

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES**PART III - EMPLOYEES****Subpart A - General Provisions****CHAPTER 29 - COMMISSIONS, OATHS, RECORDS, AND REPORTS****SUBCHAPTER I - COMMISSIONS, OATHS, AND RECORDS****§ 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

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(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

NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

(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.