The authority of the President to prescribe rules is added on authority of former section 633(r), 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(r). 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, § 706(a)(1), renumbered section 7153 of this title as this section.

Pub. L. 95–454, §§ 1(b)(2), 906(a)(2), substituted “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


(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.


**Historical and Revision Notes**

### 1966 ACT

<table>
<thead>
<tr>
<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
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<td>(b)</td>
<td>5 U.S.C. 1074.</td>
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</table>

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. 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, 1917, ch. 343, § 233(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, § 706(a)(1), renumbered section 7154 of this title as this section.


**Effective Date of 1978 Amendment**


**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 10(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.


**Prior Provisions**

§ 7301

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

Page 664

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—SUITYABILITY, 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
1993—Pub. L. 103–94, §2(b)(2), Oct. 6, 1993, 107 Stat. 320, amended analysis for subchapter III generally, reenacting 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” and “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”.


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. 521.)

HISTORICAL AND REVISION NOTES

Derivation U.S. Code Revised Statutes and Statutes at Large

<table>
<thead>
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<tbody>
<tr>
<td>§ 613</td>
<td>5 U.S.C. 631 (last 16 words).</td>
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<tr>
<td>R. S. §1753</td>
<td>(last 16 words).</td>
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</table>

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 19, section 410 of Title 39, Postal Service, and sections 1973a 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. 12566, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

Continuation of Random Drug Testing Program for Certain Department of Defense Employees
Pub. L. 105–261, div. A, title XI, §1108, Oct. 17, 1998, 112 Stat. 2142, provided that: “(a) Continuation of Existing Program.—The Secretary of Defense shall continue to actively carry out the drug testing program, originally required by section 3(a) of Executive Order No. 12564 (51 Fed. Reg. 32689; September 15, 1986) [set out below], involving civilian employees of the Department of Defense who are considered to be employees in sensitive positions. The Secretary shall comply with the drug testing proce-