

“(4) an employee performing service in a position in another agency pursuant to the program established under this section shall be entitled to return, within a reasonable period of time after the end of the period of service, to the position held by the employee, or a corresponding or higher position, in his or her employing agency;

“(5) an employee performing interagency rotational service shall have all the rights that would be available to the employee if the employee were detailed or assigned under a provision of law other than this section from the agency employing the employee to the agency in which the position in which the employee is serving is located; and

“(6) an employee participating in the program shall receive performance evaluations from officials in his or her employing agency that are based on input from the supervisors of the employee during his or her service in the program that are based primarily on the contribution of the employee to the work of the agency in which the employee performed such service, and these performance evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the employing agency as performance evaluations for service in the employing agency.

“(e) SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS.—The head of each agency participating in the program established pursuant to subsection (c) shall ensure that, in selecting individuals to fill senior positions within an Interagency Community of Interest, the agency gives a strong preference to individuals who have performed interagency rotational service within the Interagency Community of Interest pursuant to such program.

“(f) INTERAGENCY COMMUNITY OF INTEREST DEFINED.—As used in this section, the term ‘National Security Interagency Community of Interest’ or ‘Interagency Community of Interest’ means the positions in the executive branch of the Government that, as determined by the Committee on National Security Personnel—

- “(1) as a group are positions within multiple agencies of the executive branch of the Government; and
- “(2) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

“(g) REPORT ON PERFORMANCE MEASURES.—Not later than the end of the 2nd fiscal year after the fiscal year in which this Act is enacted, the Committee on National Security Personnel shall assess the performance measures described in subsection (c)(2)(E)(iv) and issue a report to Congress on the assessment of those performance measures.

“(h) GAO REVIEW.—Not later than the end of the 2nd fiscal year after the fiscal year in which this Act is enacted, the Comptroller General of the United States shall submit to Congress a report assessing the implementation and effectiveness of the interagency rotation program established pursuant to this section. The report required by this section shall address, at a minimum—

- “(1) the extent to which the requirements of this section have been implemented by the Committee on National Security Personnel and by national security agencies;
- “(2) the extent to which national security agencies have participated in the program established pursuant to this section, including whether the heads of such agencies have—

“(A) identified positions within the agencies that are National Security Interagency Communities of Interest and had employees from other agencies serve in rotational assignments in such positions; and

“(B) identified employees who are eligible for rotational assignments in National Security Inter-

agency Communities of Interest and had such employees serve in rotational assignments in other agencies;

“(3) the extent to which employees serving in rotational assignments under the program established pursuant to this section have benefited from such assignments, including an assessment of—

- “(A) the period of service;
- “(B) the duties performed by the employees during such service;
- “(C) the value of the training and experience gained by participating employees through such service; and
- “(D) the positions (including grade level) held by employees before and after completing interagency rotational service under this section; and

“(4) the extent to which interagency rotational service under this section has improved or is expected to improve interagency integration and coordination within National Security Interagency Communities of Interest.

“(i) EXCLUSION.—This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”

IMPROVEMENT OF UNITED STATES CODE BY PUB. L. 90-83; LEGISLATIVE PURPOSE; INCONSISTENT PROVISIONS; CORRESPONDING PROVISIONS; SAVINGS AND SEPARABILITY OF PROVISIONS

Pub. L. 90-83, §9(a)-(g), Sept. 11, 1967, 81 Stat. 222, provided that:

“(a) The legislative purpose in enacting sections 1-8 of this Act is to restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after February 21, 1967, that are inconsistent with this Act are considered as superseding it to the extent of the inconsistency.

“(b) A reference to a law replaced by sections 1-8 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

“(c) An order, rule, or regulation in effect under a law replaced by sections 1-8 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

“(d) An action taken or an offense committed under a law replaced by sections 1-8 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

“(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

“(f) The enactment of this Act does not increase or decrease the pay, allowances, compensation, or annuity of any person.

“(g) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.”

**PART I—THE AGENCIES  
GENERALLY**

|                       |   |              |
|-----------------------|---|--------------|
| Chap.                 |   | Sec.         |
| <b>1.</b>             | <b>Organization .....</b>                         | <b>101</b>   |
| <b>3.</b>             | <b>Powers .....</b>                               | <b>301</b>   |
| <b>5.</b>             | <b>Administrative Procedure .....</b>             | <b>1 501</b> |
| <b>6.<sup>2</sup></b> | <b>The Analysis of Regulatory Functions .....</b> | <b>601</b>   |

<sup>1</sup>Pub. L. 90-83 added section 500 to chapter 5 without making a corresponding change in Part analysis.

<sup>2</sup>Editorially supplied. Chapter 6 added by Pub. L. 96-354 without a corresponding amendment of Part analysis.

**7. Judicial Review ..... 701**  
**8. Congressional Review of Agency Rulemaking ..... 801**  
**9. Executive Reorganization ..... 901**

“The Department of Commerce” is substituted for “The Department of Commerce and Labor” on authority of the act of March 4, 1913, ch. 141, § 1, 37 Stat. 736.

**Editorial Notes**

**Editorial Notes**

AMENDMENTS

1996—Pub. L. 104-121, title II, § 253, Mar. 29, 1996, 110 Stat. 874, added item for chapter 8.

**CHAPTER 1—ORGANIZATION**

Sec.

- 101. Executive departments.
- 102. Military departments.
- 103. Government corporation.
- 104. Independent establishment.
- 105. Executive agency.

**§ 101. Executive departments**

The Executive departments are:

- The Department of State.
- The Department of the Treasury.
- The Department of Defense.
- The Department of Justice.)
- The Department of the Interior.
- The Department of Agriculture.
- The Department of Commerce.
- The Department of Labor.
- The Department of Health and Human Services.
- The Department of Housing and Urban Development.
- The Department of Transportation.
- The Department of Energy.
- The Department of Education.
- The Department of Veterans Affairs.
- The Department of Homeland Security.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378; Pub. L. 89-670, § 10(b), Oct. 15, 1966, 80 Stat. 948; Pub. L. 91-375, § 6(c)(1), Aug. 12, 1970, 84 Stat. 775; Pub. L. 95-91, title VII, § 710(a), Aug. 4, 1977, 91 Stat. 609; Pub. L. 96-88, title V, § 508(b), Oct. 17, 1979, 93 Stat. 692; Pub. L. 100-527, § 13(b), Oct. 25, 1988, 102 Stat. 2643; Pub. L. 109-241, title IX, § 902(a)(1), July 11, 2006, 120 Stat. 566.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i>   |
|-------------------|------------------|---|
| .....             | 5 U.S.C. 1.      | R.S. § 158.<br>Feb. 9, 1889, ch. 122, § 1 (38th through 54th words), 25 Stat. 659.<br>Feb. 14, 1903, ch. 552, § 1 (83d through 99th words), 32 Stat. 825.<br>Mar. 4, 1913, ch. 141, § 1 (75th through 91st words), 37 Stat. 736.<br>Aug. 10, 1949, ch. 412, § 4 “Sec. 201(c)”, 63 Stat. 579.<br>July 31, 1956, ch. 802, § 1(a), 70 Stat. 732. |
| .....             | 5 U.S.C. 2.      | R.S. § 159.   |

The reference in former section 1 to the application of the provisions of this title, referring to title IV of the Revised Statutes, is omitted as unnecessary as the application of those provisions is stated in the text.

The statement in former section 2 that the use of the word “department” means one of the Executive departments named in former section 1 is omitted as unnecessary as the words “Executive department” are used in this title when Executive department is meant.

AMENDMENTS

2006—Pub. L. 109-241 inserted “The Department of Homeland Security.”

1988—Pub. L. 100-527 inserted “The Department of Veterans Affairs.”

1979—Pub. L. 96-88 substituted “Department of Health and Human Services” for “Department of Health, Education, and Welfare” and inserted “The Department of Education.”

1977—Pub. L. 95-91 inserted “The Department of Energy.”

1970—Pub. L. 91-375 struck out “The Post Office Department.”

1966—Pub. L. 89-670 inserted “The Department of Housing and Urban Development.” and “The Department of Transportation.”

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans’ Benefits.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96-88, set out as an Effective Date note under section 3401 of Title 20, Education.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-670 effective Apr. 1, 1967, as prescribed by the President and published in the Federal Register, see section 16(a), formerly § 15(a), of Pub. L. 89-670 and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

SHORT TITLE OF 2021 AMENDMENT

Pub. L. 117-81, div. F, title LXII, § 6201, Dec. 27, 2021, 135 Stat. 2389, provided that: “This title [enacting section 4087 of Title 22, Foreign Relations and Intercourse, amending section 6502 of this title, section 1015d of Title 20, Education, and sections 3951 and 4026 of Title 22, and enacting provisions set out as notes under section 6502 of this title and section 1015d of Title 20] may be cited as the ‘Foreign Service Families Act of 2021.’”

Pub. L. 117-17, § 1, June 17, 2021, 135 Stat. 287, provided that: “This Act [amending section 6103 of this title] may be cited as the ‘Juneteenth National Independence Day Act.’”

Pub. L. 116-283, div. A, title XI, § 1131, Jan. 1, 2021, 134 Stat. 3900, provided that: “This subtitle [subtitle B (§§ 1131-1138) of title XI of div. A of Pub. L. 116-283, amending section 2302 of this title and enacting and amending provisions set out as notes under section 2301 of this title] may be cited as the ‘Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020.’”

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-269, § 1, Dec. 30, 2020, 134 Stat. 3323, provided that: “This Act [amending provisions set out as a note under section 5547 of this title] may be cited as the ‘Secret Service Overtime Pay Extension Act.’”