

science education programs, including measures to facilitate the implementations of successful innovations.

**(d) Reservation of certain Foundation authority**

Nothing in this section is intended to repeal or limit the authority of the National Science Foundation or the Director of the National Science Foundation to initiate and conduct programs under the National Science Foundation Act of 1950 [42 U.S.C. 1861 et seq.].

(Pub. L. 96–88, title III, §303, formerly §304, Oct. 17, 1979, 93 Stat. 680; renumbered §303, Pub. L. 103–382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

REFERENCES IN TEXT

The National Science Foundation Act of 1950, referred to in subsecs. (a)(1) and (d), is act May 10, 1950, ch. 171, 64 Stat. 149, as amended, which is classified generally to chapter 16 (§1861 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1861 of Title 42 and Tables.

CODIFICATION

In subsec. (a)(1), “May 4, 1980” substituted for “the effective date of this chapter” pursuant to section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of this title.

PRIOR PROVISIONS

A prior section 303 of Pub. L. 96–88 was renumbered section 302 and is classified to section 3443 of this title.

**§ 3445. Transfers from Department of Justice**

There are transferred to the Secretary all functions of the Attorney General and of the Law Enforcement Assistance Administration with regard to the student loan and grant programs known as the law enforcement education program and the law enforcement intern program authorized by subsections (b), (c), and (f) of section 406<sup>1</sup> of the Omnibus Crime Control and Safe Streets Act of 1968.

(Pub. L. 96–88, title III, §304, formerly §305, Oct. 17, 1979, 93 Stat. 680; renumbered §304, Pub. L. 103–382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

REFERENCES IN TEXT

Section 406 of the Omnibus Crime Control and Safe Streets Act of 1968, referred to in text, is section 406 of title I of Pub. L. 90–351, June 19, 1968, 82 Stat. 204, which was classified to section 3746 of Title 42, The Public Health and Welfare. Title I of the Act was amended generally by Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1167, and provisions formerly contained in section 406 of the Act were contained in section 705 of part G of title I of the Act, which was classified to section 3775 of Title 42. Subsequently, part G of title I of the Act was amended generally by Pub. L. 98–473, title II, §609A(a), Oct. 12, 1984, 98 Stat. 2090, and, as so amended, did not contain a section 705 or similar provisions.

PRIOR PROVISIONS

A prior section 304 of Pub. L. 96–88 was renumbered section 303 and is classified to section 3444 of this title.

**§ 3446. Transfers from Department of Housing and Urban Development**

There are transferred to the Secretary all functions relating to college housing loans of

the Secretary of Housing and Urban Development and of the Department of Housing and Urban Development under title IV of the Housing Act of 1950 [12 U.S.C. 1749 et seq.].

(Pub. L. 96–88, title III, §305, formerly §306, Oct. 17, 1979, 93 Stat. 681; renumbered §305, Pub. L. 103–382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

REFERENCES IN TEXT

The Housing Act of 1950, referred to in text, is act Apr. 20, 1950, ch. 94, 64 Stat. 48, as amended. Title IV of the Housing Act of 1950 which was classified generally to subchapter IX (§1749 et seq.) of chapter 13 of Title 12, Banks and Banking, was repealed by Pub. L. 99–498, title VII, §702, Oct. 17, 1986, 100 Stat. 1545. For complete classification of this Act to the Code, see Short Title of 1950 Amendment note set out under section 1701 of Title 12 and Tables.

PRIOR PROVISIONS

A prior section 305 of Pub. L. 96–88 was renumbered section 304 and is classified to section 3445 of this title.

**§ 3447. Effect of transfers**

The transfer of a function or office from an officer or agency to the Secretary or to the Department includes any aspects of such function or office vested in a subordinate of such officer or in a component of such agency.

(Pub. L. 96–88, title III, §306, formerly §307, Oct. 17, 1979, 93 Stat. 681; renumbered §306, Pub. L. 103–382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

PRIOR PROVISIONS

A prior section 306 of Pub. L. 96–88 was renumbered section 305 and is classified to section 3446 of this title.

SUBCHAPTER IV—ADMINISTRATIVE PROVISIONS

PART A—PERSONNEL PROVISIONS

**§ 3461. Officers and employees**

**(a) Appointment and compensation**

The Secretary is authorized to appoint and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Secretary and the Department. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5.

**(b) Applicability of General Schedule; termination of authority; exemption from limitations on executive positions**

(1) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 5108 of title 5, provide for the establishment in each of the grade levels GS–16, GS–17, and GS–18 of a number of positions in the Department equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred under this chapter and which were assigned and filled on the day before May 4, 1980.

(2) Repealed. Pub. L. 107–279, title IV, §403(3), Nov. 5, 2002, 116 Stat. 1985.

<sup>1</sup> See References in Text note below.

(3) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this chapter and, on the day preceding May 4, 1980, holds a position and has duties comparable to those of the position to which appointed hereunder.

(4) The authority under this subsection with respect to any position shall terminate when the person first appointed to fill such position ceases to hold such position.

(5) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day preceding May 4, 1980.

**(c) Repealed. Pub. L. 99-498, title XIV, § 1401(d), Oct. 17, 1986, 100 Stat. 1597**

**(d) Senior Executive Service**

Notwithstanding any other provision of law, the Director of the Office of Personnel Management shall establish positions within the Senior Executive Service for 15 limited-term appointees. The Secretary shall appoint individuals to such positions as provided by section 3394 of title 5. Such positions shall expire on the later of three years after May 4, 1980, or three years after the initial appointment to each position. Positions in effect under this subsection shall be taken into account in applying the limitations on positions prescribed under section 3134(e) and section 5108 of such title.

**(e) Indian preference laws**

Nothing in this chapter shall be construed to prevent the application of any Indian preference law in effect on the day before October 17, 1979, to any function or office transferred by this chapter and subject to any such law on the day before October 17, 1979. Any function or office transferred by this chapter and subject to any such law shall continue to be subject to any such law.

(Pub. L. 96-88, title IV, § 401, Oct. 17, 1979, 93 Stat. 681; Pub. L. 99-145, title XII, § 1204(a)(1), Nov. 8, 1985, 99 Stat. 720; Pub. L. 99-498, title XIV, § 1401(d), Oct. 17, 1986, 100 Stat. 1597; Pub. L. 103-382, title II, § 271(a)(3)(A), Oct. 20, 1994, 108 Stat. 3929; Pub. L. 107-279, title IV, § 403(3), Nov. 5, 2002, 116 Stat. 1985.)

REFERENCES IN TEXT

Section 414(a)(3)(A) of the Civil Service Reform Act of 1978, referred to in subsec. (b)(5), is section 414(a)(3)(A) of Pub. L. 95-454, title IV, Oct. 13, 1978, 92 Stat. 1178, which is set out as a note under sections 3104 and 5108 of Title 5.

CODIFICATION

In subsecs. (a) and (d), “May 4, 1980” substituted for “the effective date of this chapter” pursuant to section 601 of Pub. L. 96-88, set out as an Effective Date note under section 3401 of this title.

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107-279 struck out par. (2) which read as follows: “At the request of the Secretary, the Director of the Office of Personnel Management

shall, under section 3104 of title 5, provide for the establishment in the Office created by section 3419 of this title of a number of scientific, professional, and technical positions outside of the General Schedule equal to the number of such positions which were used primarily for the performance of functions and offices transferred under this chapter and which were assigned and filled on the day before May 4, 1980.”

1994—Subsec. (b)(2). Pub. L. 103-382 made technical amendment to reference to section 3419 of this title to reflect renumbering of corresponding section of original act.

1986—Subsec. (c). Pub. L. 99-498 struck out subsec. (c) which read as follows: “The Secretary may appoint, without regard to the provisions of title 5 governing appointment in the competitive service, up to 175 scientific, technical, or professional employees of the Office created by section 3419 of this title and may compensate employees so appointed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates. The rate of basic compensation for such employees shall not be equal to or in excess of the minimum rate of pay currently paid for GS-16 of the General Schedule under section 5332 of such title.”

1985—Subsec. (f). Pub. L. 99-145 struck out subsec. (f) which deemed any reference to “civilian component” as including a reference to overseas personnel of the overseas dependents’ education system for purposes of any status of forces agreement between the United States and any other country or any international organization.

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.

**§ 3462. Experts and consultants**

**(a) In general**

The Secretary may as provided in appropriation Acts obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5 and may compensate such experts and consultants at rates not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of such title.

**(b) Special rule**

**(1) In general**

Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

**(2) Applicability**

The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds.

(Pub. L. 96-88, title IV, § 402, Oct. 17, 1979, 93 Stat. 682; Pub. L. 103-227, title IX, § 981, Mar. 31, 1994, 108 Stat. 263.)

AMENDMENTS

1994—Pub. L. 103-227 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).