

by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

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

§ 2906. Oath; custody

The oath of office taken by an individual under section 3331 of this title shall be delivered by him to, and preserved by, the House of Congress, agency, or court to which the office pertains.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 412.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 21, R.S. §1759.

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

SUBCHAPTER II—REPORTS

§ 2951. Reports to the Office of Personnel Management

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that—

(1) the appointing authority notify the Office of Personnel Management in writing of the following actions and their dates as to each individual selected for appointment in the competitive service from among those who have been examined—

- (A) appointment and residence of appointee;
(B) separation during probation;
(C) transfer;
(D) resignation; and
(E) removal; and

(2) the Office keep records of these actions.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 412; Pub. L. 95-454, title IX, §906(a)(2), (3), (16), Oct. 13, 1978, 92 Stat. 1224, 1226.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 633(2)(8) (less last sentence), Jan. 16, 1883, ch. 27, §2(2)(8) (less last sentence), 22 Stat. 404.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302.

In paragraph (1), the word "authority" is substituted for "power". The words "or employment" are omitted as included within "appointment".

In paragraph (1)(B), the words "separation during probation" are substituted for "of the rejection of any such person after probation". The words "rejection . . . after probation" refer to a rejection, i.e., separation, after a portion of the probationary period has been served but before the end of the probationary period. This is so because an individual can be rejected only during the probationary period. After he has completed the probationary period, he can be removed only under procedures governing removals from the competitive service, and removals of this nature are covered by paragraph (E).

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

1978—Pub. L. 95-454, §906(a)(16), substituted "Office of Personnel Management" for "Civil Service Commission" in section catchline.

Pars. (1), (2). Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission" and "Office" for "Commission".

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.

§ 2952. Time of making annual reports

Except when a different time is specifically prescribed by statute, the head of each Executive department or military department shall make the annual reports, required to be submitted to Congress, at the beginning of each regular session of Congress. The reports shall cover the transactions of the preceding year.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 413.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 106, R.S. §195.

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 "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 is set out in the reviser's note for section 301.

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.

§ 2953. Reports to Congress on additional employee requirements

(a) Each report, recommendation, or other communication, of an official nature, of an Executive agency which—

- (1) relates to pending or proposed legislation which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of \$1,000,000;
(2) is submitted or transmitted to Congress or a committee thereof in compliance with law

or on the initiative of the appropriate authority of the executive branch; and

(3) officially proposes or recommends the creation or expansion, either by action of Congress or by administrative action, of a function, activity, or authority of the Executive agency to be in addition to those functions, activities, and authorities thereof existing when the report, recommendation, or other communication is so submitted or transmitted;

shall contain a statement, concerning the Executive agency, for each of the first 5 fiscal years during which each additional or expanded function, activity, or authority so proposed or recommended is to be in effect, setting forth the following information—

- (A) the estimated maximum additional—
 - (i) man-years of civilian employment, by general categories of positions;
 - (ii) expenditures for personal services; and
 - (iii) expenditures for all purposes other than personal services;

which are attributable to the function, activity, or authority and which will be required to be effected by the Executive agency in connection with the performance thereof; and

(B) such other statement, discussion, explanation, or other information as is considered advisable by the appropriate authority of the executive branch or that is required by Congress or a committee thereof.

(b) Subsection (a) of this section does not apply to—

- (1) the Central Intelligence Agency;
- (2) a Government controlled corporation; or
- (3) the Government Accountability Office.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 413; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 642a.	Jan. 16, 1883, ch. 27, §11; added July 25, 1956, ch. 730, §1, 70 Stat. 652.

In subsection (a), the words, “Executive agency” are substituted for “department, agency, or independent establishment of the executive branch of the Federal Government (including any corporation wholly owned by the United States)” in view of the definition of “Executive agency” in section 105. The exception of “a Government controlled corporation” is subsection (b) (2) is added to preserve the application to corporations wholly owned by the United States.

The exception of “the General Accounting Office” in subsection (b)(3) is added to preserve application to the executive branch.

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

2004—Subsec. (b)(3). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

§ 2954. Information to committees of Congress on request

An Executive agency, on request of the Committee on Government Operations of the House

of Representatives, or of any seven members thereof, or on request of the Committee on Governmental Affairs of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 413; Pub. L. 103-437, §3(b), Nov. 2, 1994, 108 Stat. 4581.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 105a.	May 29, 1928, ch. 901, §2, 45 Stat. 996.

The words “Executive agency” are substituted for “executive department and independent establishment” in view of the definition of “Executive agency” in section 105.

The words “Committee on Government Operations of the House of Representatives” are substituted for “Committee on Expenditures in the Executive Departments of the House of Representatives” on authority of H. Res. 647 of the 82d Congress, adopted July 3, 1952.

The words “Committee on Government Operations of the Senate” are substituted for “Committee on Expenditures in the Executive Departments of the Senate” on authority of S. Res. 280 of the 82d Congress, adopted Mar. 3, 1952.

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—Pub. L. 103-437 substituted “Committee on Governmental Affairs of the Senate” for “Committee on Government Operations of the Senate”.

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

Subpart B—Employment and Retention

CHAPTER 31—AUTHORITY FOR EMPLOYMENT

SUBCHAPTER I—EMPLOYMENT AUTHORITIES

- Sec. 3101. General authority to employ.
- 3102. Employment of personal assistants for handicapped employees, including blind and deaf employees.
- 3103. Employment at seat of Government only for services rendered.
- 3104. Employment of specially qualified scientific and professional personnel.
- 3105. Appointment of administrative law judges.