

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 The sentence "All Acts or parts of Acts inconsistent herewith are repealed."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 "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 subsection, 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 "in the discretion of" are omitted as unnecessary in view of the permissive grant of authority. The words "positions in the department" are substituted for "any of the clerkships therein authorized by law". The words "upon the same requisites and conditions" are omitted as unnecessary. The words "legal pay of the position to which appointed" are substituted for "same compensations, as are prescribed for men".

This subsection 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.

Subsection (c) is added on authority of former sections 1072 and 1072a, which are codified in section 5115.

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

1967 ACT

This section deletes subsection (a) of 5 U.S.C. 7154 to reflect the repeal of the source statute of that subsection by Public Law 89-261, 79 Stat. 987.

AMENDMENTS

1978—Pub. L. 95-454, §703(a)(1), renumbered section 7154 of this title as this section.

Subsec. (c). Pub. L. 95-454, §906(a)(2), substituted "Office of Personnel Management" for "Civil Service Commission".

1972—Subsec. (b). Pub. L. 92-392 inserted reference to subchapter IV of chapter 53 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 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.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-392 effective on first day of first applicable pay period beginning on or after 90th day after Aug. 19, 1972, see section 15(a) of Pub. L. 92-392, set out as an Effective Date note under section 5341 of this title.

SUBCHAPTER II—EMPLOYEES' RIGHT TO PETITION CONGRESS

§ 7211. Employees' right to petition Congress

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

(Added Pub. L. 95-454, title VII, §703(a)(3), Oct. 13, 1978, 92 Stat. 1217.)

PRIOR PROVISIONS

Provisions of this section were contained in section 7102 of this title prior to the general amendment of chapter 71 of this title by Pub. L. 95-454, title VII, §701, Oct. 13, 1978, 92 Stat. 1191.

EFFECTIVE DATE

Section effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

CHAPTER 73—SUITABILITY, SECURITY, AND CONDUCT

SUBCHAPTER I—REGULATION OF CONDUCT

- Sec.
7301. Presidential regulations.
7302. Post-employment notification.

SUBCHAPTER II—EMPLOYMENT LIMITATIONS

7311. Loyalty and striking.
7312. Employment and clearance; individuals removed for national security.
7313. Riots and civil disorders.

SUBCHAPTER III—POLITICAL ACTIVITIES

7321. Political participation.
7322. Definitions.
7323. Political activity authorized; prohibitions.
7324. Political activities on duty; prohibition.
7325. Political activity permitted; employees residing in certain municipalities.
7326. Penalties.

SUBCHAPTER IV—FOREIGN GIFTS AND DECORATIONS

- [7341. Repealed.]
7342. Receipt and disposition of foreign gifts and decorations.

SUBCHAPTER V—MISCONDUCT

7351. Gifts to superiors.
7352. Excessive and habitual use of intoxicants.
7353. Gifts to Federal employees.

SUBCHAPTER VI—DRUG ABUSE, ALCOHOL ABUSE, AND ALCOHOLISM

7361. Drug abuse.
7362. Alcohol abuse and alcoholism.
7363. Reports to Congress.

SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF CONVICTED LAW ENFORCEMENT OFFICERS

7371. Mandatory removal from employment of law enforcement officers convicted of felonies.

AMENDMENTS

2003—Pub. L. 108-136, div. A, title XI, §1125(b)(3), Nov. 24, 2003, 117 Stat. 1640, added item 7302.

2000—Pub. L. 106-554, §1(a)(3) [title VI, §639(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-168, added subchapter VII heading and item 7371.

1993—Pub. L. 103-94, §2(b)(2), Oct. 6, 1993, 107 Stat. 1004, amended analysis for subchapter III generally, re-enacting subchapter III heading without change, substituting "participation" for "contributions and services" in item 7321, "Definitions" for "Political use of authority or influence; prohibition" in item 7322, "activity authorized; prohibitions" for "contributions; prohibition" in item 7323, "Political activities on duty; prohibition" for "Influencing elections; taking part in political campaigns; prohibitions; exceptions" in item 7324, "Political activity permitted; employees residing in certain municipalities" for "Penalties" in item 7325, and "Penalties" for "Nonpartisan political activity permitted" in item 7326, and striking out item 7327 "Political activity permitted; employees residing in certain municipalities" and item 7328 "General Accounting Office employees".

1989—Pub. L. 101-194, title III, §303(b), Nov. 30, 1989, 103 Stat. 1747, added item 7353.

1986—Pub. L. 99-570, title VI, §6002(a)(2), Oct. 27, 1986, 100 Stat. 3207-158, added subchapter VI heading and items 7361 to 7363.

1980—Pub. L. 96-191, §8(e)(2), Feb. 15, 1980, 94 Stat. 33, added item 7328.

1968—Pub. L. 90-351, title V, §1001(b), June 19, 1968, 82 Stat. 235, substituted "EMPLOYMENT LIMITATIONS" for "LOYALTY, SECURITY, AND STRIKING" in subchapter II heading and added item 7313.