Federal agencies; and

''(2) submit a progress report on the implementation of this section to the appropriate congressional committees.

''SEC. 305. GOVERNMENT ACCOUNTABILITY OFFICE STATUS REPORTS.

''The Comptroller General of the United States shall—

''(1) analyze and monitor the implementation of sections 303 and 304; and

''(2) not later than 3 years after the date of the enactment of this Act [Dec. 18, 2015], submit a report to the appropriate congressional committees that describes the status of such implementation.''

PLAIN WRITING IN GOVERNMENT DOCUMENTS

Pub. L. 111–274, Oct. 13, 2010, 124 Stat. 2861, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Plain Writing Act of 2010'.

''SEC. 2. PURPOSE.

''The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) AGENCY.—The term 'agency' means an Executive agency, as defined under section 105 of title 5, United States Code.

''(2) COVERED DOCUMENT.—The term 'covered document'—

''(A) means any document that—

''(i) is necessary for obtaining any Federal Government benefit or service or filing taxes;

''(ii) provides information about any Federal Government benefit or service; or

''(iii) explains to the public how to comply with a requirement the Federal Government administers or enforces;

''(B) includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction; and

''(C) does not include a regulation.

''(3) PLAIN WRITING.—The term 'plain writing' means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

''SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.

''(a) PREPARATION FOR IMPLEMENTATION OF PLAIN WRITING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act [Oct. 13, 2010], the head of each agency shall—

''(A) designate 1 or more senior officials within the agency to oversee the agency implementation of this Act;

''(B) communicate the requirements of this Act to the employees of the agency;

''(C) train employees of the agency in plain writing;

''(D) establish a process for overseeing the ongoing compliance of the agency with the requirements of this Act;

''(E) create and maintain a plain writing section of the agency's website as required under paragraph (2) that is accessible from the homepage of the agency's website; and

''(F) designate 1 or more agency points-of-contact to receive and respond to public input on—

''(i) agency implementation of this Act; and

''(ii) the agency reports required under section 5.

''(2) WEBSITE.—The plain writing section described under paragraph (1)(E) shall—

''(A) inform the public of agency compliance with the requirements of this Act; and

''(B) provide a mechanism for the agency to receive and respond to public input on—

''(i) agency implementation of this Act; and

''(ii) the agency reports required under section 5.

''(b) REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.—Beginning not later than 1 year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

''(c) GUIDANCE.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop and issue guidance on implementing the requirements of this section. The Director may designate a lead agency, and may use interagency working groups to assist in developing and issuing the guidance.

''(2) INTERIM GUIDANCE.—Before the issuance of guidance under paragraph (1), agencies may follow the guidance of—

''(A) the writing guidelines developed by the Plain Language Action and Information Network; or

''(B) guidance provided by the head of the agency that is consistent with the guidelines referred to in subparagraph (A).

''SEC. 5. REPORTS TO CONGRESS.

''(a) INITIAL REPORT.—Not later than 9 months after the date of enactment of this Act [Oct. 13, 2010], the head of each agency shall publish on the plain writing section of the agency's website a report that describes the agency plan for compliance with the requirements of this Act.

''(b) ANNUAL COMPLIANCE REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the requirements of this Act.

''SEC. 6. JUDICIAL REVIEW AND ENFORCEABILITY.

''(a) JUDICIAL REVIEW.—There shall be no judicial review of compliance or noncompliance with any provision of this Act.

''(b) ENFORCEABILITY.—No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

''SEC. 7. BUDGETARY EFFECTS OF PAYGO LEGISLATION FOR THIS ACT.

''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 [2 U.S.C. 931 et seq.], shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.''

SUPPORT FOR YOUTH ORGANIZATIONS

Pub. L. 109–163, div. A, title X, §1058(a), (b), Jan. 6, 2006, 119 Stat. 3442, provided that:

''(a) YOUTH ORGANIZATION DEFINED.—In this section, the term 'youth organization' means—

''(1) the Boy Scouts of America;

''(2) the Girl Scouts of the United States of America;

''(3) the Boys Clubs of America;

''(4) the Girls Clubs of America;

''(5) the Young Men's Christian Association;

''(6) the Young Women's Christian Association;

''(7) the Civil Air Patrol;

''(8) the United States Olympic Committee;

''(9) the Special Olympics;

''(10) Campfire USA;

''(11) the Young Marines;

''(12) the Naval Sea Cadets Corps;

''(13) 4–H Clubs;

''(14) the Police Athletic League;

''(15) Big Brothers—Big Sisters of America;

''(16) National Guard Challenge Program; and

''(17) any other organization designated by the President as an organization that is primarily intended to—

''(A) serve individuals under the age of 21 years;

''(B) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

''(C) promote the development of character and ethical and moral values.

''(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

''(1) CONTINUATION OF SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year to that youth organization. This paragraph shall be subject to the availability of appropriations.

''(2) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Paragraph (1) shall not apply to any youth organization that ceases to exist.

''(3) WAIVERS.—The head of a Federal agency may waive the application of paragraph (1) to a youth organization with respect to each conviction or investigation described under subparagraph (A) or (B) for a period of not more than two fiscal years if—

''(A) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

''(B) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

''(4) TYPES OF SUPPORT.—Support described in paragraph (1) includes—

''(A) authorizing a youth organization to hold meetings, camping events, or other activities on Federal property;

''(B) hosting any official event of a youth organization;

''(C) loaning equipment for the use of a youth organization; and

''(D) providing personnel services and logistical support for a youth organization.''

Pub. L. 109–148, div. A, title VIII, § 8126(b), Dec. 30, 2005, 119 Stat. 2728, which contained provisions substantially similar to those in Pub. L. 109–163, § 1058(a), (b), set out above, was repealed by Pub. L. 109–364, div. A, title X, § 1071(f)(3), Oct. 17, 2006, 120 Stat. 2402.

MINIMUM STANDARDS FOR BIRTH CERTIFICATES

Pub. L. 108–458, title VII, § 7211(a)–(d), Dec. 17, 2004, 118 Stat. 3825–3827, provided that:

''(a) DEFINITION.—In this section [enacting this note and repealing provisions set out as a note below], the term 'birth certificate' means a certificate of birth—

''(1) for an individual (regardless of where born)—

''(A) who is a citizen or national of the United States at birth; and

''(B) whose birth is registered in the United States; and

''(2) that—

''(A) is issued by a Federal, State, or local government agency or authorized custodian of record and produced from birth records maintained by such agency or custodian of record; or

''(B) is an authenticated copy, issued by a Federal, State, or local government agency or authorized custodian of record, of an original certificate of birth issued by such agency or custodian of record.

''(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

''(1) IN GENERAL.—Beginning 2 years after the promulgation of minimum standards under paragraph (3), no Federal agency may accept a birth certificate for any official purpose unless the certificate conforms to such standards.

''(2) STATE CERTIFICATION.—

''(A) IN GENERAL.—Each State shall certify to the Secretary of Health and Human Services that the State is in compliance with the requirements of this section.

''(B) FREQUENCY.—Certifications under subparagraph (A) shall be made at such intervals and in such a manner as the Secretary of Health and Human Services, with the concurrence of the Secretary of Homeland Security and the Commissioner of Social Security, may prescribe by regulation.

''(C) COMPLIANCE.—Each State shall ensure that units of local government and other authorized custodians of records in the State comply with this section.

''(D) AUDITS.—The Secretary of Health and Human Services may conduct periodic audits of each State's compliance with the requirements of this section.

''(3) MINIMUM STANDARDS.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2004], the Secretary of Health and Human Services shall by regulation establish minimum standards for birth certificates for use by Federal agencies for official purposes that—

''(A) at a minimum, shall require certification of the birth certificate by the State or local government custodian of record that issued the certificate, and shall require the use of safety paper or an alternative, equally secure medium, the seal of the issuing custodian of record, and other features designed to prevent tampering, counterfeiting, or otherwise duplicating the birth certificate for fraudulent purposes;

''(B) shall establish requirements for proof and verification of identity as a condition of issuance of a birth certificate, with additional security measures for the issuance of a birth certificate for a person who is not the applicant;

''(C) shall establish standards for the processing of birth certificate applications to prevent fraud;

''(D) may not require a single design to which birth certificates issued by all States must conform; and

''(E) shall accommodate the differences between the States in the manner and form in which birth records are stored and birth certificates are produced from such records.

''(4) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required under paragraph (3), the Secretary of Health and Human Services shall consult with—

''(A) the Secretary of Homeland Security;

''(B) the Commissioner of Social Security;

''(C) State vital statistics offices; and

''(D) other appropriate Federal agencies.

''(5) EXTENSION OF EFFECTIVE DATE.—The Secretary of Health and Human Services may extend the date specified under paragraph (1) for up to 2 years for birth certificates issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under paragraph (1) but was unable to do so.

''(c) GRANTS TO STATES.—

''(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—

''(A) IN GENERAL.—Beginning on the date a final regulation is promulgated under subsection (b)(3), the Secretary of Health and Human Services shall award grants to States to assist them in conforming to the minimum standards for birth certificates set forth in the regulation.

''(B) ALLOCATION OF GRANTS.—The Secretary shall award grants to States under this paragraph based on the proportion that the estimated average annual number of birth certificates issued by a State applying for a grant bears to the estimated average annual number of birth certificates issued by all States.

''(C) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), each State shall receive not less than 0.5 percent of the grant funds made available under this paragraph.

''(2) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

''(A) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Commissioner of Social Security and other appropriate Federal agencies, shall award grants to States, under criteria established by the Secretary, to assist States in—

''(i) computerizing their birth and death records;

''(ii) developing the capability to match birth and death records within each State and among the States; and

''(iii) noting the fact of death on the birth certificates of deceased persons.

''(B) ALLOCATION OF GRANTS.—The Secretary shall award grants to qualifying States under this paragraph based on the proportion that the estimated annual average number of birth and death records created by a State applying for a grant bears to the estimated annual average number of birth and death records originated by all States.

''(C) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), each State shall receive not less than 0.5 percent of the grant funds made available under this paragraph.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this section.''

IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS

Pub. L. 104–208, div. C, title VI, § 656, Sept. 30, 1996, 110 Stat. 3009–716, as amended by Pub. L. 106–69, title III, § 355, Oct. 9, 1999, 113 Stat. 1027, which related to standards for acceptance of birth certificates by Federal agencies for any official purpose, required the Secretary of Health and Human Services to make grants to States for assistance in meeting Federal standards and in matching birth and death records and for demonstration projects, and required the Secretary to submit a report to the Congress on ways to reduce the fraudulent obtaining and use of birth certificates, was repealed by

Pub. L. 108–458, title VII, § 7211(e), Dec. 17, 2004, 118 Stat. 3827.

MODIFICATION OR CANCELLATION OF CERTAIN LICENSE AGREEMENTS GRANTED TO GOVERNMENT DURING WORLD WAR II

Act Aug. 16, 1950, ch. 716, 64 Stat. 448, provided that: ''Notwithstanding any other provision of law, the head of any department or other agency in the executive branch of the Government which subsequent to September 9, 1939, entered into any contract or agreement with the holder of any privately owned patent or any right thereunder whereby such holder granted to the United States, without payment of royalty or with reduction or limitation of royalty, any license under such patent or right, is authorized, upon application of the grantor of such license, to enter into such supplemental contract or agreement for the cancellation of the contract or agreement by which such license was granted as the head of such department or agency shall deem to be warranted by equities existing by reason of changes in circumstances occurring since the granting of such license.''

EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT

Establishment of equal employment opportunity programs by heads of Executive departments and agencies, see Ex. Ord. No. 11246, Sept. 24, 1965, 30 F.R. 12319 and Ex. Ord. No. 11478, Aug. 8, 1969, 34 F.R. 12985, set out as notes under section 2000e of Title 42, The Public Health and Welfare.

§ 302. Delegation of authority

(a) For the purpose of this section, ''agency'' has the meaning given it by section 5721 of this title.

(b) In addition to the authority to delegate conferred by other law, the head of an agency may delegate to subordinate officials the authority vested in him—

(1) by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his agency; and

(2) by section 3702 of title 44 to authorize the publication of advertisements, notices, or proposals.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 379; Pub. L. 94–183, § 2(1), Dec. 31, 1975, 89 Stat. 1057.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 22a.	Aug. 2, 1946, ch. 744, § 12, 60 Stat. 809.

Clause (2) of former section 22a is omitted because of the repeal of R.S. § 3683 (31 U.S.C. 675) by the Act of Sept. 12, 1950, ch. 946, § 301(76), 64 Stat. 843.

The word ''agency'' is substituted for ''department'' and defined to conform to the definition of ''department'' in section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

In subsection (b), the words ''In addition to the authority to delegate conferred by other law,'' are added for clarity and in recognition of the various reorganization plans which generally have transferred all functions of the departments and agencies to the heads thereof and have authorized them to delegate the functions to subordinates.

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

1975—Subsec. (b)(2). Pub. L. 94–183 substituted ''3702'' for ''324''.

§ 303. Oaths to witnesses

(a) An employee of an Executive department lawfully assigned to investigate frauds on or attempts to defraud the United States, or irregularity or misconduct of an employee or agent of the United States, may administer an oath to a witness attending to testify or depose in the course of the investigation.

(b) An employee of the Department of Defense lawfully assigned to investigative duties may administer oaths to witnesses in connection with an official investigation.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 379; Pub. L. 94–213, Feb. 13, 1976, 90 Stat. 179.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 93.	R.S. § 183. Mar. 2, 1901, ch. 809, § 3, 31 Stat. 951. Feb. 13, 1911, ch. 43, 36 Stat. 898.

The word ''employee'' is substituted for ''officer or clerk'' in view of the definition in section 2105. The words ''Executive department'' are substituted for ''departments'' as the definition of ''department'' applicable to this section is coextensive with the definition of ''Executive department'' in section 101. So much as related to the Armed Forces is omitted as superseded by section 636 of title 14 and section 936(b) of title 10.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (formerly 5 U.S.C. 171–1), which provides ''Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense'' is omitted from this title but is not repealed.

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

1976—Pub. L. 94–213 designated existing provisions as subsec. (a) and added subsec. (b).

§ 304. Subpenas

(a) The head of an Executive department or military department or bureau thereof in which a claim against the United States is pending may apply to a judge or clerk of a court of the United States to issue a subpena for a witness within the jurisdiction of the court to appear at a time and place stated in the subpena before an individual authorized to take depositions to be used in the courts of the United States, to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined on the subject of the claim.

(b) If a witness, after being served with a subpena, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpena issued may proceed, on proper process, to enforce obedience to the subpena, or to punish for disobedience, in the same manner as a court of the United States may in case of process of subpena ad testificandum issued by the court.