

“(v) to the Inspection Division of the Federal Bureau of Investigation;

“(vi) to the Office of Special Counsel; or

“(vii) to an employee designated by any officer, employee, office, or division described in clauses (i) through (vii) for the purpose of receiving such disclosures; and

“(B) which the contractor employee reasonably believes evidences—

“(i) any violation of any law, rule, or regulation (including with respect to evidence of another employee or contractor employee accessing or sharing classified information without authorization); or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

“(2) ACTIONS BY REQUEST.—A personnel action under paragraph (1) is prohibited even if the action is undertaken at the request of an official of the Federal Bureau of Investigation, unless the request takes the form of a nondiscretionary directive and is within the authority of the official making the request.

“(3) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action described in paragraph (1) shall not be taken against a contractor employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subparagraph (A) of such paragraph.

“(4) ENFORCEMENT.—The President shall provide for the enforcement of this subsection.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘contractor employee’ means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of the Federal Bureau of Investigation.

“(B) The term ‘personnel action’ means any action described in clauses (i) through (x) of section 2302(a)(2)(A) of title 5, United States Code, with respect to a contractor employee.”

DELEGATION OF RESPONSIBILITIES CONCERNING FBI EMPLOYEES UNDER THE CIVIL SERVICE REFORM ACT OF 1978

Memorandum of President of the United States, Apr. 14, 1997, 62 F.R. 23123, provided:

Memorandum for the Attorney General

By the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Attorney General the functions concerning employees of the Federal Bureau of Investigation vested in the President by section 101(a) of the Civil Service Reform Act of 1978 (Public Law 95-454), as amended by the Whistleblower Protection Act of 1989 (Public Law 101-12), and codified at section 2303(c) of title 5, United States Code, and direct the Attorney General to establish appropriate processes within the Department of Justice to carry out these functions. Not later than March 1 of each year, the Attorney General shall provide a report to the President stating the number of allegations of reprisal received during the preceding calendar year, the disposition of each allegation resolved during the preceding calendar year, and the number of unresolved allegations pending as of the end of the calendar year.

All of the functions vested in the President by section 2303(c) of title 5, United States Code, and delegated to the Attorney General, may be redelegated, as appropriate, provided that such functions may not be redelegated to the Federal Bureau of Investigation.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or ap-

plying for a position within the Transportation Security Administration shall be covered by—

(1) the provisions of section 2302(b)(1), (8), and (9);

(2) any provision of law implementing section 2302(b)(1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.

(Added Pub. L. 112-199, title I, § 109(a)(2), Nov. 27, 2012, 126 Stat. 1470.)

PRIOR PROVISIONS

A prior section 2304 was renumbered section 2305 of this title.

EFFECTIVE DATE

Pub. L. 112-199, title I, § 109(c), Nov. 27, 2012, 126 Stat. 1471, provided that: “The amendments made by this section [enacting this section and renumbering sections 2304 and 2305 of this title as sections 2305 and 2306, respectively, of this title] shall take effect on the date of enactment of this section [Nov. 27, 2012].”

§ 2305. Responsibility of the Government Accountability Office

If requested by either House of the Congress (or any committee thereof), or if considered necessary by the Comptroller General, the Government Accountability Office shall conduct audits and reviews to assure compliance with the laws, rules, and regulations governing employment in the executive branch and in the competitive service and to assess the effectiveness and soundness of Federal personnel management.

(Added Pub. L. 95-454, title I, § 101(a), Oct. 13, 1978, 92 Stat. 1118, § 2304; amended Pub. L. 102-378, § 2(6), Oct. 2, 1992, 106 Stat. 1346; Pub. L. 104-66, title II, § 2181(e), Dec. 21, 1995, 109 Stat. 732; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; renumbered § 2305, Pub. L. 112-199, title I, § 109(a)(1), Nov. 27, 2012, 126 Stat. 1470.)

PRIOR PROVISIONS

A prior section 2305 was renumbered section 2306 of this title.

AMENDMENTS

2012—Pub. L. 112-199 renumbered section 2304 of this title as this section.

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in section catchline and text.

1995—Pub. L. 104-66 struck out subsec. (a) designation before “If requested by” and struck out subsec. (b) which read as follows: “The General Accounting Office shall prepare and submit an annual report to the President and the Congress on the activities of the Merit Systems Protection Board and the Office of Personnel Management. The report shall include a description of—

“(1) significant actions taken by the Board to carry out its functions under this title; and

“(2) significant actions of the Office of Personnel Management, including an analysis of whether or not

the actions of the Office are in accord with merit system principles and free from prohibited personnel practices.” 1992—Subsec. (b). Pub. L. 102-378 substituted “The” for “the” at beginning of first sentence.

§ 2306. Coordination with certain other provisions of law

No provision of this chapter, or action taken under this chapter, shall be construed to impair the authorities and responsibilities set forth in section 102 of the National Security Act of 1947 (61 Stat. 495; 50 U.S.C. 403),¹ the Central Intelligence Agency Act of 1949 (63 Stat. 208; 50 U.S.C. 403a and following),¹ the Act entitled “An Act to provide certain administrative authorities for the National Security Agency, and for other purposes”, approved May 29, 1959 (73 Stat. 63; 50 U.S.C. 402 note),¹ and the Act entitled “An Act to amend the Internal Security Act of 1950”, approved March 26, 1964 (78 Stat. 168; 50 U.S.C. 831-835).

(Added Pub. L. 95-454, title I, §101(a), Oct. 13, 1978, 92 Stat. 1118, §2305; renumbered §2306, Pub. L. 112-199, title I, §109(a)(1), Nov. 27, 2012, 126 Stat. 1470.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in text, is act July 26, 1947, ch. 343, 61 Stat. 495, which was formerly classified principally to chapter 15 (§401 et seq.) of Title 50, War and National Defense, prior to editorial reclassification in chapter 44 (§3001 et seq.) of Title 50. Section 102 of the Act was repealed by Pub. L. 104-293, title VIII, §805(a), Oct. 11, 1996, 110 Stat. 3477, another section 102 was repealed by Pub. L. 108-458, title I, §§1011(a), 1097(a), Dec. 17, 2004, 118 Stat. 3643, 3698, and subsequently another section 102, as added by Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3644, was classified to section 403 of Title 50 prior to editorial reclassification to section 3023 of Title 50. For complete classification of this Act to the Code, see Tables.

The Central Intelligence Agency Act of 1949, referred to in text, is act June 20, 1949, ch. 227, 63 Stat. 208, which was formerly classified generally to section 403a et seq. of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified generally to chapter 46 (§3501 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

The Act entitled “An Act to provide certain administrative authorities for the National Security Agency, and for other purposes”, approved May 29, 1959, referred to in text, is Pub. L. 86-36, May 29, 1959, 73 Stat. 63, which was formerly set out as a note under section 402 of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified generally to chapter 47 (§3601 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

The Act entitled “An Act to amend the Internal Security Act of 1950”, approved March 26, 1964, referred to in text, is act Sept. 23, 1950, ch. 1024, title III, as added Mar. 26, 1964, Pub. L. 88-290, 78 Stat. 168, which is classified principally to subchapter III (§831 et seq.) of chapter 23 of Title 50. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2012—Pub. L. 112-199 renumbered section 2305 of this title as this section.

¹ See References in Text note below.

[§ 2307. Repealed. Pub. L. 115-91, div. A, title X, § 1097(b)(1)(A), Dec. 12, 2017, 131 Stat. 1616]

Section, added Pub. L. 115-73, title I, §107(b), Oct. 26, 2017, 131 Stat. 1239, related to information on whistleblower protections and agency responsibilities.

CHAPTER 29—COMMISSIONS, OATHS, RECORDS, AND REPORTS

SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

- Sec. 2901. Commission of an officer.
2902. Commission; where recorded.
2903. Oath; authority to administer.
2904. Oath; administered without fees.
2905. Oath; renewal.
2906. Oath; custody.

SUBCHAPTER II—REPORTS

- 2951. Reports to the Office of Personnel Management.
2952. Time of making annual reports.
2953. Reports to Congress on additional employee requirements.
2954. Information to committees of Congress on request.

AMENDMENTS

1978—Pub. L. 95-454, title IX, §906(a)(16), Oct. 13, 1978, 92 Stat. 1226, substituted “Office of Personnel Management” for “Civil Service Commission” in item 2951.

SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

§ 2901. Commission of an officer

The President may make out and deliver, after adjournment of the Senate, the commission of an officer whose appointment has been confirmed by the Senate.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 411.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 10, R.S. §1773.

The words “confirmed by” are substituted for “advised and consented to”.

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

§ 2902. Commission; where recorded

(a) Except as provided by subsections (b) and (c) of this section, the Secretary of State shall make out and record, and affix the seal of the United States to, the commission of an officer appointed by the President. The seal of the United States may not be affixed to the commission before the commission has been signed by the President.

(b) The commission of an officer in the civil service or uniformed services under the control of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of a military department, the Secretary of the Interior, the Secretary of Homeland Security, or the Secretary of the Treasury shall be made out and recorded in the department in which he is to serve under the seal of that department. The departmental seal may not be af-