

productive workforce in accordance with merit system principles;

(2) implement the rules and regulations of the President and the Office of Personnel Management and the laws governing the civil service within the agency; and

(3) carry out such functions as the primary duty of the Chief Human Capital Officer.

(Added Pub. L. 107-296, title XIII, §1302(a), Nov. 25, 2002, 116 Stat. 2287.)

EFFECTIVE DATE

Chapter effective 180 days after Nov. 25, 2002, see section 1305 of Pub. L. 107-296, set out as an Effective Date of 2002 Amendment note under section 1103 of this title.

CHIEF HUMAN CAPITAL OFFICERS COUNCIL

Pub. L. 107-296, title XIII, §1303, Nov. 25, 2002, 116 Stat. 2288, provided that:

“(a) ESTABLISHMENT.—There is established a Chief Human Capital Officers Council, consisting of—

“(1) the Director of the Office of Personnel Management, who shall act as chairperson of the Council;

“(2) the Deputy Director for Management of the Office of Management and Budget, who shall act as vice chairperson of the Council; and

“(3) the Chief Human Capital Officers of Executive departments and any other members who are designated by the Director of the Office of Personnel Management.

“(b) FUNCTIONS.—The Chief Human Capital Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as modernization of human resources systems, improved quality of human resources information, and legislation affecting human resources operations and organizations.

“(c) EMPLOYEE LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure that representatives of Federal employee labor organizations are present at a minimum of 1 meeting of the Council each year. Such representatives shall not be members of the Council.

“(d) ANNUAL REPORT.—Each year the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.”

§ 1402. Authority and functions of agency Chief Human Capital Officers

(a) The functions of each Chief Human Capital Officer shall include—

(1) setting the workforce development strategy of the agency;

(2) assessing workforce characteristics and future needs based on the agency’s mission and strategic plan;

(3) aligning the agency’s human resources policies and programs with organization mission, strategic goals, and performance outcomes;

(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

(5) identifying best practices and benchmarking studies,¹ and

(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth.

(b) In addition to the authority otherwise provided by this section, each agency Chief Human Capital Officer—

(1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that—

(A) are the property of the agency or are available to the agency; and

(B) relate to programs and operations with respect to which that agency Chief Human Capital Officer has responsibilities under this chapter; and

(2) may request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this chapter from any Federal, State, or local governmental entity.

(Added Pub. L. 107-296, title XIII, §1302(a), Nov. 25, 2002, 116 Stat. 2288.)

CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES

Sec.	Definitions.
1501.	Definitions.
1502.	Influencing elections; taking part in political campaigns; prohibitions; exceptions.
1503.	Nonpartisan candidacies permitted.
1504.	Investigations; notice of hearing.
1505.	Hearings; adjudications; notice of determinations.
1506.	Orders; withholding loans or grants; limitations.
1507.	Subpenas and depositions.
1508.	Judicial review.

AMENDMENTS

1974—Pub. L. 93-443, title IV, §401(b)(2), Oct. 15, 1974, 88 Stat. 1290, substituted “candidacies” for “political activity” in item 1503.

§ 1501. Definitions

For the purpose of this chapter—

(1) “State” means a State or territory or possession of the United States;

(2) “State or local agency” means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof, or the executive branch of the District of Columbia, or an agency or department thereof;

(3) “Federal agency” means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System; and

(4) “State or local officer or employee” means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(A) an individual who exercises no functions in connection with that activity; or

(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

(i) a State or political subdivision thereof;

(ii) the District of Columbia; or

(iii) a recognized religious, philanthropic, or cultural organization.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 403; Pub. L. 93-443, title IV, §401(c), Oct. 15, 1974, 88 Stat.

¹ So in original. The comma probably should be a semicolon.

1290; Pub. L. 112-230, §3(a), (b), Dec. 28, 2012, 126 Stat. 1616.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1)	5 U.S.C. 118k-2.	July 19, 1940, ch. 640, §4 "Sec. 19", 54 Stat. 772.
(2), (3)	5 U.S.C. 118k(f).	July 19, 1940, ch. 640, §4 "Sec. 12(f)", 54 Stat. 770.
(4)	5 U.S.C. 118k(a) (1st 41 words), (e).	July 19, 1940, ch. 640, §4 "Sec. 12(a) (1st 41 words), (e)", 54 Stat. 767, 770.
	5 U.S.C. 118k-1 (as applicable to 5 U.S.C. 118k).	Oct. 24, 1942, ch. 620 "Sec. 21 (as applicable to §12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, §4, 54 Stat. 767)", 56 Stat. 986.
(5)	5 U.S.C. 118l (as applicable to 5 U.S.C. 118k).	July 19, 1940, ch. 640, §4 "Sec. 15 (as applicable to §12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, §4, 54 Stat. 767)", 54 Stat. 771.

In paragraph (4)(B), the words "or by any Territory or Territorial possession of the United States" are omitted in view of the definition of "State" in paragraph (1).

In paragraph (5), the words "July 19, 1940" are substituted for "at the time this section takes effect".

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

2012—Par. (2). Pub. L. 112-230, §3(a), inserted ", or the executive branch of the District of Columbia, or an agency or department thereof" before semicolon at end.

Par. (4)(B). Pub. L. 112-230, §3(b), added subpar. (B) and struck out former subpar. (B) which read as follows: "an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization."

1974—Par. (5). Pub. L. 93-443 struck out par. (5) which defined "an active part in political management or in political campaigns".

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-230, §5(a), Dec. 28, 2012, 126 Stat. 1617, provided that: This Act [see Short Title of 2012 Amendment note set out under section 101 of this title] and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act [Dec. 28, 2012]."

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

§ 1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions

(a) A State or local officer or employee may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a)(3) of this section does not apply to—

(1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(2) the mayor of a city;

(3) a duly elected head of an executive department of a State, municipality, or the District of Columbia who is not classified under a State, municipal, or the District of Columbia merit or civil-service system; or

(4) an individual holding elective office.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 404; Pub. L. 93-443, title IV, §401(a), Oct. 15, 1974, 88 Stat. 1290; Pub. L. 112-230, §§2, 3(c), Dec. 28, 2012, 126 Stat. 1616.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 118k(a) (less 1st 41 words).	July 19, 1940, ch. 640, §4 "Sec. 12(a) (less 1st 41 words)", 54 Stat. 767.

In subsection (a), the term "State or local officer or employee", defined in section 1501, is substituted for the first 41 words of former section 118k(a). The words "any part of his salary or compensation" are omitted as included in "anything of value".

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

2012—Subsec. (a)(3). Pub. L. 112-230, §2, amended par. (3) generally. Prior to amendment, par. (3) read as follows: "be a candidate for elective office."

Subsec. (c)(3). Pub. L. 112-230, §3(c), which directed the substitution of ", municipality, or the District of Columbia" for "'or municipality" and ", municipal, or the District of Columbia" for "'or municipal", was executed by substituting ", municipality, or the District of Columbia" for "'or municipality" and ", municipal, or the District of Columbia" for "'or municipal", to reflect the probable intent of Congress.

1974—Subsec. (a)(3). Pub. L. 93-443 substituted "be a candidate for elective office" for "take an active part in political management or in political campaigns".

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-230 effective 30 days after Dec. 28, 2012, see section 5(a) of Pub. L. 112-230, set out as a note under section 1501 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

§ 1503. Nonpartisan candidacies permitted

Section 1502(a)(3) of this title does not prohibit any State or local officer or employee from being a candidate in any election if none of the candidates is to be nominated or elected at such election as representing a party any of whose