

tion Act of 1973 (Public Law 93-112, 87 Stat. 355) [29 U.S.C. 701 et seq.]”

DISCRIMINATION PROHIBITED IN EMPLOYMENT OF CIVILIAN PERSONNEL AT FACILITIES OPERATED BY THE DEPARTMENT OF DEFENSE IN FOREIGN COUNTRIES

Pub. L. 92-129, title I, §106, Sept. 28, 1971, 85 Stat. 355, provided that: “Unless prohibited by treaty, no person shall be discriminated against by the Department of Defense or by any officer or employee thereof, in the employment of civilian personnel at any facility or installation operated by the Department of Defense in any foreign country because such person is a citizen of the United States or is a dependent of a member of the Armed Forces of the United States. As used in this section, the term ‘facility or installation operated by the Department of Defense’ shall include, but shall not be limited to, any officer’s club, non-commissioned officers’ club, post exchange, or commissary store.”

§ 7202. Marital status

(a) The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of marital status in an Executive agency or in the competitive service.

(b) Regulations prescribed under any provision of this title, or under any other provision of law, granting benefits to employees, shall provide the same benefits for a married female employee and her spouse and children as are provided for a married male employee and his spouse and children.

(c) Notwithstanding any other provision of law, any provision of law providing a benefit to a male Federal employee or to his spouse or family shall be deemed to provide the same benefit to a female Federal employee or to her spouse or family.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523, §7152; Pub. L. 92-187, §3, Dec. 15, 1971, 85 Stat. 644; renumbered §7202, Pub. L. 95-454, title VII, §703(a)(1), Oct. 13, 1978, 92 Stat. 1216.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 633(2)6 (less 1st sentence), July 26, 1937, ch. 522, 50 Stat. 533.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. The section is rewritten as a general prohibition instead of specifying each of the personnel actions to which the prohibition applies. The words “in an Executive agency or in the competitive service” are added for clarity. The sentence “All Acts or parts of Acts inconsistent herewith are repealed.” 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.

AMENDMENTS

1978—Pub. L. 95-454, renumbered section 7152 of this title as this section.

1971—Pub. L. 92-187 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 7203. Handicapping condition

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of handicapping condition in an Executive agency

or in the competitive service with respect to a position the duties of which, in the opinion of the Office of Personnel Management, can be performed efficiently by an individual with a handicapping condition, except that the employment may not endanger the health or safety of the individual or others.

(Pub. L. 89-544, Sept. 6, 1966, 80 Stat. 523, §7153; renumbered §7203 and amended Pub. L. 95-454, title I, §101(b)(2), title VII, §703(a)(1), title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1118, 1216, 1224.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 633(2)9, June 10, 1948, ch. 434, 62 Stat. 351.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. The section is rewritten as a general prohibition instead of specifying the personnel actions included in former section 633(2)9. The words “in an Executive agency or in the competitive service” are added for clarity.

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, §703(a)(1), renumbered section 7153 of this title as this section.

Pub. L. 95-454, §§101(b)(2), 906(a)(2), substituted “Handicapping condition” for “Physical handicap” in section catchline, “handicapping condition” for “physical handicap” wherever appearing in text, and “Office of Personnel Management” for “Civil Service Commission”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by sections 101(b)(2) and 906(a)(2) of 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.

§ 7204. Other prohibitions

[(a) Repealed. Pub. L. 90-83, §1(44), Sept. 11, 1967, 81 Stat. 208.]

(b) In the administration of chapter 51, subchapters III and IV of chapter 53, and sections 305 and 3324 of this title, discrimination because of race, color, creed, sex, or marital status is prohibited with respect to an individual or a position held by an individual.

(c) The Office of Personnel Management may prescribe regulations necessary for the administration of subsection (b) of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523, §7154; Pub. L. 90-83, §1(44), Sept. 11, 1967, 81 Stat. 208; Pub. L. 92-392, §8, Aug. 19, 1972, 86 Stat. 573; renumbered §7204 and amended Pub. L. 95-454, title VII, §703(a)(1), title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1216, 1224.)

HISTORICAL AND REVISION NOTES

1966 ACT

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 33, R.S. §165. Row 2: 5 U.S.C. 1074, Oct. 28, 1949, ch. 782, §1103, 63 Stat. 972.

In subsection (a), the words “Executive department” are substituted for “department” as the definition of