

eral Register, regulations establishing a unified personnel system for all employees of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.]. In preparing such regulations, the President shall keep the appropriate committees of the Congress fully and currently informed, and shall consult with them on a regular basis, concerning the nature of the unified personnel system to be established.

(b) Effective date of regulations

The regulations submitted to the Congress pursuant to subsection (a)—

(1) may not become effective until after the end of the 90-day period beginning on the date of such submission in order to provide the appropriate committees of the Congress an opportunity to review them; and

(2) shall not become effective then if, during such 90-day period, either House of Congress adopts a resolution stating in substance that it disapproves the personnel system proposed to be established by the regulations.

(c) Force and effect of regulations

Regulations which take effect pursuant to this section shall have the force and effect of law and shall apply with respect to the personnel of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], notwithstanding and¹ inconsistent provision of law unless that provision of law specifically states that it supersedes regulations issued under this section.

(Pub. L. 95-424, title IV, §401, Oct. 6, 1978, 92 Stat. 956; Pub. L. 96-53, title V, §503(a), Aug. 14, 1979, 93 Stat. 378.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (c), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Foreign Assistance Act of 1961 is classified generally to subchapter I (§2151 et seq.) of this chapter. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of this chapter, see section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section enacted as part of the International Development and Food Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-53 substituted “May 1” for “March 15”.

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-53, title V, §503(b), Aug. 14, 1979, 93 Stat. 378, provided that: “The amendment made by subsection (a) [amending this section] shall be effective as of March 15, 1979.”

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

¹ So in original. Probably should be “any”.

§ 2386. Experts, consultants, and retired officers

(a) Employment; compensation; renewal of contracts of employment

Experts and consultants or organizations thereof may as authorized by section 3109 of title 5 be employed for the performance of functions under this chapter, and individuals so employed may be compensated at rates not in excess of the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time. Contracts for such employment with such organizations, employment of personnel as experts and consultants, not to exceed ten in number, contracts for such employment of retired military personnel with specialized research and development experience, not to exceed ten in number, and contracts for such employment of retired military personnel with specialized experience of a broad politico-military nature, not to exceed five in number, may be renewed annually.

(b) Exemption from certain Federal laws

Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5.

(c) Employment without compensation of persons of outstanding experience and ability

Persons of outstanding experience and ability may be employed without compensation by any agency of the United States Government for the performance of functions under this chapter in accordance with the provisions of section 2160(b) of the Appendix to title 50, and regulations issued thereunder.

(Pub. L. 87-195, pt. III, §626, Sept. 4, 1961, 75 Stat. 451; Pub. L. 88-205, pt. III, §302(c), Dec. 16, 1963, 77 Stat. 389; Pub. L. 88-448, title IV, §§401(e), 402(a)(35), Aug. 19, 1964, 78 Stat. 490, 495; Pub. L. 88-633, pt. III, §302(b), Oct. 7, 1964, 78 Stat. 1014; Pub. L. 89-171, pt. III, §302(d), Sept. 6, 1965, 79 Stat. 660; Pub. L. 90-137, pt. III, §302(e), Nov. 14, 1967, 81 Stat. 460; Pub. L. 94-329, title VI, §603, June 30, 1976, 90 Stat. 766; Pub. L. 95-88, title I, §126, Aug. 3, 1977, 91 Stat. 542.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-88 struck out provisions under which service of an individual as an expert or consultant under subsec. (a) would not be considered employment as would bring a person under section 8344 of title 5, section 1112 of this title, and any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities subject to section 5532 of title 5.

1976—Subsec. (a). Pub. L. 94-329 substituted “the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5” for “\$100 per diem”.

1967—Subsec. (a). Pub. L. 90-137, §302(e)(1), substituted reference to section 3109 for former section 55a of title 5.

Subsec. (b). Pub. L. 90-137, §302(e)(2), substituted references to sections 3323(a) and 8344 of title 5 for former section 2263 of title 5 and to section 5532 of title 5 for former section 3102 of title 5.

1965—Subsecs. (c), (d). Pub. L. 89-171 redesignated subsec. (d) as (c). Former subsec. (c) was repealed by Pub. L. 88-448, title IV, §402(a)(35), Aug. 19, 1964, 78 Stat. 495.

1964—Subsec. (a). Pub. L. 88-633, §302(b)(1), increased compensation limits from \$75 to \$100 per diem.

Subsec. (b). Pub. L. 88-448, §401(e), struck out provisions which stated that service as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 59a of title 5, and inserted “, subject to section 3102 of title 5”.

Subsec. (c). Pub. L. 88-448, §402(a)(35), repealed subsec. (c) which related to compensation of retired officers.

Pub. L. 88-633, §302(b)(2), substituted “section 101(3) of Title 37” for “Career Compensation Act of 1949, as amended,” in subsec. (c) subsequent to the repeal of such subsection by Pub. L. 88-448.

1963—Subsec. (b). Pub. L. 88-205 substituted “Service of an individual as an expert or consultant under subsection (a) of this section shall not” for “Nor shall such service”, and struck out provisions exempting individuals serving under subsec. (a) of this section from coverage of sections 281, 283, or 284 of title 18, section 99 of title 5, or any Federal law imposing restrictions, requirements, or penalties in connection with claims or matters involving the U.S. Government, except insofar as such provisions prohibited such individuals from receiving compensation in respect of any matter in which such individual was directly involved in the performance of such service.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on first day of first month which begins later than the ninetieth day following Aug. 19, 1964, see Pub. L. 88-448, title IV, §403(a), Aug. 19, 1964, 78 Stat. 496.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 2387. Detail of personnel to foreign governments

Whenever the President determines it to be in furtherance of the purposes of this chapter, the head of any agency of the United States Government is authorized to detail or assign any officer or employee of his agency to any office or position with any foreign government or foreign government agency, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government or the acceptance of compensation or other benefits from any foreign country by such officer or employee.

(Pub. L. 87-195, pt. III, §627, Sept. 4, 1961, 75 Stat. 452.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2388. Detail of personnel to international organizations

Whenever the President determines it to be consistent with and in furtherance of the purposes of this chapter, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available to any international organization any officer or employee of his agency to serve with, or as a member of, the international staff of such organization, or to render any technical, scientific, or professional advice or service to, or in cooperation with, such organization.

(Pub. L. 87-195, pt. III, §628, Sept. 4, 1961, 75 Stat. 452.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2389. Status and benefits of personnel assigned or detailed to foreign governments or international organizations

(a) Allowances, privileges, rights, seniority, and other benefits

Any officer or employee, while assigned or detailed under section 2387 or 2388 of this title shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this chapter.

(b) Representation allowances

Any officer or employee assigned, detailed, or appointed under section 2387, 2388, 2391, or 2384(d)¹ of this title is authorized to receive under such regulations as the President may prescribe, representation allowances similar to those allowed under section 4085 of this title. The authorization of such allowances and other benefits and the payment thereof out of any ap-

¹ See References in Text note below.