

ment 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 of chapter 13 of Title 12, Banks and Banking, was repealed by Pub.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.

(3) Appointments to positions provided for under this subsection may be made without re-

gard 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