

lated to prohibition respecting employment discrimination because of marital status, was renumbered section 7202 of this title by Pub. L. 95-454, title VII, § 703(a)(1), Oct. 13, 1978, 92 Stat. 1216.

Section 7153, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523, which related to prohibition respecting employment discrimination because of physical handicap, was renumbered section 7203 of this title by Pub. L. 95-454, title VII, 703(a)(1), Oct. 13, 1978, 92 Stat. 1216.

Section 7154, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523; Pub. L. 90-83, § 1(44), Sept. 11, 1967, 81 Stat. 208; Pub. L. 92-392, § 8, Aug. 19, 1972, 86 Stat. 573, which related to prohibition respecting discrimination because of race, color, creed, sex, or marital status in administration of chapter 51, subchapter III and IV of chapter 53, and sections 305 and 3324 of this title, was renumbered section 7204 of this title by Pub. L. 95-454, title VII, § 703(a)(1), Oct. 13, 1978, 92 Stat. 1216.

## **CHAPTER 72—ANTIDISCRIMINATION; RIGHT TO PETITION CONGRESS**

### **SUBCHAPTER I—ANTIDISCRIMINATION IN EMPLOYMENT**

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#### **Editorial Notes**

##### **AMENDMENTS**

1978—Pub. L. 95-454, title VII, § 703(a)(2), Oct. 13, 1978, 92 Stat. 1217, struck out heading “SUBCHAPTER II—ANTIDISCRIMINATION IN EMPLOYMENT” and substituted therefor a chapter heading “CHAPTER 72—ANTIDISCRIMINATION; RIGHT TO PETITION CONGRESS” together with the analysis of chapter 72 containing subchapters I, consisting of items 7201 to 7204, and subchapter II, consisting of item 7211.

### **SUBCHAPTER I—ANTIDISCRIMINATION IN EMPLOYMENT**

#### **Editorial Notes**

##### **AMENDMENTS**

1979—Pub. L. 96-54, § 2(a)(43), Aug. 14, 1979, 93 Stat. 383, added heading for subchapter I.

#### **§ 7201. Antidiscrimination policy; minority recruitment program**

(a) For the purpose of this section—

(1) “underrepresentation” means a situation in which the number of members of a minority group designation (determined by the Equal Employment Opportunity Commission in consultation with the Office of Personnel Management, on the basis of the policy set forth in subsection (b) of this section) within a category of civil service employment constitutes a lower percentage of the total number of employees within the employment category than the percentage that the minority constituted within the labor force of the United States, as determined under the most recent decennial or mid-decade census, or current population survey, under title 13, and

(2) “category of civil service employment” means—

(A) each grade of the General Schedule described in section 5104 of this title;

(B) each position subject to subchapter IV of chapter 53 of this title;

(C) such occupational, professional, or other groupings (including occupational series) within the categories established under subparagraphs (A) and (B) of this paragraph as the Office determines appropriate.

(b) It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy.

(c) Not later than 180 days after the date of the enactment of the Civil Service Reform Act of 1978, the Office of Personnel Management shall, by regulation, implement a minority recruitment program which shall provide, to the maximum extent practicable—

(1) that each Executive agency conduct a continuing program for the recruitment of members of minorities for positions in the agency to carry out the policy set forth in subsection (b) in a manner designed to eliminate underrepresentation of minorities in the various categories of civil service employment within the Federal service, with special efforts directed at recruiting in minority communities, in educational institutions, and from other sources from which minorities can be recruited; and

(2) that the Office conduct a continuing program of—

(A) assistance to agencies in carrying out programs under paragraph (1) of this subsection, and

(B) evaluation and oversight and such recruitment programs to determine their effectiveness in eliminating such minority underrepresentation.

(d) Not later than 60 days after the date of the enactment of the Civil Service Reform Act of 1978, the Equal Employment Opportunity Commission shall—

(1) establish the guidelines proposed to be used in carrying out the program required under subsection (c) of this section; and

(2) make determinations of underrepresentation which are proposed to be used initially under such program; and

(3) transmit to the Executive agencies involved, to the Office of Personnel Management, and to the Congress the determinations made under paragraph (2) of this subsection.

(e) Not later than January 31 of each year, the Office shall prepare and transmit to each House of the Congress a report on the activities of the Office and of Executive agencies under subsection (c) of this section, including the affirmative action plans submitted under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), the personnel data file maintained by the Office of Personnel Management, and any other data necessary to evaluate the effectiveness of the program for each category of civil service employment and for each minority group designation, for the preceding fiscal year, together with recommendations for administrative or legislative action the Office considers appropriate.