

**Editorial Notes****PRIOR PROVISIONS**

A prior section 2304 was renumbered section 2305 of this title.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Pub. L. 112-199, title I, §109(c), Nov. 27, 2012, 126 Stat. 1471, provided that: “The amendments made by this section [enacting this section and renumbering sections 2304 and 2305 of this title as sections 2305 and 2306, respectively, of this title] shall take effect on the date of enactment of this section [Nov. 27, 2012].”

**§ 2305. Responsibility of the Government Accountability Office**

If requested by either House of the Congress (or any committee thereof), or if considered necessary by the Comptroller General, the Government Accountability Office shall conduct audits and reviews to assure compliance with the laws, rules, and regulations governing employment in the executive branch and in the competitive service and to assess the effectiveness and soundness of Federal personnel management.

(Added Pub. L. 95-454, title I, §101(a), Oct. 13, 1978, 92 Stat. 1118, §2304; amended Pub. L. 102-378, §2(6), Oct. 2, 1992, 106 Stat. 1346; Pub. L. 104-66, title II, §2181(e), Dec. 21, 1995, 109 Stat. 732; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; renumbered §2305, Pub. L. 112-199, title I, §109(a)(1), Nov. 27, 2012, 126 Stat. 1470.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 2305 was renumbered section 2306 of this title.

**AMENDMENTS**

2012—Pub. L. 112-199 renumbered section 2304 of this title as this section.

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in section catchline and text.

1995—Pub. L. 104-66 struck out subsec. (a) designation before “If requested by” and struck out subsec. (b) which read as follows: “The General Accounting Office shall prepare and submit an annual report to the President and the Congress on the activities of the Merit Systems Protection Board and the Office of Personnel Management. The report shall include a description of—

“(1) significant actions taken by the Board to carry out its functions under this title; and

“(2) significant actions of the Office of Personnel Management, including an analysis of whether or not the actions of the Office are in accord with merit system principles and free from prohibited personnel practices.”

1992—Subsec. (b). Pub. L. 102-378 substituted “The” for “the” at beginning of first sentence.

**§ 2306. Coordination with certain other provisions of law**

No provision of this chapter, or action taken under this chapter, shall be construed to impair the authorities and responsibilities set forth in section 102 of the National Security Act of 1947 (61 Stat. 495; 50 U.S.C. 403),<sup>1</sup> the Central Intel-

ligence Agency Act of 1949 (63 Stat. 208; 50 U.S.C. 403a and following),<sup>1</sup> the Act entitled “An Act to provide certain administrative authorities for the National Security Agency, and for other purposes”, approved May 29, 1959 (73 Stat. 63; 50 U.S.C. 402 note),<sup>1</sup> and the Act entitled “An Act to amend the Internal Security Act of 1950”, approved March 26, 1964 (78 Stat. 168; 50 U.S.C. 831-835).

(Added Pub. L. 95-454, title I, §101(a), Oct. 13, 1978, 92 Stat. 1118, §2305; renumbered §2306, Pub. L. 112-199, title I, §109(a)(1), Nov. 27, 2012, 126 Stat. 1470.)

**Editorial Notes****REFERENCES IN TEXT**

The National Security Act of 1947, referred to in text, is act July 26, 1947, ch. 343, 61 Stat. 495, which was formerly classified principally to chapter 15 (§401 et seq.) of Title 50, War and National Defense, prior to editorial reclassification in chapter 44 (§3001 et seq.) of Title 50. Section 102 of the Act was repealed by Pub. L. 104-293, title VIII, §805(a), Oct. 11, 1996, 110 Stat. 3477, another section 102 was repealed by Pub. L. 108-458, title I, §1011(a), 1097(a), Dec. 17, 2004, 118 Stat. 3643, 3698, and subsequently another section 102, as added by Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3644, was classified to section 403 of Title 50 prior to editorial reclassification to section 3023 of Title 50. For complete classification of this Act to the Code, see Tables.

The Central Intelligence Agency Act of 1949, referred to in text, is act June 20, 1949, ch. 227, 63 Stat. 208, which was formerly classified generally to section 403a et seq. of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified generally to chapter 46 (§3501 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

The Act entitled “An Act to provide certain administrative authorities for the National Security Agency, and for other purposes”, approved May 29, 1959, referred to in text, is Pub. L. 86-36, May 29, 1959, 73 Stat. 63, which was formerly set out as a note under section 402 of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified generally to chapter 47 (§3601 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

The Act entitled “An Act to amend the Internal Security Act of 1950”, approved March 26, 1964, referred to in text, is act Sept. 23, 1950, ch. 1024, title III, as added Mar. 26, 1964, Pub. L. 88-290, 78 Stat. 168, which is classified principally to subchapter III (§831 et seq.) of chapter 23 of Title 50. For complete classification of this Act to the Code, see Tables.

**AMENDMENTS**

2012—Pub. L. 112-199 renumbered section 2305 of this title as this section.

**[§ 2307. Repealed. Pub. L. 115-91, div. A, title X, § 1097(b)(1)(A), Dec. 12, 2017, 131 Stat. 1616]**

Section, added Pub. L. 115-73, title I, §107(b), Oct. 26, 2017, 131 Stat. 1239, related to information on whistleblower protections and agency responsibilities.

**CHAPTER 29—COMMISSIONS, OATHS, RECORDS, AND REPORTS****SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS**

Sec.

2901.

Commission of an officer.

2902.

Commission; where recorded.

2903.

Oath; authority to administer.

2904.

Oath; administered without fees.

<sup>1</sup> See References in Text note below.

Sec.	
2905.	Oath; renewal.
2906.	Oath; custody.
SUBCHAPTER II—REPORTS	
2951.	Reports to the Office of Personnel Management.
2952.	Time of making annual reports.
2953.	Reports to Congress on additional employee requirements.
2954.	Information to committees of Congress on request.

#### Editorial Notes

##### AMENDMENTS

1978—Pub. L. 95-454, title IX, §906(a)(16), Oct. 13, 1978, 92 Stat. 1226, substituted “Office of Personnel Management” for “Civil Service Commission” in item 2951.

#### SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

### § 2901. Commission of an officer

The President may make out and deliver, after adjournment of the Senate, the commission of an officer whose appointment has been confirmed by the Senate.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 411.)

##### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 10.	R.S. §1773.

The words “confirmed by” are substituted for “advised and consented to”.

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

### § 2902. Commission; where recorded

(a) Except as provided by subsections (b) and (c) of this section, the Secretary of State shall make out and record, and affix the seal of the United States to, the commission of an officer appointed by the President. The seal of the United States may not be affixed to the commission before the commission has been signed by the President.

(b) The commission of an officer in the civil service or uniformed services under the control of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of a military department, the Secretary of the Interior, the Secretary of Homeland Security, or the Secretary of the Treasury shall be made out and recorded in the department in which he is to serve under the seal of that department. The departmental seal may not be affixed to the commission before the commission has been signed by the President.

(c) The commissions of judicial officers and United States attorneys and marshals, appointed by the President, by and with the advice and consent of the Senate, and other commissions which before August 8, 1888, were prepared at the Department of State on the requisition of the Attorney General, shall be made out and recorded in the Department of Justice under the seal of that department and countersigned by the Attorney General. The departmental seal

may not be affixed to the commission before the commission has been signed by the President.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 411; Pub. L. 94-183, §2(3), Dec. 31, 1975, 89 Stat. 1057; Pub. L. 109-241, title IX, §902(a)(2), 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>
(a) .....	4 U.S.C. 42 (as applicable to civil commissions).	[None.]
(b) .....	5 U.S.C. 11.	Mar. 3, 1875, ch. 131, §14, 18 Stat. 420. Mar. 28, 1896, ch. 73, 29 Stat. 75. Mar. 3, 1905, ch. 1422, 33 Stat. 990.
(c) .....	5 U.S.C. 12.	Aug. 8, 1888, ch. 786, 25 Stat. 387.

In subsection (a), the words “Except as provided by subsections (b) and (c) of this section,” are added on authority of former sections 11 and 12, which are codified in subsections (b) and (c) of this section. The words “the commission of an officer” are substituted for “all civil commissions for officers of the United States” because of the definition of “officer” in section 2104. The words “by the President” are coextensive with and substituted for “by the President, by and with the advice and consent of the Senate, or by the President alone”.

In subsection (b), the words “officer in the civil service or uniformed services” are substituted for “officer” because of the definition of “officer” in section 2104. The words “direction and” are omitted as included within “the control”. The words “the Secretary of Defense” are added on authority of the Acts of July 26, 1947, ch. 343, §305(a), 61 Stat. 508, and Aug. 10, 1949, ch. 412, §12(g), 63 Stat. 591. The words “the Secretary of a military department” are substituted for “the Secretary of War, the Secretary of the Navy” (appearing in the Act of Mar. 28, 1896) because of the definition of “military department” in section 102. The title of the Secretary of War was changed to Secretary of the Army by the Act of July 26, 1947, ch. 343, §205, 61 Stat. 501. “Secretary of the Air Force” is included on authority of the Act of July 26, 1947, ch. 343, §207(a), (f), 61 Stat. 502. The words “Secretary of Commerce” are substituted for “Secretary of Commerce and Labor” on authority of the Act of Mar. 4, 1913, ch. 141, §1, 37 Stat. 736. The words “under the departmental seal” are substituted for “and the departmental seal affixed thereto”. The words “any laws to the contrary notwithstanding” are omitted as unnecessary. The last sentence of section 14 of the Act of Mar. 3, 1875, is omitted as executed.

In subsection (c), the words “and shall be” and “any laws to the contrary notwithstanding” are omitted as unnecessary.

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

#### Editorial Notes

##### AMENDMENTS

2006—Subsec. (b). Pub. L. 109-241 inserted “the Secretary of Homeland Security,” after “the Secretary of the Interior,”.

1975—Subsec. (b). Pub. L. 94-183 struck out “the Postmaster General,” after “under the control of”.

### § 2903. Oath; authority to administer

(a) The oath of office required by section 3331 of this title may be administered by an individual authorized by the laws of the United

States or local law to administer oaths in the State, District, or territory or possession of the United States where the oath is administered.

(b) An employee of an Executive agency designated in writing by the head of the Executive agency, or the Secretary of a military department with respect to an employee of his department, may administer—

(1) the oath of office required by section 3331 of this title, incident to entrance into the executive branch; or

(2) any other oath required by law in connection with employment in the executive branch.

(c) An oath authorized or required under the laws of the United States may be administered by—

(1) the Vice President; or

(2) an individual authorized by local law to administer oaths in the State, District, or territory or possession of the United States where the oath is administered.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 411.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a) .....	5 U.S.C. 18.	R.S. §1758.
(b) .....	5 U.S.C. 16a(a) (less 1st 9 words after last comma).	June 26, 1943, ch. 145, §206 (less 1st 9 words after last comma), 57 Stat. 196.
(c) .....	5 U.S.C. 16a(b).	Sept. 30, 1961, Pub. L. 87-332 (par. under "General Provision"), 75 Stat. 743.
	5 U.S.C. 92a.	July 3, 1926, ch. 752, 44 Stat. 830.

In subsection (b), the words "On and after June 26, 1943" are omitted as executed, and the word "officer" is omitted as included in "employee". The words "Executive agency" are coextensive with and substituted for "executive departments or independent establishments, including any agency the majority of the stock of which is owned by the Government of the United States" because of the definition of "Executive agency" in section 105. The words "or the Secretary of a military department with respect to an employee of his 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. The words "of the Federal Government" and "and to have the same force and effect as oaths administered by officers having seals" are omitted as unnecessary.

In subsection (c), the word "Constitution" is omitted because "laws", as used in this title, encompasses the Constitution. In subsection (c)(1), the words "of the United States" are omitted as unnecessary. In subsection (c)(2), the words "an individual authorized by local law to administer oaths in the State, District, or territory, or possession of the United States where the oath is administered" are coextensive with and substituted for "notaries public duly appointed in any State, District, or Territory of the United States, by

clerks and prothonotaries of courts of record of any such State, District, or Territory, by the deputies of such clerks and prothonotaries, and by all magistrates authorized by the laws of or pertaining to any such State, District, or Territory to administer oaths".

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

#### § 2904. Oath; administered without fees

An employee of an Executive agency who is authorized to administer the oath of office required by section 3331 of this title, or any other oath required by law in connection with employment in the executive branch, may not charge or receive a fee or pay for administering the oath.

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

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 16a(a) (1st 9 words after last comma).	June 26, 1943, ch. 145, §206 (1st 9 words after last comma), 57 Stat. 196.
		Sept. 30, 1961, Pub. L. 87-332 (so much of par. under "General Provision" as inserted "(a)"), 75 Stat. 743.
.....	5 U.S.C. 20.	Aug. 29, 1890, ch. 820, §1 (2d sentence under "Fourth Auditor's Office"), 26 Stat. 371.

The section is restated to combine former sections 16a(a) (1st 9 words after last comma) and 20. The prohibition is restated in positive form. The words "officer" and "clerk" are omitted as included in "employee". Reference to oaths taken on promotion is omitted as unnecessary.

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

#### § 2905. Oath; renewal

(a) An employee of an Executive agency or an individual employed by the government of the District of Columbia who, on original appointment, subscribed to the oath of office required by section 3331 of this title is not required to renew the oath because of a change in status so long as his service is continuous in the agency in which he is employed, unless, in the opinion of the head of the Executive agency, the Secretary of a military department with respect to an employee of his department, or the Commissioners of the District of Columbia, the public interest so requires.

(b) An individual who, on appointment as an employee of a House of Congress, subscribed to the oath of office required by section 3331 of this title is not required to renew the oath so long as his service as an employee of that House of Congress is continuous.

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

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a) .....	5 U.S.C. 17b.	Aug. 14, 1937, ch. 624, 50 Stat. 640.
		Nov. 22, 1943, ch. 303, 57 Stat. 591.

## HISTORICAL AND REVISION NOTES—CONTINUED

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(b) .....	5 U.S.C. 17c.	Mar. 28, 1955, ch. 17, 69 Stat. 14.

In subsection (a), the word “civilian” is omitted as unnecessary because of the definition of “employee” in section 2105. The words “Executive agency” are coextensive with and substituted for “executive departments and independent establishments of the United States” because of the definition of “Executive agency” in section 105. The words “the Secretary of a military department with respect to an employee of his 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.

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

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

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

**Editorial Notes**

## 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”.

**Statutory Notes and Related Subsidiaries**

## 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

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

#### Editorial Notes

##### 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.

#### Editorial Notes

##### AMENDMENTS

1994—Pub. L. 103-437 substituted "Committee on Governmental Affairs of the Senate" for "Committee on Government Operations of the Senate".

**Statutory Notes and Related Subsidiaries****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. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

**Subpart B—Employment and Retention****CHAPTER 31—AUTHORITY FOR EMPLOYMENT****SUBCHAPTER I—EMPLOYMENT AUTHORITIES**

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|--------|---|
| 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.   |
| 3106.  | Employment of attorneys; restrictions.  |
| 3107.  | Employment of publicity experts; restrictions.  |
| 3108.  | Employment of detective agencies; restrictions.   |
| 3109.  | Employment of experts and consultants; temporary or intermittent.   |
| 3110.  | Employment of relatives; restrictions.  |
| 3111.  | Acceptance of volunteer service.  |
| 3111a. | Federal internship programs.  |
| 3112.  | Disabled veterans; noncompetitive appointment.  |
| 3113.  | Restriction on reemployment after conviction of certain crimes.   |
| 3114.  | Appointment of candidates to positions in the competitive service by the Securities and Exchange Commission. <sup>1</sup> |
| 3115.  | Expedited hiring authority for college graduates; competitive service <sup>2</sup>  |
| 3116.  | Expedited hiring authority for post-secondary students; competitive service <sup>2</sup>                                  |

**SUBCHAPTER II—THE SENIOR EXECUTIVE SERVICE**

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|-------|-------------------------------|
| 3131. | The Senior Executive Service. |
| 3132. | Definitions and exclusions.   |

<sup>1</sup> So in original. Does not conform to section catchline.

<sup>2</sup> So in original. Probably should be followed by a period.

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| Sec.   |  |
| 3133.  | Authorization of positions; authority for appointment. |
| 3134.  | Limitations on noncareer and limited appointments.     |
| [3135. | Repealed.]   |
| 3136.  | Regulations.   |

**SUBCHAPTER III—THE FEDERAL BUREAU OF INVESTIGATION AND DRUG ENFORCEMENT ADMINISTRATION SENIOR EXECUTIVE SERVICE**

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|-------|---|
| 3151. | The Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service. |
| 3152. | Limitation on pay.  |

**SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER**

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|-------|---|
| 3161. | Employment and compensation of employees. |
|-------|---|

**SUBCHAPTER V—PRESIDENTIAL INNOVATION FELLOWS PROGRAM**

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|-------|---|
| 3171. | Presidential Innovation Fellows Program.                |
| 3172. | Presidential Innovation Fellows Program Advisory Board. |

**Editorial Notes****AMENDMENTS**

2018—Pub. L. 115-232, div. A, title XI, § 1108(b), Aug. 13, 2018, 132 Stat. 2009, added items 3115 and 3116.

2017—Pub. L. 115-1, § 2(b), Jan. 20, 2017, 131 Stat. 5, added subchapter V heading and items 3171 and 3172.

2011—Pub. L. 112-81, div. A, title XI, § 1109(b), Dec. 31, 2011, 125 Stat. 1615, added item 3111a.

2010—Pub. L. 111-203, title IX, § 929G(b), July 21, 2010, 124 Stat. 1856, added item 3114 and struck out former item 3114 “Appointment of accountants, economists, and examiners by the Securities and Exchange Commission”.

2003—Pub. L. 108-44, § 2(b), July 3, 2003, 117 Stat. 843, added item 3114.

2000—Pub. L. 106-398, § 1 [[div. A], title XI, § 1101(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-310, added subchapter IV heading and item 3161.

1997—Pub. L. 105-61, title VI, § 638(b), Oct. 10, 1997, 111 Stat. 1317, added item 3113.

1995—Pub. L. 104-66, title II, § 2181(a)(2), Dec. 21, 1995, 109 Stat. 732, struck out item 3135 “Biennial report”.

1988—Pub. L. 100-325, § 1(b), May 30, 1988, 102 Stat. 581, added subchapter III heading and items 3151 and 3152.

1980—Pub. L. 96-523, § 1(b), Dec. 12, 1980, 94 Stat. 3040, substituted “personal assistants for handicapped employees, including blind and” for “reading assistants for blind employees and interpreting assistants for” in item 3102.

1978—Pub. L. 95-454, title III, §§ 301(b), 302(b)(1), 307(b)(3), title IV, § 402(c), Oct. 13, 1978, 92 Stat. 1145, 1146, 1148, 1160, added heading for subchapter I, substituted “reading assistants for blind employees and interpreting assistants for deaf employees” for “readers for blind employees” in item 3102, and added items 3111, 3112, heading for subchapter II, and items 3131 to 3136.

Pub. L. 95-251, § 2(c)(2), Mar. 27, 1978, 92 Stat. 184, substituted “administrative law judges” for “hearing examiners” in item 3105.

1967—Pub. L. 90-206, title II, § 221(b), Dec. 16, 1967, 81 Stat. 640, added item 3110.

**SUBCHAPTER I—EMPLOYMENT AUTHORITIES****Editorial Notes****AMENDMENTS**

1979—Pub. L. 96-54, § 2(a)(10), Aug. 14, 1979, 93 Stat. 381, added heading for subchapter I.

**§ 3101. General authority to employ**

Each Executive agency, military department, and the government of the District of Columbia