

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, excluding committees composed wholly of full-time officers or employees of the Federal Government, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to this title.

§ 1306. Oaths to witnesses

The Director of the Office of Personnel Management and authorized representatives of the Director may administer oaths to witnesses in matters pending before the Office.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 402; Pub. L. 95-454, title IX, §906(a)(13), Oct. 13, 1978, 92 Stat. 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. 634. | Aug. 23, 1912, ch. 350, §1 (last par. under "Civil Service Commission"), 37 Stat. 372. |
| | [Uncodified]. | 1949 Reorg. Plan No. 5, §2(c), eff. Aug. 19, 1949, 63 Stat. 1069. |

The section is rewritten to reflect expansion of authority of the Commission to include its Chairman under section 2(c) of 1949 Reorg. Plan No. 5.

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

AMENDMENTS

1978—Pub. L. 95-454 substituted provisions respecting powers of the Director of the Office of Personnel Management in administering oaths in matters before the Office for provisions respecting powers of the Chairman of the Civil Service Commission and each Commissioner in administering oaths in matters before the Commission.

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.

§ 1307. Minutes

The Civil Service Commission shall keep minutes of its proceedings.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 402.)

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(3) (last 10 words). | Jan. 16, 1883, ch. 27, §2(3) (last 10 words), 22 Stat. 404. |

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

TRANSFER OF FUNCTIONS

Functions vested by statute in United States Civil Service Commission transferred to Director of Office of

Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of this title, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of this title.

§ 1308. Repealed. Pub. L. 105-362, title XIII, § 1302(b)(1), Nov. 10, 1998, 112 Stat. 3293]

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 402; Pub. L. 91-93, title I, §104, Oct. 20, 1969, 83 Stat. 138; Pub. L. 93-156, Nov. 21, 1973, 87 Stat. 623; Pub. L. 95-454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-54, §2(a)(3), Aug. 14, 1979, 93 Stat. 381; Pub. L. 96-470, title I, §121, Oct. 19, 1980, 94 Stat. 2241, required annual reports on operation of subchapter III of chapter 83 of this title and chapters 87 and 89 of this title.

CHAPTER 14—AGENCY CHIEF HUMAN CAPITAL OFFICERS

- Sec. 1401. Establishment of agency Chief Human Capital Officers.
- 1402. Authority and functions of agency Chief Human Capital Officers.

§ 1401. Establishment of agency Chief Human Capital Officers

The head of each agency referred to under paragraphs (1) and (2) of section 901(b) of title 31 shall appoint or designate a Chief Human Capital Officer, who shall—

- (1) advise and assist the head of the agency and other agency officials in carrying out the agency's responsibilities for selecting, developing, training, and managing a high-quality, productive workforce in accordance with merit system principles;
- (2) implement the rules and regulations of the President and the Office of Personnel Management and the laws governing the civil service within the agency; and
- (3) carry out such functions as the primary duty of the Chief Human Capital Officer.

(Added Pub. L. 107-296, title XIII, §1302(a), Nov. 25, 2002, 116 Stat. 2287.)

EFFECTIVE DATE

Chapter effective 180 days after Nov. 25, 2002, see section 1305 of Pub. L. 107-296, set out as an Effective Date of 2002 Amendment note under section 1103 of this title.

CHIEF HUMAN CAPITAL OFFICERS COUNCIL

Pub. L. 107-296, title XIII, §1303, Nov. 25, 2002, 116 Stat. 2288, provided that:

- “(a) ESTABLISHMENT.—There is established a Chief Human Capital Officers Council, consisting of—
 - “(1) the Director of the Office of Personnel Management, who shall act as chairperson of the Council;
 - “(2) the Deputy Director for Management of the Office of Management and Budget, who shall act as vice chairperson of the Council; and
 - “(3) the Chief Human Capital Officers of Executive departments and any other members who are designated by the Director of the Office of Personnel Management.
- “(b) FUNCTIONS.—The Chief Human Capital Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as modernization of human resources systems, improved quality of human resources information, and legislation affecting human resources operations and organizations.
- “(c) EMPLOYEE LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure

that representatives of Federal employee labor organizations are present at a minimum of 1 meeting of the Council each year. Such representatives shall not be members of the Council.

“(d) ANNUAL REPORT.—Each year the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.”

§ 1402. Authority and functions of agency Chief Human Capital Officers

(a) The functions of each Chief Human Capital Officer shall include—

- (1) setting the workforce development strategy of the agency;
- (2) assessing workforce characteristics and future needs based on the agency’s mission and strategic plan;
- (3) aligning the agency’s human resources policies and programs with organization mission, strategic goals, and performance outcomes;
- (4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;
- (5) identifying best practices and benchmarking studies,¹ and
- (6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth.

(b) In addition to the authority otherwise provided by this section, each agency Chief Human Capital Officer—

- (1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that—
 - (A) are the property of the agency or are available to the agency; and
 - (B) relate to programs and operations with respect to which that agency Chief Human Capital Officer has responsibilities under this chapter; and
- (2) may request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this chapter from any Federal, State, or local governmental entity.

(Added Pub. L. 107–296, title XIII, §1302(a), Nov. 25, 2002, 116 Stat. 2288.)

CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES

- Sec. 1501. Definitions.
- 1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions.
- 1503. Nonpartisan candidacies permitted.
- 1504. Investigations; notice of hearing.
- 1505. Hearings; adjudications; notice of determinations.
- 1506. Orders; withholding loans or grants; limitations.
- 1507. Subpenas and depositions.
- 1508. Judicial review.

AMENDMENTS

1974—Pub. L. 93–443, title IV, §401(b)(2), Oct. 15, 1974, 88 Stat. 1290, substituted “candidacies” for “political activity” in item 1503.

¹ So in original. The comma probably should be a semicolon.

§ 1501. Definitions

For the purpose of this chapter—

- (1) “State” means a State or territory or possession of the United States;
- (2) “State or local agency” means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;
- (3) “Federal agency” means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System; and
- (4) “State or local officer or employee” means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

- (A) an individual who exercises no functions in connection with that activity; or
- (B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 403; Pub. L. 93–443, title IV, §401(c), Oct. 15, 1974, 88 Stat. 1290.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|---|---|
| (1) | 5 U.S.C. 118k-2. | July 19, 1940, ch. 640, §4 “Sec. 19”, 54 Stat. 772. |
| (2), (3) | 5 U.S.C. 118k(f). | July 19, 1940, ch. 640, §4 “Sec. 12(f)”, 54 Stat. 770. |
| (4) | 5 U.S.C. 118k(a) (1st 41 words), (e). | July 19, 1940, ch. 640, §4 “Sec 12(a) (1st 41 words), (e)”, 54 Stat. 767, 770. |
| | 5 U.S.C. 118k-1 (as applicable to 5 U.S.C. 118k). | Oct. 24, 1942, ch. 620 “Sec. 21 (as applicable to §12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, §4, 54 Stat. 767)”, 56 Stat. 986. |
| (5) | 5 U.S.C. 118l (as applicable to 5 U.S.C. 118k). | July 19, 1940, ch. 640, §4 “Sec. 15 (as applicable to §12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, §4, 54 Stat. 767)”, 54 Stat. 771. |

In paragraph (4)(B), the words “or by any Territory or Territorial possession of the United States” are omitted in view of the definition of “State” in paragraph (1).

In paragraph (5), the words “July 19, 1940” are substituted for “at the time this section takes effect”.

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

AMENDMENTS

1974—Par. (5). Pub. L. 93–443 struck out par. (5) which defined “an active part in political management or in political campaigns”.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of Title 2, The Congress.