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.

§ 105. Executive agency

For the purpose of this title, “Executive agency” means an Executive department, a Government corporation, and an independent establishment.

§ 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.

Editorial Notes

AMENDMENTS


SUBCHAPTER I—GENERAL PROVISIONS

Editorial Notes

AMENDMENTS


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.

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.

§ 302. Delegation of authority.

§ 303. Oaths to witnesses.

§ 304. Subpoenas.

§ 305. Systematic agency review of operations.

§ 306. Agency strategic plans.

SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

§ 311. Definitions.

§ 312. Agency evidence-building plan.

§ 313. Evaluation Officers.

§ 314. Statistical expertise.

§ 315. Advisory Committee on Data for Evidence Building.

Editorial Notes

AMENDMENTS


HISTORICAL AND REVISION NOTES

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 for this section which was 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 for this section which was 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.
tional Security Act Amendments of 1949 (63 Stat. 591), which provided:
“[113 Stat. 274]—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 House;
“(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 [now Committee on Oversight and Accountability] 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) [11 U.S.C. 7433].
“(4) WORK ROLES.—The term ‘work roles’ means a specialized set of tasks and functions requiring specific knowledge, skills, and abilities.

SEC. 303. NATIONAL CYBERSECURITY WORKFORCE MEASUREMENT INITIATIVE.
“(a) IN GENERAL.—The head of each Federal agency shall—
“(1) identify all positions within the agency that require the performance of cybersecurity or other cyber-related functions; and
“(2) assign the corresponding employment code under the National Initiative for Cybersecurity Education in accordance with subsection (b).
“(b) EMPLOYMENT CODES.—
“(1) PROCEDURES.—
“(A) CODING STRUCTURE.—Not later than 180 days after the date of enactment of this Act [Dec. 18, 2015], the Director, in coordination with the National Institute of Standards and Technology, shall develop a coding structure under the National Initiative for Cybersecurity Education.
“(B) IDENTIFICATION OF CIVILIAN CYBER PERSONNEL.—Not later than 9 months after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Director of the National Institute of Standards and Technology, and the Director of National Intelligence, shall establish procedures to implement the National Initiative for Cybersecurity Education coding structure to identify all Federal civilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.
“(C) IDENTIFICATION OF NONCIVILIAN CYBER PERSONNEL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Defense shall establish procedures to implement the National Initiative for Cybersecurity Education’s coding structure to identify all Federal noncivilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.
“(D) BASELINE ASSESSMENT OF EXISTING CYBERSECURITY WORKFORCE.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall submit to the appropriate congressional committees of jurisdiction a report that identifies—
“(i) the percentage of personnel with information technology, cybersecurity, or other cyber-related job functions who currently hold the appropriate industry-recognized certifications as identified under the National Initiative for Cybersecurity Education;
“(ii) the level of preparedness of other civilian and noncivilian cyber personnel without existing credentials to take certification exams; and
“(iii) a strategy for mitigating any gaps identified in clause (i) or (ii) with the appropriate training and certification for existing positions;
“(E) PROCEDURES FOR ASSIGNING CODES.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall establish procedures—
“(i) to identify all encumbered and vacant positions with information technology, cybersecurity, or other cyber-related functions (as defined in the National Initiative for Cybersecurity Education’s coding structure); and
“(ii) to assign the appropriate employment code to each such position, using agreed standards and definitions.
“(2) CODE ASSIGNMENTS.—Not later than 1 year after the date the procedures are developed under paragraph (1)(E), the head of each Federal agency shall complete assignment of the appropriate employment code to each position within the agency with the information technology, cybersecurity, or other cyber-related functions.
“(c) PROGRESS REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit a progress report on the implementation of this section to the appropriate congressional committees.

SEC. 304. IDENTIFICATION OF CYBER-RELATED WORK ROLES OF CRITICAL NEED.
“(a) IN GENERAL.—Beginning not later than 1 year after the date on which the employment codes are as-
signed to employees pursuant to section 303(b)(2), and annually thereafter through 2022, the head of each Federal agency, in consultation with the Director, the Director of the National Institute of Standards and Technology, and the Secretary of Homeland Security, shall—

(1) identify information technology, cybersecurity, or other cyber-related work roles of critical need in the agency’s workforce; and

(2) submit a report to the Director that—

(A) describes the information technology, cybersecurity, or other cyber-related roles identified under paragraph (1); and

(B) substantiates the critical need designations.

(b) GUIDANCE.—The Director shall provide Federal agencies with guidance for identifying information technology, cybersecurity, or other cyber-related roles of critical need, including—

(1) current information technology, cybersecurity, and other cyber-related roles with acute skill shortages; and

(2) information technology, cybersecurity, or other cyber-related roles with emerging skill shortages.

(c) CYBERSECURITY NEEDS REPORT.—Not later than 2 years after the date of the enactment of this Act [Dec. 18, 2015], the Director, in consultation with the Secretary of Homeland Security, shall—

(1) identify critical needs for information technology, cybersecurity, or other cyber-related workforce across all Federal agencies; and

(2) submit a progress report on the implementation of this section to the appropriate congressional committees.

SEC. 365. GOVERNMENT ACCOUNTABILITY OFFICE STATUS REPORTS.

The Comptroller General of the United States shall—

(1) analyze and monitor the implementation of sections 303 and 304; and

(2) not later than 3 years after the date of the enactment of this Act [Dec. 18, 2015], submit a report to the appropriate congressional committees that—

(A) provides information about any Federal agency implementation of this Act;

(B) substantiates the critical need designations.

SEC. 366. PREPARATION FOR IMPLEMENTATION OF Plain WRITING REQUIREMENTS.

(a) PREPAREDNESS REPORT.—Before the issuance of any interim guidance, the Director of the Office of Management and Budget shall develop and submit to the Congress a report on agency compliance with the requirements of this Act.

(b) REQUIREMENT TO Use Plain WRITING IN New DOcUMENTS.—Beginning not later than 1 year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(c) GUIDANCE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop and issue guidance on implementing the requirements of this section. The Director may designate a lead agency, and may use interagency working groups to assist in developing and issuing the guidance. The Director may designate a lead agency, and may use interagency working groups to assist in developing and issuing the guidance.

(2) INTERIM GUIDANCE.—Before the issuance of guidance under paragraph (1), agencies may follow the guidance of—

(A) the writing guidelines developed by the Plain Language Action and Information Network; or

(B) guidance provided by the head of the agency that is consistent with the guidelines referred to in subparagraph (A).

SEC. 367. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 9 months after the date of enactment of this Act [Oct. 13, 2010], the head of each agency shall publish on the plain writing section of the agency’s website a report that describes the agency plan for compliance with the requirements of this Act.

(b) ANNUAL COMPLIANCE REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency’s website a report on agency compliance with the requirements of this Act.
SUPPORT FOR YOUTH ORGANIZATIONS


MINIMUM STANDARDS FOR BIRTH CERTIFICATES


(a) DEFINITION.—In this section (enacting this note and repealing provisions set out as a note below), the term 'birth certificate' means a certificate of birth—

(1) for an individual (regardless of where born)—

(A) who is a citizen or national of the United States at birth; and

(B) whose birth is registered in the United States; and

(2) that—

(A) is issued by a Federal, State, or local government agency or authorized custodian of record and produced from birth records maintained by such agency or custodian of record; or

(B) is an authenticated copy, issued by a Federal, State, or local government agency or authorized custodian of record, of an original certificate of birth issued by such agency or custodian of record.

(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.

(1) IN GENERAL.—Beginning 2 years after the promulgation of minimum standards under paragraph (3), no Federal agency may accept a birth certificate for any official purpose unless the certificate conforms to such standards.

(2) STATE CERTIFICATION.—

(A) IN GENERAL.—Each State shall certify to the Secretary of Health and Human Services that the State is in compliance with the requirements of this section.

(B) FREQUENCY.—Certifications under subparagraph (A) shall be made at such intervals and in such a manner as the Secretary of Health and Human Services, with the concurrence of the State, may prescribe by regulation.

(C) COMPLIANCE.—Each State shall ensure that units of local government and other authorized custodians of records in the State comply with this section.

(D) AUDITS.—The Secretary of Health and Human Services may conduct periodic audits of each State's compliance with the requirements of this section.

(3) MINIMUM STANDARDS.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2004], the Secretary of Health and Human Services shall by regulation establish minimum standards for birth certificates for use by Federal agencies for official purposes that—

(A) at a minimum, shall require certification of the birth certificate by the State or local government custodian of record that issued the certificate, and shall require the use of safety paper or an alternative, equally secure medium, the seal of the issuing custodian of record, and other features designed to prevent tampering, counterfeiting, or otherwise duplicating the birth certificate for fraudulent purposes;

(B) shall establish requirements for proof and verification of identity as a condition of issuance of a birth certificate, with additional security meas-
§ 302

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

Page 22

urs for the issuance of a birth certificate for a person who is not the applicant;

“(C) shall establish standards for the processing of birth certificate applications to prevent fraud;

“(D) may not require a single design to which birth certificates issued by all States must conform; and

“(E) shall accommodate the differences between the States in the manner and form in which birth records are stored and birth certificates are produced from such records.

“(4) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required under paragraph (3), the Secretary of Health and Human Services shall consult with—

“(A) the Secretary of Homeland Security;

“(B) the Commissioner of Social Security;

“(C) State vital statistics offices; and

“(D) other appropriate Federal agencies.

“(5) EXTENSION OF EFFECTIVE DATE.—The Secretary of Health and Human Services may extend the date specified under paragraph (1) for up to 2 years for birth certificates issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under paragraph (1) but was unable to do so.

“(c) GRANTS TO STATES.—

“(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—

“(A) IN GENERAL.—Beginning on the date a final regulation is promulgated under subsection (b)(3), the Secretary of Health and Human Services shall award grants to States to assist them in conforming to the minimum standards for birth certificates set forth in the regulation.

“(B) ALLOCATION OF GRANTS.—The Secretary shall award grants to States under this paragraph based on the proportion that the estimated average annual number of birth certificates issued by a State applying for a grant bears to the estimated average annual number of birth certificates issued by all States.

“(C) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), each State shall receive not less than 0.5 percent of the grant funds made available under this paragraph.

“(2) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

“(A) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Commissioner of Social Security and other appropriate Federal agencies, shall award grants to States under this paragraph based on the proportion that the estimated average annual number of birth certificates issued by a State applying for a grant bears to the estimated average annual number of birth certificates issued by all States.

“(B) ALLOCATION OF GRANTS.—The Secretary shall award grants to States under this paragraph based on the proportion that the estimated average annual number of birth certificates issued by a State applying for a grant bears to the estimated average annual number of birth certificates issued by all States.

“(C) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), each State shall receive not less than 0.5 percent of the grant funds made available under this paragraph.

“(4) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this section.”

IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS


MODIFICATION OR CANCELLATION OF CERTAIN LICENSE AGREEMENTS GRANTED TO GOVERNMENT DURING WORLD WAR II

Act Aug. 16, 1950, ch. 716, 64 Stat. 488, provided that: "Notwithstanding any other provision of law, the head of any department or other agency in the executive branch of the Government which subsequent to September 9, 1939, entered into any contract or agreement with the holder of any privately owned patent or any right thereunder whereby such holder granted to the United States, without payment of royalty or with reduction or limitation of royalty, any license under such patent or right, is authorized, upon application of the grantor of such license, to enter into such supplemental contract or agreement for the cancellation of the contract or agreement by which such license was granted as the head of such department or agency shall deem to be warranted by equities existing by reason of changes in circumstances occurring since the granting of such license."

Executive Documents

EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT


§ 302. Delegation of authority

(a) For the purpose of this section, "agency" has the meaning given it by section 5721 of this title.

(b) In addition to the authority to delegate conferred by other law, the head of an agency may delegate to subordinate officials the authority vested in him—

(1) by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his agency; and

(2) by section 3702 of title 44 to authorize the publication of advertisements, notices, or proposals.


HISTORICAL AND REVISION NOTES

Derivation

U.S. Code

Revised Statutes and
Statutes at Large

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Clause (2) of former section 22a is omitted because of the repeal of R.S. §3033 (31 U.S.C. 675) by the Act of Sept. 12, 1950, ch. 946, §301(76), 64 Stat. 843. The word “agency” is substituted for “department” and defined to conform to the definition of “department” in section 16 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

In subsection (b), the words “In addition to the authority to delegate conferred by other law,” are added