

shelter, clothing, education, and basic human welfare services.

(3) Organizations that seek to influence the outcomes of elections or the determination of public policy through political activity or advocacy, lobbying, or litigation on behalf of parties other than themselves shall not be deemed charitable health and welfare organizations and shall not be eligible to participate in the Combined Federal Campaign.

(4) International organizations that provide health and welfare services overseas, and that meet the eligibility criteria except for the local services criterion, shall be eligible to participate in each local solicitation area of the Combined Federal Campaign.

(5) Local voluntary, charitable, health and welfare organizations that are not affiliated with a national organization or federation but that satisfy the eligibility criteria set forth in this order and by the Director shall be permitted to participate in the Combined Federal Campaign.

SEC. 3. In making arrangements for the Combined Federal Campaign, the Director is authorized, in his discretion, to consult with the Departments and agencies concerned, representatives of the employees and members to be solicited, and, to the extent practicable, representatives of voluntary health and welfare organizations seeking to participate in a Combined Federal Campaign.

SEC. 4. The arrangements made by the Director shall (a) ensure that all contributions are voluntary, that there is no coercion, and that individuals have the option of disclosing their contribution or keeping it confidential, (b) designate the specific period during which the annual solicitation may be conducted, and (c) permit only one annual solicitation except in cases of emergency or disaster appeals for which specific provision shall be made by the Director.

SEC. 5. Subject to such rules and regulations as the Director may prescribe, the Director may authorize:

(a) outreach coordinators to conduct campaign promotion in a local Combined Federal Campaign; and

(b) central campaign administrators to administer application and pledging systems and to collect and disburse pledged funds.

Such authorizations shall, if made, ensure at a minimum that outreach coordinators and central campaign administrators operate subject to the direction and control of the Director and such local Federal coordinating entities as may be established; and manage the Combined Federal Campaign fairly and equitably. The Director may consult with and consider advice from interested parties and organizations, and shall publish reports on the management and results of the Combined Federal Campaign.

SEC. 6. The methods for the solicitation of funds shall clearly specify the eligible organizations and provide a direct means to designate funds to such organizations. Where allocation of undesignated funds by the central campaign administrator is authorized by the Director, prominent notice of the authorization for such allocation shall be provided.

SEC. 7. This Order shall not apply to solicitations conducted by organizations composed of civilian employees or members of the uniformed services among their own members for organizational support or for the benefit of welfare funds for their members. Such solicitations shall be conducted under policies and procedures approved by the head of the Department or agency concerned.

SEC. 8. The Director shall prescribe such rules and regulations as may be necessary to implement this Order.

SEC. 9. Executive Order No. 10927 [Mar. 18, 1961, 26 F.R. 2383], as amended, is revoked. Notwithstanding that revocation, directives issued under that Order shall continue in effect until revoked or modified under the provisions of this Order.

[Section 2(d) of Ex. Ord. No. 13743 provided that all rules, regulations, and directives continued or issued under Ex. Ord. No. 12353, set out above, would continue

in effect until revoked or modified under the provisions of Ex. Ord. No. 13743.]

[Section 2 of Ex. Ord. No. 12404 provided that all rules, regulations, and directives continued or issued under Ex. Ord. No. 12353, set out above, would continue in full force and effect until revoked or modified under the provisions of Ex. Ord. No. 12404.]

§ 1102. Director; Deputy Director; Associate Directors

(a) There is at the head of the Office of Personnel Management a Director of the Office of Personnel Management appointed by the President, by and with the advice and consent of the Senate. The term of office of any individual appointed as Director shall be 4 years.

(b) There is in the Office a Deputy Director of the Office of Personnel Management appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may from time to time prescribe and shall act as Director during the absence or disability of the Director or when the office of Director is vacant.

(c) No individual shall, while serving as Director or Deputy Director, serve in any other office or position in the Government of the United States except as otherwise provided by law or at the direction of the President. The Director and Deputy Director shall not recommend any individual for appointment to any position (other than Deputy Director of the Office) which requires the advice and consent of the Senate.

(d) There may be within the Office of Personnel Management not more than 5 Associate Directors, as determined from time to time by the Director. Each Associate Director shall be appointed by the Director.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 399; Pub. L. 95-454, title II, § 201(a), Oct. 13, 1978, 92 Stat. 1119.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 632 (2d-4th pars.)	Jan. 16, 1883, ch. 27, § 1 (2d, 3d pars.), 22 Stat. 403. July 31, 1956, ch. 804, § 201(a), 70 Stat. 742.

In subsection (a), the second sentence is substituted for original language concerning designation of Commissioners to serve six, four, and two years, respectively, as that provision is executed.

The section is reorganized to place the statutes relating to vacancies together, and redundancies are eliminated. Provisions relating to pay and travel expenses of Commissioners are omitted as superseded by the Act of Aug. 14, 1964, Pub. L. 88-426, § 303(c)(18), (d)(66), 78 Stat. 417, 419, and Act of June 9, 1949, ch. 185, 63 Stat. 166, respectively, which are carried into this title.

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

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-454 substituted “Director; Deputy Director; Associate Directors” for “Term of office; filling vacancies; removal” in section catchline, and in text provisions relating to the Director, Deputy Director,

and Associate Directors of the Office of Personnel Management for provisions relating to the term of office, vacancies, and removal of members of the United States Civil Service Commission.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by 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.

§ 1103. Functions of the Director

(a) The following functions are vested in the Director of the Office of Personnel Management, and shall be performed by the Director, or subject to section 1104 of this title, by such employees of the Office as the Director designates:

- (1) securing accuracy, uniformity, and justice in the functions of the Office;
- (2) appointing individuals to be employed by the Office;
- (3) directing and supervising employees of the Office, distributing business among employees and organizational units of the Office, and directing the internal management of the Office;
- (4) directing the preparation of requests for appropriations for the Office and the use and expenditure of funds by the Office;
- (5) executing, administering, and enforcing—
 - (A) the civil service rules and regulations of the President and the Office and the laws governing the civil service; and
 - (B) the other activities of the Office including retirement and classification activities;

except with respect to functions for which the Merit Systems Protection Board or the Special Counsel is primarily responsible;

- (6) reviewing the operations under chapter 87 of this title;
- (7) aiding the President, as the President may request, in preparing such civil service rules as the President prescribes, and otherwise advising the President on actions which may be taken to promote an efficient civil service and a systematic application of the merit system principles, including recommending policies relating to the selection, promotion, transfer, performance, pay, conditions of service, tenure, and separation of employees;
- (8) conducting, or otherwise providing for the conduct of, studies and research under chapter 47 of this title into methods of assuring improvements in personnel management; and
- (9) incurring official reception and representation expenses of the Office subject to any limitation prescribed in any law.

(b)(1) The Director shall publish in the Federal Register general notice of any rule or regulation which is proposed by the Office and the application of which does not apply solely to the Office or its employees. Any such notice shall include the matter required under section 553(b)(1), (2), and (3) of this title.

(2) The Director shall take steps to ensure that—

- (A) any proposed rule or regulation to which paragraph (1) of this subsection applies is post-

ed in offices of Federal agencies maintaining copies of the Federal personnel regulations; and

(B) to the extent the Director determines appropriate and practical, exclusive representatives of employees affected by such proposed rule or regulation and interested members of the public are notified of such proposed rule or regulation.

(3) Paragraphs (1) and (2) of this subsection shall not apply to any proposed rule or regulation which is temporary in nature and which is necessary to be implemented expeditiously as a result of an emergency.

(4) Paragraphs (1) and (2) of this subsection and section 1105 of this title shall not apply to the establishment of any schedules or rates of basic pay or allowances under subpart D of part III of this title. The preceding sentence does not apply to the establishment of the procedures, methodology, or criteria used to establish such schedules, rates, or allowances.

(c)(1) The Office of Personnel Management shall design a set of systems, including appropriate metrics, for assessing the management of human capital by Federal agencies.

(2) The systems referred to under paragraph (1) shall be defined in regulations of the Office of Personnel Management and include standards for—

- (A)(i) aligning human capital strategies of agencies with the missions, goals, and organizational objectives of those agencies; and
- (ii) integrating those strategies into the budget and strategic plans of those agencies;
- (B) closing skill gaps in mission critical occupations;
- (C) ensuring continuity of effective leadership through implementation of recruitment, development, and succession plans;
- (D) sustaining a culture that cultivates and develops a high performing workforce;
- (E) developing and implementing a knowledge management strategy supported by appropriate investment in training and technology; and
- (F) holding managers and human resources officers accountable for efficient and effective human resources management in support of agency missions in accordance with merit system principles.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 399; Pub. L. 95-454, title II, § 201(a), Oct. 13, 1978, 92 Stat. 1119; Pub. L. 99-251, title III, §§ 301, 302, Feb. 27, 1986, 100 Stat. 26; Pub. L. 107-296, title XIII, § 1304, Nov. 25, 2002, 116 Stat. 2289.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	[Uncodified].	1949 Reorg. Plan No. 5, §§1, 2(a) (35th through 46th words), 3, eff. Aug. 20, 1949, 63 Stat. 1067, 1069.
.....	5 U.S.C. 632 (5th par.).	July 31, 1956, ch. 804, § 201(b), 70 Stat. 742.

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