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Editorial Notes

AMENDMENTS

2019—Pub. L. 115-435, title I, §101(b), Jan. 14, 2019, 132 Stat. 5532, added headings for subchapters I and II and items 311 to 315.

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.

SUBCHAPTER I—GENERAL PROVISIONS

Editorial Notes

AMENDMENTS

2019—Pub. L. 115-435, title I, §101(a)(1), Jan. 14, 2019, 132 Stat. 5529, inserted subchapter heading.

§ 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

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	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.

Statutory Notes and Related Subsidiaries

FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT

Pub. L. 114-113, div. N, title III, Dec. 18, 2015, 129 Stat. 2975, as amended by Pub. L. 116-283, div. H, title XCIV, §9401(g)(4)(A), Jan. 1, 2021, 134 Stat. 4809, 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 303 of the Cybersecurity Enhancement Act of 2014 (Public Law 113-274) [15 U.S.C. 7443].