

# 5 U.S. Code § 1302 - Regulations

Current through Pub. L. 114-38 (<http://www.gpo.gov/fdsys/pkg/PLAW-114publ38/html/PLAW-114publ38.htm>). (See Public Laws for the current Congress (<http://thomas.loc.gov/home/LegislativeData.php?n=PublicLaws>).)

**US Code** ([/uscode/text/5/1302?qt-us\\_code\\_temp\\_noupdates=0#qt-us\\_code\\_temp\\_noupdates](/uscode/text/5/1302?qt-us_code_temp_noupdates=0#qt-us_code_temp_noupdates))

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**Authorities (CFR)** ([/uscode/text/5/1302?qt-us\\_code\\_temp\\_noupdates=3#qt-us\\_code\\_temp\\_noupdates](/uscode/text/5/1302?qt-us_code_temp_noupdates=3#qt-us_code_temp_noupdates))  
[prev \(/uscode/text/5/1301\)](/uscode/text/5/1301) | [next \(/uscode/text/5/1303\)](/uscode/text/5/1303)

(a) The Office of Personnel Management, subject to the rules prescribed by the President under this title for the administration of the competitive service, shall prescribe regulations for, control, supervise, and preserve the records of, examinations for the competitive service.

(b) The Office shall prescribe and enforce regulations for the administration of the provisions of this title, and Executive orders issued in furtherance thereof, that implement the Congressional policy that preference shall be given to preference eligibles in certification for appointment, and in appointment, reinstatement, reemployment, and retention, in the competitive service in Executive agencies, permanent or temporary, and in the government of the District of Columbia.

(c) The Office shall prescribe regulations for the administration of the provisions of this title that implement the Congressional policy that preference shall be given to preference eligibles in certification for appointment, and in appointment, reinstatement, reemployment, and retention, in the excepted service in Executive agencies, permanent or temporary, and in the government of the District of Columbia.

(d) The Office may prescribe reasonable procedure and regulations for the administration of its functions under chapter 15 of this title. (</uscode/text/5/lii:usc:t:5:ch:15>)

(Pub. L. 89-554 (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW>), Sept. 6, 1966, 80 Stat. 401 (<http://uscode.house.gov/statviewer.htm?volume=80&page=401>); Pub. L. 95-454, title IX, § 906(a)(2) ([http://thomas.loc.gov/cgi-bin/bdquery/L?d095:./list/bd/d095pl.lst:454\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d095:./list/bd/d095pl.lst:454(Public_Laws))), (3), Oct. 13, 1978, 92 Stat. 1224 (<http://uscode.house.gov/statviewer.htm?volume=92&page=1224>).)

# 5 U.S. Code § 1304 - Loyalty investigations; reports; revolving fund

Current through Pub. L. 114-38 (<http://www.gpo.gov/fdsys/pkg/PLAW-114publ38/html/PLAW-114publ38.htm>). (See Public Laws for the current Congress (<http://thomas.loc.gov/home/LegislativeData.php?n=PublicLaws>).

**US Code** ([/uscode/text/5/1304?qt-us\\_code\\_temp\\_noupdates=0#qt-us\\_code\\_temp\\_noupdates](/uscode/text/5/1304?qt-us_code_temp_noupdates=0#qt-us_code_temp_noupdates))

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**(a)** The Office of Personnel Management shall conduct the investigations and issue the reports required by the following statutes—

**(1)** sections 272b (</uscode/text/22/272b>), 281b(e) (</uscode/text/22/lii:usc:t:22:s:281b:e>), and 290a (</uscode/text/22/290a>) of title 22 (</uscode/text/22>);

**(2)** section 1874(c) of title 42 (</uscode/text/42/lii:usc:t:42:s:1874:c>); and

**(3)** section 1203(e) of title 6 (</uscode/text/6/lii:usc:t:6:s:1203:e>), District of Columbia Code.

**(b)** When an investigation under subsection (a) of this section develops data indicating that the loyalty of the individual being investigated is questionable, the Office shall refer the matter to the Federal Bureau of Investigation for a full field investigation, a report of which shall be furnished to the Office for its information and appropriate action.

**(c)** When the President considers it in the national interest, he may have the investigations of a group or class, which are required by subsection (a) of this section, made by the Federal Bureau of Investigation rather than the Office.

**(d)** The investigation and report required by subsection (a) of this section shall be made by the Federal Bureau of Investigation rather than the Office for those specific positions which the Secretary of State certifies are of a high degree of importance or sensitivity.

**(e)**

**(1)** A revolving fund is available, to the Office without fiscal year limitation, for financing investigations, training, and such other functions as the Office is authorized or required to perform on a reimbursable basis, including personnel management services performed at the request of individual agencies (which would otherwise be the responsibility of such agencies), or at the request of nonappropriated fund instrumentalities, and for the cost of audits, investigations, and oversight activities, conducted by the Inspector General of the Office, of the fund and the activities financed by the fund. However, the functions which may be financed in any fiscal year by the fund are restricted to those functions which are covered by the budget estimates submitted to the Congress for that fiscal year. To the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

**(2)** The capital of the fund consists of the aggregate of—

**(A)** appropriations made to provide capital for the fund, which appropriations are hereby authorized, and

**(B)** the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Office from time to time transfers to the fund (including the amount of the unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

**(3)** The fund shall be credited with—

**(A)** advances and reimbursements from available funds of the Office or other agencies, or from other sources, for those services and supplies provided at rates estimated by the Office as adequate to recover expenses of operation (including provision for accrued annual leave of employees and depreciation of equipment); and

**(B)** receipts from sales or exchanges of property, and payments for loss of or damage to property, accounted for under the fund.

**(4)** Any unobligated and unexpended balances in the fund which the Office determines to be in excess of amounts

needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts.

**(5)**

**(A)** The Office shall prepare a business-type budget providing full disclosure of the results of operations for each of the functions performed by the Office and financed by the fund, and such budget shall be transmitted to the Congress and considered, in the manner prescribed by law for wholly owned Government corporations.

**(B)** Such budget shall include an estimate from the Inspector General of the Office of the amount required to pay the expenses to audit, investigate, and provide other oversight activities with respect to the fund and the activities financed by the fund.

**(C)** The amount requested by the Inspector General under subparagraph (B) shall not exceed .33 percent of the total budgetary authority requested by the Office under subparagraph (A).

**(6)** The Comptroller General of the United States shall, as a result of his periodic reviews of the activities financed by the fund, report and make such recommendations as he deems appropriate to the Committee on Governmental Affairs of the Senate and the Committee on Post Office and Civil Service of the House of Representatives.

**(f)** An agency may use available appropriations to reimburse the Office or the Federal Bureau of Investigation for the cost of investigations, training, and functions performed for them under this section, or to make advances toward their cost. These advances and reimbursements shall be credited directly to the applicable appropriations of the Office or the Federal Bureau of Investigation.

**(g)** This section does not affect the responsibility of the Federal Bureau of Investigation to investigate espionage, sabotage, or subversive acts.

(Pub. L. 89-554

(<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW>), Sept. 6, 1966, 80 Stat. 401

(<http://uscode.house.gov/statviewer.htm?volume=80&page=401>);

Pub. L. 91-189, § 1

(<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW>), Dec. 30, 1969, 83 Stat. 851

(<http://uscode.house.gov/statviewer.htm?volume=83&page=851>);

Pub. L. 91–648, title V, § 510  
(<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW>), Jan. 5, 1971, 84 Stat. 1928  
(<http://uscode.house.gov/statviewer.htm?volume=84&page=1928>);  
Pub. L. 95–454, title IX, § 906(a)(2) ([http://thomas.loc.gov/cgi-bin/bdquery/L?d095:/list/bd/d095pl.lst:454\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d095:/list/bd/d095pl.lst:454(Public_Laws))), (3), Oct. 13, 1978, 92 Stat. 1224 (<http://uscode.house.gov/statviewer.htm?volume=92&page=1224>); Pub. L. 96–60, title II, § 203(a)(2) ([http://thomas.loc.gov/cgi-bin/bdquery/L?d096:/list/bd/d096pl.lst:60\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d096:/list/bd/d096pl.lst:60(Public_Laws))), Aug. 15, 1979, 93 Stat. 398  
(<http://uscode.house.gov/statviewer.htm?volume=93&page=398>);  
Pub. L. 97–412, § 1(a) ([http://thomas.loc.gov/cgi-bin/bdquery/L?d097:/list/bd/d097pl.lst:412\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d097:/list/bd/d097pl.lst:412(Public_Laws))), Jan. 3, 1983, 96 Stat. 2047 (<http://uscode.house.gov/statviewer.htm?volume=96&page=2047>); Pub. L. 98–224, § 5(b)(1) ([http://thomas.loc.gov/cgi-bin/bdquery/L?d098:/list/bd/d098pl.lst:224\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d098:/list/bd/d098pl.lst:224(Public_Laws))), Mar. 2, 1984, 98 Stat. 48 (<http://uscode.house.gov/statviewer.htm?volume=98&page=48>);  
Pub. L. 103–437, § 3(a) ([http://thomas.loc.gov/cgi-bin/bdquery/L?d103:/list/bd/d103pl.lst:437\(Public\\_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d103:/list/bd/d103pl.lst:437(Public_Laws))), Nov. 2, 1994, 108 Stat. 4581 (<http://uscode.house.gov/statviewer.htm?volume=108&page=4581>); Pub. L. 104–66, title II, § 2182  
(<http://www.gpo.gov/fdsys/pkg/PLAW-104publ66/html/PLAW-104publ66.htm>), Dec. 21, 1995, 109 Stat. 732  
(<http://uscode.house.gov/statviewer.htm?volume=109&page=732>);  
Pub. L. 104–208, div. A, title I, § 101(f) (<http://www.gpo.gov/fdsys/pkg/PLAW-104publ208/html/PLAW-104publ208.htm>) [title IV, § 421], Sept. 30, 1996, 110 Stat. 3009–314 (<http://uscode.house.gov/statviewer.htm?volume=110&page=3009-314>), 3009–343; Pub. L. 113–80, § 2  
(<http://www.gpo.gov/fdsys/pkg/PLAW-113publ80/html/PLAW-113publ80.htm>), Feb. 12, 2014, 128 Stat. 1006  
(<http://uscode.house.gov/statviewer.htm?volume=128&page=1006>.)