

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

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

EXTENSION OF AUTHORITY

Pub. L. 116-260, div. K, title VII, §7034(l)(3), Dec. 27, 2020, 134 Stat. 1749, 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, 2021’ for ‘October 1, 2010’ in subparagraph (B).”

Prior extensions were contained in the following prior acts:

Pub. L. 116-94, div. G, title VII, §7034(l)(3), Dec. 20, 2019, 133 Stat. 2872.

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.

Executive Documents

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.

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.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subssecs. (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

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

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”.

Statutory Notes and Related Subsidiaries

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.

§ 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.)

Editorial Notes

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.