

2006—Subsec. (j). Pub. L. 109-234 added subsec. (j).

1981—Subsec. (d). Pub. L. 97-113 substituted “or under chapter 53 of title 5, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980” for “together with allowances and benefits under that Act”.

1980—Subsec. (d). Pub. L. 96-465, §2203(a), substituted references to the Foreign Service Act of 1980, for references to the Foreign Service Act of 1946, and struck out provisions relating to the applicability of section 1005 of the Foreign Service Act of 1946 and relating to the utilization of Presidential authority under the Foreign Service Act of 1946 to carry out the functions of this chapter.

Subsec. (e). Pub. L. 96-465, §2205(8), struck out subsec. (e) which set forth requirement of standards or other criteria for maintenance of adequate performance levels for personnel. See sections 4007 and 4008 of this title.

Subsec. (g). Pub. L. 96-465, §2205(8), struck out subsec. (g) which related to competency in foreign languages. See section 4022 of this title.

Subsec. (j). Pub. L. 96-465, §2205(8), struck out subsec. (j) which related to appointment and compensation of an Inter-American Committee representative.

Subsec. (k). Pub. L. 96-465, §2205(8), struck out subsec. (k) which related to applicability, etc., of Foreign Service Retirement and Disability System. See sections 3922 and 4043 of this title.

1977—Subsec. (d)(2). Pub. L. 95-88 struck out a numerical limitation of fifty on the number of persons which the President may assign, at any one time, to duty within the United States for the purpose of preparation for assignments outside the United States.

1973—Subsec. (k). Pub. L. 93-189 added subsec. (k).

1968—Subsec. (c). Pub. L. 90-554 inserted “or any Act superseding subchapter II of this chapter in whole or in part” after “to carry out subchapter II of this chapter”.

1967—Subsecs. (b), (c). Pub. L. 90-137, §302(b), (c), substituted references to section 5332 of title 5 for former references to the Classification Act of 1949, as amended, and to section 5108 for former section 1105 of title 5.

Subsec. (d)(2). Pub. L. 90-137, §302(d), authorized an increase in the assignment of foreign personnel from forty to fifty persons.

1965—Subsec. (d)(2). Pub. L. 89-171 substituted “forty” for “twenty”.

1964—Subsec. (d)(2). Pub. L. 88-633, §302(a)(1), substituted “the assignment to such duty of more than twenty persons at any one time” for “more than thirty persons in the aggregate”.

Subsec. (j). Pub. L. 88-633, §302(a)(2), added subsec. (j).

1962—Subsec. (b). Pub. L. 87-793, §1001(k)(1), substituted “but not in excess of the highest rate of grade 18 of such general schedule” for “and of these, not to exceed eight may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of \$19,000 per year”.

Pub. L. 87-565, §302(c)(1), substituted “one hundred and ten” for “seventy-six”.

Subsec. (c). Pub. L. 87-793, §1001(k)(2), substituted “but not in excess of the highest rate of grade 18 of such general schedule” for “and of these, not to exceed three may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of \$19,000 per year”.

Subsec. (d)(2). Pub. L. 87-565, §302(c)(2), authorized the President to initially assign personnel, not exceeding 30 persons in the aggregate, for duty within the United States for a period not exceeding two years for preparation for duty outside the United States.

Subsec. (f). Pub. L. 87-565, §302(c)(3), inserted “with respect to specific projects”, and “agencies of”, and excluded services of employees of agencies primarily responsible for administering subchapter I or II of this chapter from the purview of this subsection.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment of subsec. (d) and repeal of subsecs. (e), (g), and (j) by Pub. L. 96-465 effective Feb. 15, 1981, ex-

cept as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

Repeal of subsec. (k) by Pub. L. 96-465 effective Oct. 17, 1980, see Pub. L. 96-465, title II, §2403(d)(1), Oct. 17, 1980, 94 Stat. 2169.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see Pub. L. 87-793, pt. II, §1008, Oct. 11, 1962, 76 Stat. 868.

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.

EXTENSION OF AUTHORITY

Pub. L. 116-94, div. G, title VII, §7034(l)(3), Dec. 20, 2019, 133 Stat. 2872, provided that: “Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting ‘September 30, 2020’ for ‘October 1, 2010’ in subparagraph (B).”

Prior extensions were contained in the following prior acts:

Pub. L. 116-6, div. F, title VII, §7034(m)(3), Feb. 15, 2019, 133 Stat. 327.

Pub. L. 115-141, div. K, title VII, §7034(l)(3), Mar. 23, 2018, 132 Stat. 895.

Pub. L. 115-31, div. J, title VII, §7034(k)(3), May 5, 2017, 131 Stat. 651.

Pub. L. 114-113, div. K, title VII, §7034(k)(6), Dec. 18, 2015, 129 Stat. 2765.

Pub. L. 113-235, div. J, title VII, §7034(l)(6), Dec. 16, 2014, 128 Stat. 2625.

Pub. L. 113-76, div. K, title VII, §7034(m)(6), Jan. 17, 2014, 128 Stat. 515.

Pub. L. 112-74, div. I, title VII, §7034(m)(6), Dec. 23, 2011, 125 Stat. 1216.

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.

ENTITLEMENT TO BENEFITS FOR SERVICES PERFORMED OUTSIDE UNITED STATES; SERVICE EXCEEDING THIRTY MONTHS

Persons appointed, employed, or assigned after May 19, 1959, under former section 1787(c) of this title or subsec. (d) of this section for the purpose of performing functions under the Mutual Security Act of 1954 (see Short Title note set out under section 1754 of this title) and this chapter, outside the United States, shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided for by section 3950 of this title in cases in which their service under the appointment, employment, or assignment exceeds thirty months, see Ex. Ord. No. 12163, §1-602(b), Sept. 29, 1979, 44 F.R. 56677, as amended, set out as a note under section 2381 of this title.

§ 2385a. Unified personnel system

(a) Establishment by regulations

Not later than May 1, 1979, the President shall submit to the Congress, and publish in the Federal 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 4560(b) of 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.