

of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378. Thereafter, section was classified to section 450h of this title prior to its transfer to this section.

## AMENDMENTS

1954—Act Sept. 3, 1954, substituted “section 1914 of title 18” for reference to proviso in Act of March 3, 1917 (5 U.S.C. 66).

**§ 2221. Details of persons from or to office of Secretary**

Details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1280.)

## CODIFICATION

Section was formerly classified to section 530 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

**§ 2222. Details of law clerks**

Law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington.

(Mar. 4, 1911, ch. 238, 36 Stat. 1236.)

## CODIFICATION

Section was formerly classified to section 531 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

**§ 2223. Details of employees from and to library and bureaus and offices**

Employees of the library may be temporarily detailed by the Secretary of Agriculture for library service in the bureaus and offices of the department, and employees of the bureaus and offices of the department engaged in library work may also be temporarily detailed to the library.

(Mar. 4, 1911, ch. 238, 36 Stat. 1261.)

## REFERENCES IN TEXT

The library, referred to in text, is the library of the Department of Agriculture, known as the National Agricultural Library.

## CODIFICATION

Section was formerly classified to section 532 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

## TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

**§ 2224. Details of employees from and to Division of Accounts and Disbursements and bureaus and offices; traveling expenses**

Employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for accounting and disbursing

work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed.

(Aug. 10, 1912, ch. 284, 37 Stat. 294.)

## REFERENCES IN TEXT

The Division of Accounts and Disbursements, referred to in text, was a division of the Department of Agriculture at the time of enactment of this section. The activities of that Division are now performed by the various departmental offices in the Department of Agriculture under the Assistant Secretary of Agriculture for Administration. In a similar consolidation of operations, but one carried out in a different department, the Division of Disbursement and certain other offices and agencies and their functions in the Treasury Department were consolidated into the Fiscal Service of the Treasury Department by 1940 Reorg. Plan No. III, §1(a), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees.

## CODIFICATION

Section was formerly classified to section 533 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

## TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

**§ 2224a. Utilization of employees of agencies for part-time and intermittent assistance to other agencies; exclusion of overtime resulting from natural disasters from staff year ceilings**

On and after October 28, 1991, notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

(Pub. L. 102-142, title VII, §711, Oct. 28, 1991, 105 Stat. 912.)

**§ 2225. Employment of temporary personnel**

The Department of Agriculture may employ persons or organizations, on a temporary basis, by contract or otherwise: *Provided*, That no expenditures for such temporary employment shall be made unless provision is made therefor in the applicable appropriation and the cost

thereof is not in excess of limitations prescribed therein.

(Sept. 21, 1944, ch. 412, title VII, § 706(a), 58 Stat. 742; Ex. Ord. No. 9577, June 29, 1945, 10 F.R. 4253.)

#### CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

First sentence of section which related to the authority of the War Food Administrator to employ personnel was omitted on the authority of Ex. Ord. No. 9577, which terminated the War Food Administration.

The exception from “the Classification Act of 1923, as amended” was omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949 (63 Stat. 972, 973) repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception contained in this section because of section 1106(b) that provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89-544, § 8(a), Sept. 6, 1966, 80 Stat. 632 (section 1 of which revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act.

Section was formerly classified to section 574 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

#### § 2225a. Contracts for consulting services

On and after October 28, 1991, the expenditure of any appropriation for the Department of Agriculture for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

(Pub. L. 102-142, title VII, § 701, Oct. 28, 1991, 105 Stat. 911.)

#### § 2225b. Personal service contracts for veterinarians

On and after October 28, 1991, provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

(Pub. L. 102-142, title VII, § 723, Oct. 28, 1991, 105 Stat. 913.)

#### § 2225c. Employment contracts for services abroad

On and after October 28, 2000, funds appropriated to the Department of Agriculture may be used to employ individuals by contract for

services outside the United States as determined by the agencies to be necessary or appropriate for carrying out programs and activities abroad; and such contracts are authorized to be negotiated, the terms of the contract to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making and performance of contracts and performance of work in the United States. Individuals employed by contract to perform such services outside the United States shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. Such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq. Further, that<sup>1</sup> Government service credit shall be accrued for the time employed under a Personal Service Agreement (PSA) should the individual later be hired into a permanent United States Government position within FAS or another United States Government agency if the authorities of the hiring agency so permit.

(Pub. L. 106-387, § 1(a) [title VII, § 740], Oct. 28, 2000, 114 Stat. 1549, 1549A-34.)

#### REFERENCES IN TEXT

The Federal Employee Compensation Act, referred to in text, is act Sept. 7, 1916, ch. 458, 39 Stat. 742, as amended, which was repealed and the provisions thereof were reenacted as subchapter I (§ 8101 et seq.) of chapter 81 of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

#### AVAILABILITY OF FOREIGN AGRICULTURAL SERVICE FUNDS

Pub. L. 100-202, § 101(k) [title IV], Dec. 22, 1987, 101 Stat. 1329-322, 1329-350, as amended by Pub. L. 105-277, div. A, § 101(a) [title VII, § 750], Oct. 21, 1998, 112 Stat. 2681, 2681-32, provided in part: “That funds available to the Foreign Agricultural Service under this and subsequent appropriations Acts shall be available to contract with individuals for services to be performed outside the United States as determined by the Service to be necessary or appropriate for carrying out programs and activities abroad. On or after August 1, 1998 such individuals employed by contract to perform such services shall not, by virtue of such employment, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. Such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq.”

#### § 2225d. Availability of Department of Agriculture funds for temporary employment

On and after November 10, 2005, funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available for employment pursuant to the second sentence of section 2225 of this title and section 3109 of title 5.

(Pub. L. 109-97, title VII, § 703, Nov. 10, 2005, 119 Stat. 2149.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108-447, div. A, title VII, § 703, Dec. 8, 2004, 118 Stat. 2838.

<sup>1</sup> So in original.