

within the meaning of section 3132(a), and shall be subject to all provisions of this title relating to Senior Executive Service positions, including section 5383.

(h) The Office of Personnel Management shall provide such clerical and professional personnel as the Chairman of the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible to the Chairman of the Committee.

(Added Pub. L. 92-392, §1(a), Aug. 19, 1972, 86 Stat. 571; amended Pub. L. 95-454, title IX, §906(a)(1), (2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-54, §2(a)(15), Aug. 14, 1979, 93 Stat. 382; Pub. L. 102-378, §2(30), Oct. 2, 1992, 106 Stat. 1350; Pub. L. 104-66, title II, §2181(d), Dec. 21, 1995, 109 Stat. 732.)

Editorial Notes

AMENDMENTS

1995—Subsec. (e). Pub. L. 104-66 struck out at end “The Committee shall make an annual report to the Office and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.”

1992—Subsec. (g). Pub. L. 102-378 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), members” for “Members”, struck out second sentence which read as follows: “The Chairman is entitled to a rate of pay equal to the maximum rate currently paid, from time to time, under the General Schedule.”, and added par. (2).

1979—Subsec. (e). Pub. L. 96-54 substituted “Office” for “Commission”.

1978—Subsecs. (a) to (e), (h). Pub. L. 95-454 substituted “Director of the Office of Personnel Management” for “Chairman of the Civil Service Commission” and “Office of Personnel Management” for “Civil Service Commission”, wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

EFFECTIVE DATE

Section effective on first day of first applicable pay period beginning on or after 90th day after Aug. 19, 1972, see section 15(a) of Pub. L. 92-392, set out as a note under section 5341 of this title.

§ 5348. Crews of vessels

(a) Except as provided by subsection (b) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

(b) Vessel employees in an area where inadequate maritime industry practice exists and vessel employees of the Corps of Engineers shall

have their pay fixed and adjusted under the provisions of this subchapter other than this section, as appropriate.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 471, §5348, formerly §5342; renumbered and amended Pub. L. 92-392, §1(a), Aug. 19, 1972, 86 Stat. 572; Pub. L. 96-70, title III, §3302(e)(1), Sept. 27, 1979, 93 Stat. 498; Pub. L. 104-201, div. C, title XXXV, §3548(a)(3)(C), Sept. 23, 1996, 110 Stat. 2868.)

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201, §3548(a)(3)(C)(iii), substituted “subsection (b)” for “subsections (b) and (c)”.

Subsecs. (b), (c). Pub. L. 104-201, §3548(a)(3)(C)(i), (ii), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “Vessel employees of the Panama Canal Commission may be paid in accordance with the wage practices of the maritime industry.”

1979—Subsec. (b). Pub. L. 96-70 substituted “Commission” for “Company”.

1972—Subsec. (a). Pub. L. 92-392 inserted reference to subsection (c) of this section.

Subsec. (c). Pub. L. 92-392 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-392 effective on first day of first applicable pay period beginning on or after 90th day after Aug. 19, 1972, see section 15(a) of Pub. L. 92-392, set out as an Effective Date note under section 5341 of this title.

LIMITATION ON PAY ADJUSTMENTS

For provisions limiting the adjustment of salary or basic pay of employees covered by this section, see provisions set out as notes under section 5343 of this title.

§ 5349. Prevailing rate employees; legislative, judicial, Bureau of Engraving and Printing, and government of the District of Columbia

(a) The pay of employees, described under section 5102(c)(7) of this title, in the Library of Congress, the Botanic Garden, the Government Publishing Office, the Government Accountability Office, the Office of the Architect of the Capitol, the Bureau of Engraving and Printing, and the government of the District of Columbia, shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and in accordance with such provisions of this subchapter, including the provisions of section 5344, relating to retroactive pay, and subchapter VI of this chapter, relating to grade and pay retention, as the pay-fixing authority of each such agency may determine. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided for by section 206(a)(1) of title 29. If the pay-fixing authority concerned determines that the provisions of subchapter VI of this chapter should apply to any employee under his jurisdiction, then the employee con-

cerned shall be deemed to have satisfied the requirements of section 5361(1) of this title if the tenure of his appointment is substantially equivalent to the tenure of any appointment referred to in such paragraph.

(b) Subsection (a) of this section does not modify or otherwise affect section 5102(d) of this title, section 305 of title 44, and section 5141 of title 31.

(Added Pub. L. 92-392, §1(a), Aug. 19, 1972, 86 Stat. 572; amended Pub. L. 95-454, title VIII, §801(a)(3)(H), Oct. 13, 1978, 92 Stat. 1222; Pub. L. 97-258, §3(a)(11), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 100-426, title III, §301, Sept. 9, 1988, 102 Stat. 1602; Pub. L. 101-474, §5(j), Oct. 30, 1990, 104 Stat. 1100; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) of this section were contained in Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 471; Pub. L. 90-83, §1(97), Sept. 11, 1967, 81 Stat. 220 (formerly classified to section 5341(a) of this title) prior to the general amendment of this subchapter by section 1(a) of Pub. L. 92-392.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1990—Subsec. (a). Pub. L. 101-474 struck out “the Administrative Office of the United States Courts,” before “the Library of Congress”.

1988—Subsec. (a). Pub. L. 100-426 inserted reference to General Accounting Office.

1982—Subsec. (b). Pub. L. 97-258 substituted “section 5141” for “section 180”.

1978—Subsec. (a). Pub. L. 95-454 substituted “subchapter VI of this chapter, relating to grade and pay retention,” for “section 5345, relating to retention of pay,” “subchapter VI of this chapter” for “section 5345 of this title”, and “section 5361(1)” for “paragraph (2) of section 5345(a)”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Government Publishing Office” substituted for “Government Printing Office” in subsec. (a) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, see section 801(a)(4) of Pub. L. 95-454, set out as an Effective Date note under section 5361 of this title.

EFFECTIVE DATE

Section effective on first day of first applicable pay period beginning on or after 90th day after Aug. 19, 1972, see section 15(a) of Pub. L. 92-392, set out as a note under section 5341 of this title.

SUBCHAPTER V—STUDENT-EMPLOYEES

§ 5351. Definitions

For the purpose of this subchapter—

(1) “agency” means an Executive agency, a military department, and the government of the District of Columbia; and

(2) “student-employee” means—

(A) a student nurse, medical or dental intern, resident-in-training, student dietitian, student physical therapist, and student occupational therapist, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by an agency; and

(B) any other student-employee, assigned or attached primarily for training purposes to a hospital, clinic, or medical or dental laboratory operated by an agency, who is designated by the head of the agency with the approval of the Office of Personnel Management.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 472; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 1052.	Aug. 4, 1947, ch. 452, §2, 61 Stat. 727.

The section is restated in definition form. In paragraph (1), the words “an Executive agency, a military department” are coextensive with and substituted for “department, agency, or instrumentality of the Federal Government” in view of the definitions in sections 105 and 102.

The exception from the Classification Act of 1923, as amended, is omitted as obsolete and superseded by the Classification Act of 1949, as amended, which is carried into this title. The present exception from the Classification Act of 1949, as amended, is carried into section 5102(c)(16).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

1978—Par. (2)(B). Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

§ 5352. Stipends

The head of each agency, and the District of Columbia Council with respect to the government of the District of Columbia, shall fix the stipends of its student-employees. The stipend may not exceed the applicable maximum prescribed by the Office of Personnel Management.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 472; Pub. L. 90-623, §1(7), Oct. 22, 1968, 82 Stat. 1312; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 1051 (1st sentence).	Aug. 4, 1947, ch. 452, §3 (1st sentence), 61 Stat. 727.