

“(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

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Editorial Notes

AMENDMENTS

2022—Pub. L. 117-286, §4(d)(2), Dec. 27, 2022, 136 Stat. 4359, added items for chapters 4 and 10.

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.)

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

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

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. Feb. 9, 1889, ch. 122, §1 (38th through 54th words), 25 Stat. 659. Feb. 14, 1903, ch. 552, §1 (83d through 99th words), 32 Stat. 825. Mar. 4, 1913, ch. 141, §1 (75th through 91st words), 37 Stat. 736. Aug. 10, 1949, ch. 412, §4 “Sec. 201(c)”, 63 Stat. 579. 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.

“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

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 2023 AMENDMENT

Pub. L. 118-9, §1, July 25, 2023, 137 Stat. 55, provided that: “This Act [amending section 553 of this title] may be cited as the ‘Providing Accountability Through Transparency Act of 2023.’”

SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117-328, div. Y, §101, Dec. 29, 2022, 136 Stat. 5523, provided that: “This division [amending section 8421a of this title] may be cited as the ‘Continuity for Operators with Necessary Training Required for ATC Contract Towers Act of 2022’ or the ‘CONTRACT Act of 2022.’”

Pub. L. 117-263, div. E, title LIII, §5321, Dec. 23, 2022, 136 Stat. 3255, provided that: “This subtitle [subtitle B (§§5321, 5322) of title LIII of div. E of Pub. L. 117-263, enacting section 3330f of this title and provisions set out as a note under section 3330f of this title] may be cited as the ‘Periodically Listing Updates to Management Act of 2022’ or the ‘PLUM Act of 2022.’”

Pub. L. 117-225, §1, Dec. 9, 2022, 136 Stat. 2293, provided that: “This Act [amending sections 8336, 8412, 8414, 8415, 8421, 8421a, 8425, and 8462 of this title, sections 4045, 4046, and 4052 of Title 22, Foreign Relations and Intercourse, and section 2152 of Title 50, War and National Defense, and enacting provisions set out as notes under section 8336 of this title] may be cited as the ‘First Responder Fair Return for Employees on Their Initial Retirement Earned Act’ or the ‘First Responder Fair RETIRE Act.’”

Pub. L. 117-108, title I, §102(a), Apr. 6, 2022, 136 Stat. 1138, provided that: “This section [enacting section 2903 of Title 39, Postal Service, amending section 8909a of this title, and enacting provisions set out as a note under section 8909a of this title] may be cited as the ‘USPS Fairness Act.’”

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.’”

Pub. L. 116-126, §1, Mar. 18, 2020, 134 Stat. 174, provided that: “This Act [enacting sections 8345a and 8466a of this title, amending sections 8331, 8345, 8348, 8401, and 8466 of this title, and enacting provisions set out as notes under section 8331 of this title] may be cited as the ‘Representative Payee Fraud Prevention Act of 2019.’”

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116-92, div. A, title XI, §1121, Dec. 20, 2019, 133 Stat. 1605, provided that: “This subtitle [subtitle B (§§1121-1124) of title XI of Pub. L. 116-92, enacting chapter 92 of this title, section 1316b of Title 2, The Congress, section 2339 of Title 10, Armed Forces, and section 4714 of Title 41, Public Contracts, amending sec-

tions 1302 and 1317 of Title 2, section 62 of Title 26, Internal Revenue Code, and section 604 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under sections 9201 and 9202 of this title, section 2339 of Title 10, section 10132 of Title 34, Crime Control and Law Enforcement, and section 4714 of Title 41] may be cited as the ‘Fair Chance to Compete for Jobs Act of 2019’ or the ‘Fair Chance Act.’”

Pub. L. 116-92, div. F, title LXXVI, §7601, Dec. 20, 2019, 133 Stat. 2304, provided that: “This subtitle [subtitle A (§§7601-7606) of title LXXVI of Pub. L. 116-92, amending section 6382 of this title, section 1312 of Title 2, The Congress, and sections 2611 and 2612 of Title 29, Labor, enacting provisions set out as notes under section 6382 of this title, section 1312 of Title 2, and sections 2611 and 2612 of Title 29, and amending provisions set out as a note under section 44935 of Title 49, Transportation] may be cited as the ‘Federal Employee Paid Leave Act.’”

Pub. L. 116-50, §1, Aug. 22, 2019, 133 Stat. 1073, provided that: “This Act [enacting provisions set out as a note under section 552a of this title] may be cited as the ‘Creating Advanced Streamlined Electronic Services for Constituents Act of 2019’ or the ‘CASES Act.’”

Pub. L. 115-435, §1(a), Jan. 14, 2019, 132 Stat. 5529, provided that: “This Act [enacting subchapter II of chapter 3 of this title, subchapter III of chapter 35 of Title 44, Public Printing and Documents, and section 3520A of Title 44, amending section 306 of this title, section 402 of Title 13, Census, section 176a of Title 15, Commerce and Trade, sections 3502, 3504, 3506, 3511, and 3520 of Title 44, and sections 6302 and 6314 of Title 49, Transportation, enacting provisions set out as notes under sections 306 and 311 of this title and sections 101, 3506, and 3561 of Title 44, amending provisions set out as a note under section 20155 of Title 49, and repealing provisions set out as a note under section 3501 of Title 44] may be cited as the ‘Foundations for Evidence-Based Policymaking Act of 2018.’”

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-383, §1, Dec. 21, 2018, 132 Stat. 5121, 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.’”

Pub. L. 115-352, §1, Dec. 21, 2018, 132 Stat. 5067, provided that: “This Act [amending sections 8334 and 8422 of this title and enacting provisions set out as a note under section 8334 of this title], may be cited as the ‘Correcting Miscalculations in Veterans’ Pensions Act.’”

Pub. L. 115-238, §1, Sept. 7, 2018, 132 Stat. 2450, provided that: “This Act [amending section 6329 of this title and enacting provisions set out as a note under section 6329 of this title] may be cited as the ‘Veterans Providing Healthcare Transition Improvement Act.’”

Pub. L. 115-195, §1, July 7, 2018, 132 Stat. 1510, provided that: “This Act [amending section 7703 of this title and enacting provisions set out as a note under section 7703 of this title] may be cited as the ‘All Circuit Review Act.’”

Pub. L. 115-160, §1, Apr. 3, 2018, 132 Stat. 1246, provided that: “This Act [enacting and amending provisions set out as notes under section 5547 of this title] may be cited as the ‘Secret Service Recruitment and Retention Act of 2018.’”

SHORT TITLE OF 2017 AMENDMENT

Pub. L. 115-84, §1, Nov. 17, 2017, 131 Stat. 1272, provided that: “This Act [amending sections 8432b and 8433 of this title and enacting provisions set out as notes under sections 8432b and 8433 of this title] may be cited as the ‘TSP Modernization Act of 2017.’”

Pub. L. 115-73, §1(a), Oct. 26, 2017, 131 Stat. 1235, provided that: “This Act [enacting sections 2307 and 7515 of this title, amending sections 1214, 1221, 2302, 4505a, and 5755 of this title and sections 3657 and 3673 of Title 22, Foreign Relations and Intercourse, enacting provisions set out as notes under sections 1212 and 2301 of this title

and section 703 of Title 38, Veterans' Benefits, and amending provisions set out as a note under section 2302 of this title] may be cited as the 'Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017'."

Pub. L. 115-40, §1, June 14, 2017, 131 Stat. 861, provided that: "This Act [amending section 2302 of this title] may be cited as the 'Follow the Rules Act'."

Pub. L. 115-34, §1, May 16, 2017, 131 Stat. 846, provided that: "This Act [amending section 5707 of this title and enacting provisions set out as a note under section 5707 of this title] may be cited as the 'Modernizing Government Travel Act'."

Pub. L. 115-1, §1, Jan. 20, 2017, 131 Stat. 3, provided that: "This Act [enacting sections 3171 and 3172 of this title and provisions set out as a note under section 3171 of this title] may be cited as the 'Tested Ability to Leverage Exceptional National Talent Act of 2017' or the 'TALENT Act of 2017'."

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title XI, §1138(a), Dec. 23, 2016, 130 Stat. 2460, provided that: "This section [enacting sections 6329a to 6329c of this title, amending section 6502 of this title, and enacting provisions set out as notes under section 6329a of this title] may be cited as the 'Administrative Leave Act of 2016'."

Pub. L. 114-302, §1, Dec. 16, 2016, 130 Stat. 1516, provided that: "This Act [amending section 2303 of this title] may be cited as the 'Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016'."

Pub. L. 114-185, §1, June 30, 2016, 130 Stat. 538, provided that: "This Act [amending section 552 of this title and section 3102 of Title 44, Public Printing and Documents, and enacting provisions set out as notes under section 552 of this title] may be cited as the 'FOIA Improvement Act of 2016'."

Pub. L. 114-137, §1, Mar. 18, 2016, 130 Stat. 310, provided that: "This Act [amending sections 3318, 3319, and 9510 of this title and enacting provisions set out as a note under section 3318 of this title] may be cited as the 'Competitive Service Act of 2015'."

Pub. L. 114-136, §1, Mar. 18, 2016, 130 Stat. 301, provided that: "This Act [amending sections 8331, 8701, and 8901 of this title and section 2203 of Title 44, Public Printing and Documents, enacting provisions set out as a note under section 3101 of this title, amending provisions set out as a note under section 102 of Title 3, The President, and repealing provisions set out as a note under section 102 of Title 3] may be cited as the 'Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015'."

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-75, §1, Nov. 5, 2015, 129 Stat. 640, provided that: "This Act [enacting section 6329 of this title and provisions set out as notes under section 6329 of this title] may be cited as the 'Wounded Warriors Federal Leave Act of 2015'."

Pub. L. 114-62, §1, Oct. 7, 2015, 129 Stat. 547, provided that: "This Act [amending section 2108 of this title and enacting provisions set out as a note under section 2108 of this title] may be cited as the 'Gold Star Fathers Act of 2015'."

Pub. L. 114-47, §1, Aug. 7, 2015, 129 Stat. 485, provided that: "This Act [enacting chapter 96 of this title] may be cited as the 'Land Management Workforce Flexibility Act'."

SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-277, §1, Dec. 18, 2014, 128 Stat. 2995, provided that: "This Act [enacting section 5550 of this title and section 147 of Title 6, Domestic Security, amending sections 3132, 5542, 5547, and 8331 of this title and section 213 of Title 29, Labor, and enacting provisions set out as notes under sections 5542 and 5550 of this title and section 146 of Title 6] may be cited as the 'Border Patrol Agent Pay Reform Act of 2014'."

Pub. L. 113-255, §1, Dec. 18, 2014, 128 Stat. 2920, provided that: "This Act [amending sections 8438, 8439,

8472, and 8477 of this title and enacting provisions set out as notes under section 8438 of this title] may be cited as the 'Smart Savings Act'."

Pub. L. 113-170, §1, Sept. 26, 2014, 128 Stat. 1894, provided that: "This Act [amending section 7703 of this title] may be cited as the 'All Circuit Review Extension Act'."

Pub. L. 113-80, §1, Feb. 12, 2014, 128 Stat. 1006, provided that: "This Act [amending section 1304 of this title] may be cited as the 'OPM IG Act'."

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-230, §1, Dec. 28, 2012, 126 Stat. 1616, provided that: "This Act [enacting section 7326 of this title, amending sections 1501, 1502, 1506, 7322, and 7325 of this title, repealing former section 7326 of this title, and enacting provisions set out as notes under sections 1501 and 7326 of this title] may be cited as the 'Hatch Act Modernization Act of 2012'."

Pub. L. 112-199, §1, Nov. 27, 2012, 126 Stat. 1465, provided that: "This Act [enacting section 2304 of this title, amending sections 1204, 1212, 1214, 1215, 1221, 2302, and 7703 of this title, sections 3 and 8D of the Inspector General Act of 1978, Pub. L. 95-452, formerly set out in the Appendix to this title, and section 133 of Title 6, Domestic Security, renumbering sections 2304 and 2305 of this title as sections 2305 and 2306, respectively, of this title and enacting provisions set out as notes under sections 1204, 2302, and 2304 of this title, section 3 of the Inspector General Act of 1978, and section 1116 of Title 31, Money and Finance] may be cited as the 'Whistleblower Protection Enhancement Act of 2012'."

Pub. L. 112-166, §1, Aug. 10, 2012, 126 Stat. 1283, provided that: "This Act [see Tables for classification] may be cited as the 'Presidential Appointment Efficiency and Streamlining Act of 2011'."

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-292, §1, Dec. 9, 2010, 124 Stat. 3165, provided that: "This Act [enacting chapter 65 and section 5711 of this title and provisions set out as a note under section 6501 of this title and amending provisions set out as a note and provisions listed in a table under section 6120 of this title] may be cited as the 'Telework Enhancement Act of 2010'."

Pub. L. 111-282, §1(a), Oct. 15, 2010, 124 Stat. 3033, provided that: "This Act [enacting chapter 102 of this title, amending sections 5102, 5541, 6304, and 6324 of this title, enacting provisions set out as notes under sections 5102 and 10201 of this title, and amending provisions set out as notes under section 3056A of Title 18, Crimes and Criminal Procedure] may be cited as the 'United States Secret Service Uniformed Division Modernization Act of 2010'."

Pub. L. 111-178, §1, June 9, 2010, 124 Stat. 1262, provided that: "This Act [enacting section 5724d of this title and provisions set out as a note under section 5724d of this title] may be cited as the 'Special Agent Samuel Hicks Families of Fallen Heroes Act'."

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-83, title V, §564(a), Oct. 28, 2009, 123 Stat. 2184, provided that: "This section [amending section 552 of this title] may be cited as the 'OPEN FOIA Act of 2009'."

Pub. L. 111-31, div. B, §100(a), June 22, 2009, 123 Stat. 1852, provided that: "This division [enacting sections 8432d and 8480 of this title, amending sections 8432, 8433, 8437 to 8439, and 8477 of this title and section 1450 of Title 10, Armed Forces, and enacting provisions set out as notes under this section and section 8439 of this title] may be cited as the 'Federal Retirement Reform Act of 2009'."

Pub. L. 111-31, div. B, title I, §101, June 22, 2009, 123 Stat. 1853, provided that: "This title [enacting sections 8432d and 8480 of this title, amending sections 8432, 8433, 8437 to 8439, and 8477 of this title, and enacting provisions set out as a note under section 8439 of this title] may be cited as the 'Thrift Savings Plan Enhancement Act of 2009'."

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-372, §1, Oct. 8, 2008, 122 Stat. 4043, provided that: “This Act [amending sections 3104, 3324, 3325, 5108, 5304, 5307 and 5376 of this title and enacting provisions set out as notes under sections 5307 and 5376 of this title] may be cited as the ‘Senior Professional Performance Act of 2008’.”

Pub. L. 110-290, §1, July 30, 2008, 122 Stat. 2914, provided that: “This Act [amending section 596 of this title] may be cited as the ‘Regulatory Improvement Act of 2007’.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-175, §1, Dec. 31, 2007, 121 Stat. 2524, provided that: “This Act [amending section 552 of this title and enacting provisions set out as notes under section 552 of this title] may be cited as the ‘Openness Promotes Effectiveness in our National Government Act of 2007’ or the ‘OPEN Government Act of 2007’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-435, title VIII, §801, Dec. 20, 2006, 120 Stat. 3249, provided that: “This title [enacting section 8909a of this title, amending sections 8334, 8348, and 8906 of this title, enacting provisions set out as notes under sections 8334, 8348, and 8909a of this title, and repealing provisions set out as a note preceding section 2001 of Title 39, Postal Service] may be cited as the ‘Postal Civil Service Retirement and Health Benefits Funding Amendments of 2006’.”

Pub. L. 109-356, §1(a), Oct. 16, 2006, 120 Stat. 2019, provided that: “This Act [amending sections 5102, 8951, 8981, and 9001 of this title, sections 202, 214, 215b, 216, 216a, 221, 321, and 1813 of Title 12, Banks and Banking, and section 57a of Title 15, Commerce and Trade] may be cited as the ‘2005 District of Columbia Omnibus Authorization Act’.”

SHORT TITLE OF 2004 AMENDMENTS

Pub. L. 108-496, §1, Dec. 23, 2004, 118 Stat. 4001, provided that: “This Act [enacting chapters 89A and 89B of this title, amending section 1005 of Title 39, Postal Service, and enacting provisions set out as a note under section 8951 of this title] may be cited as the ‘Federal Employee Dental and Vision Benefits Enhancement Act of 2004’.”

Pub. L. 108-469, §1(a), Dec. 21, 2004, 118 Stat. 3891, provided that: “This Act [amending sections 8351, 8432, 8433, 8439, and 8440a to 8440e of this title and enacting provisions set out as a note under section 8350 of this title] may be cited as the ‘Thrift Savings Plan Open Elections Act of 2004’.”

Pub. L. 108-411, §1(a), Oct. 30, 2004, 118 Stat. 2305, provided that: “This Act [enacting sections 4121, 5550b, 5753, and 5754 of this title, amending sections 4103, 4505a, 5302, 5304, 5305, 5314, 5334, 5361, 5363, 5365, 5377, and 6303 of this title, repealing former sections 5753 and 5754 of this title, enacting provisions set out as notes under sections 5304, 5363, 5550b, 5753, and 6303 of this title, and amending provisions set out as a note under section 5305 of this title] may be cited as the ‘Federal Workforce Flexibility Act of 2004’.”

Pub. L. 108-401, §1, Oct. 30, 2004, 118 Stat. 2255, provided that: “This Act [amending sections 591, 594, and 596 of this title] may be cited as the ‘Federal Regulatory Improvement Act of 2004’.”

Pub. L. 108-201, §1, Feb. 24, 2004, 118 Stat. 461, provided that: “This Act [enacting chapter 98 of this title, amending section 2473 of Title 42, The Public Health and Welfare, and enacting provisions set out as a note under section 2473 of Title 42] may be cited as the ‘NASA Flexibility Act of 2004’.”

SHORT TITLE OF 2003 AMENDMENTS

Pub. L. 108-196, §1, Dec. 19, 2003, 117 Stat. 2896, provided that: “This Act [enacting provisions set out as a note under section 3371 of this title] may be cited as the ‘Federal Law Enforcement Pay and Benefits Parity Act of 2003’.”

Pub. L. 108-123, §1, Nov. 11, 2003, 117 Stat. 1345, provided that: “This Act [amending section 5379 of this title] may be cited as the ‘Federal Employee Student Loan Assistance Act’.”

Pub. L. 108-44, §1, July 3, 2003, 117 Stat. 842, provided that: “This Act [enacting section 3114 of this title] may be cited as the ‘Accountant, Compliance, and Enforcement Staffing Act of 2003’.”

Pub. L. 108-18, §1, Apr. 23, 2003, 117 Stat. 624, provided that: “This Act [amending sections 8331, 8334, and 8348 of this title, enacting provisions set out as notes under sections 8334 and 8348 of this title and preceding section 2001 of Title 39, Postal Service, and repealing provisions set out as a note under section 8348 of this title] may be cited as the ‘Postal Civil Service Retirement System Funding Reform Act of 2003’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-296, title XIII, §1301, Nov. 25, 2002, 116 Stat. 2287, provided that: “This title [enacting chapter 14 of this title, subchapter II of chapter 35 of this title, and section 3319 of this title, amending sections 1103, 3111, 3304, 3393, 3592 to 3594, 4107, 5307, 7701, 7905, 8336, 8339, 8414, and 8421 of this title, sections 1115 and 1116 of Title 31, Money and Finance, and section 1902 of Title 50, War and National Defense, repealing section 3393a of this title, enacting provisions set out as notes under sections 1103, 1401, 3301, 3521, 3592, 3593, and 8336 of this title, and repealing provisions set out as notes under sections 8336 and 8414 of this title] may be cited as the ‘Chief Human Capital Officers Act of 2002’.”

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-27, §1, Aug. 20, 2001, 115 Stat. 207, provided that: “This Act [amending sections 8335 and 8425 of this title] may be cited as the ‘Federal Firefighters Retirement Age Fairness Act’.”

PROHIBITION AGAINST CONSTRUCTION THAT WOULD RENDER APPLICABLE TO THE DEPARTMENT OF TRANSPORTATION PROVISIONS OF LAW INCONSISTENT WITH PUB. L. 89-670 CREATING THE DEPARTMENT OF TRANSPORTATION

Pub. L. 89-670, §10(c), Oct. 15, 1966, 80 Stat. 948, which provided that the amendment made to this section by section 10(b) of Pub. L. 89-670 was not to be construed to make applicable to the Department any provision of law inconsistent with Pub. L. 89-670, was repealed by Pub. L. 104-287, §7(5), Oct. 11, 1996, 110 Stat. 3400.

§ 102. Military departments

The military departments are:

The Department of the Army.

The Department of the Navy.

The Department of the Air Force.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “military departments” each time it is used in this title. See section 101(7) of title 10.

§ 103. Government corporation

For the purpose of this title—

(1) “Government corporation” means a corporation owned or controlled by the Government of the United States; and

(2) “Government controlled corporation” does not include a corporation owned by the Government of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “Government corporation” and “Government

controlled corporation” each time it is used in this title.

§ 104. Independent establishment

For the purpose of this title, “independent establishment” means—

(1) an establishment in the executive branch (other than the United States Postal Service or the Postal Regulatory Commission) which is not an Executive department, military department, Government corporation, or part thereof, or part of an independent establishment; and

(2) the Government Accountability Office.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 379; Pub. L. 91-375, § 6(c)(2), Aug. 12, 1970, 84 Stat. 775; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-435, title VI, § 604(b), Dec. 20, 2006, 120 Stat. 3241.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “independent establishment” each time it is used in this title.

Certain agencies are not independent establishments under the definition since they are constituent agencies or parts of an independent establishment. However, these agencies would continue to be subject to the provisions of this title applicable to the independent establishment of which they are a constituent or part. Also, the definition does not expand or abridge any rights or authority possessed by these agencies as no substantive changes are intended, see section 7(a) of the bill.

Editorial Notes

AMENDMENTS

2006—Par. (1). Pub. L. 109-435 substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

2004—Par. (2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1970—Par. (1). Pub. L. 91-375 inserted “(other than the United States Postal Service or the Postal Rate Commission)” after “executive branch”.

Statutory Notes and Related Subsidiaries

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.

§ 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

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301. Departmental regulations.

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SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

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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 Na-