

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

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a) .....	5 U.S.C. 33.	R.S. § 165.
(b) .....	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as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title, but is not repealed.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.

1967—Pub. L. 90-83, §1(46), Sept. 11, 1967, 81 Stat. 209, inserted “GIFTS AND” before “DECORATIONS” in subchapter IV heading, struck out item 7341 “Receipt and display of foreign decorations”, and added item 7342.

SUBCHAPTER I—REGULATION OF CONDUCT

§ 7301. Presidential regulations

The President may prescribe regulations for the conduct of employees in the executive branch.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 524.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 631 (last 16 words).	R.S. §1753 (last 16 words).

The words “employees in the executive branch” are substituted for “persons who may receive appointments in the civil service”.

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

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-94, §1, Oct. 6, 1993, 107 Stat. 1001, provided: “That this Act [enacting sections 5520a and 7321 to 7326 of this title and section 610 of Title 18, Crimes and Criminal Procedure, amending sections 1216, 2302, 3302 and 3303 of this title, sections 602 and 603 of Title 18, section 410 of Title 39, Postal Service, and sections 1973d and 9904 of Title 42, The Public Health and Welfare, omitting former sections 7321 to 7328 of this title, and enacting provisions set out as notes under section 7321 of this title and section 410 of Title 39] may be cited as the ‘Hatch Act Reform Amendments of 1993.’”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-570, title VI, §6001, Oct. 27, 1986, 100 Stat. 3207-157, provided that: “This title [enacting sections 7361 to 7363 and 7904 of this title, amending sections 290dd-1 and 290ee-1 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 7361 of this title and section 801 of Title 21, Food and Drugs] may be cited as the ‘Federal Employee Substance Abuse Education and Treatment Act of 1986.’”

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Director of the Office of Personnel Management, see Parts 1, 2, and 22 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAM; ADDITION OF FENTANYL AND OTHER SUBSTANCES

Pub. L. 115-271, title VIII, §8105, Oct. 24, 2018, 132 Stat. 4105, provided that:

“(a) MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 24, 2018], the Secretary of Health and Human Services shall—

“(A) determine whether a revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of substances authorized for testing to include any other drugs or other substances listed in schedule I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812) is justified based on the criteria described in subparagraph (A).

“(B) consider whether to include with the determination under subparagraph (A) a separate determination on whether a revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of substances authorized for testing to include any other drugs or other substances listed in schedule I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812) is justified based on the criteria described in subparagraph (A).

“(2) REVISION OF GUIDELINES.—If an expansion of the substance list is determined to be justified under paragraph (1), the Secretary of Health and Human Services shall—

“(A) notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination; and

“(B) publish in the Federal Register, not later than 18 months after the date of the determination under that paragraph, a final notice of the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of substances authorized to be tested to include the substance or substances determined to be justified for inclusion.

“(3) REPORT.—If an expansion of the substance list is determined not to be justified under paragraph (1), the Secretary of Health and Human Services shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining, in detail, the reasons the expansion of the list of authorized substances is not justified.

“(b) DEPARTMENT OF TRANSPORTATION DRUG-TESTING PANEL.—If an expansion is determined to be justified under subsection (a)(1), the Secretary of Transportation shall publish in the Federal Register, not later than 18 months after the date the final notice is published under subsection (a)(2), a final rule revising part 40 of title 49, Code of Federal Regulations, to include such substances in the Department of Transportation’s drug-testing panel, consistent with the Mandatory Guidelines for Federal Workplace Drug Testing Programs as revised by the Secretary of Health and Human Services under subsection (a).

“(c) SAVINGS PROVISION.—Nothing in this section may be construed as—

“(1) delaying the publication of the notices described in sections 8106 [enacting provisions set out as a note under section 31306 of Title 49, Transportation] and 8107 [enacting provisions set out as a note below] of this Act until the Secretary of Health and Human Services makes a determination or publishes a notice under this section; or