

ment, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

(Pub. L. 102-142, title VII, §711, Oct. 28, 1991, 105 Stat. 912.)

#### § 2225. Employment of temporary personnel

The Department of Agriculture may employ persons or organizations, on a temporary basis, by contract or otherwise: *Provided*, That no expenditures for such temporary employment shall be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

(Sept. 21, 1944, ch. 412, title VII, §706(a), 58 Stat. 742; Ex. Ord. No. 9577, June 29, 1945, 10 F.R. 4253.)

#### Editorial Notes

##### CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

First sentence of section which related to the authority of the War Food Administrator to employ personnel was omitted on the authority of Ex. Ord. No. 9577, which terminated the War Food Administration.

The exception from “the Classification Act of 1923, as amended” was omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949 (63 Stat. 972, 973) repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception contained in this section because of section 1106(b) that provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89-544, §8(a), Sept. 6, 1966, 80 Stat. 632 (section 1 of which revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act.

Section was formerly classified to section 574 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

#### § 2225a. Contracts for consulting services

On and after October 28, 1991, the expenditure of any appropriation for the Department of Agriculture for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under

existing Executive order issued pursuant to existing law.

(Pub. L. 102-142, title VII, §701, Oct. 28, 1991, 105 Stat. 911.)

#### § 2225b. Personal service contracts for veterinarians

On and after October 28, 1991, provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

(Pub. L. 102-142, title VII, §723, Oct. 28, 1991, 105 Stat. 913.)

#### § 2225c. Employment contracts for services abroad

On and after October 28, 2000, funds appropriated to the Department of Agriculture may be used to employ individuals by contract for services outside the United States as determined by the agencies to be necessary or appropriate for carrying out programs and activities abroad; and such contracts are authorized to be negotiated, the terms of the contract to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making and performance of contracts and performance of work in the United States. Individuals employed by contract to perform such services outside the United States shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. Such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq. Further, that<sup>1</sup> Government service credit shall be accrued for the time employed under a Personal Service Agreement (PSA) should the individual later be hired into a permanent United States Government position within FAS or another United States Government agency if the authorities of the hiring agency so permit.

(Pub. L. 106-387, §1(a) [title VII, §740], Oct. 28, 2000, 114 Stat. 1549, 1549A-34.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Federal Employee Compensation Act, referred to in text, is act Sept. 7, 1916, ch. 458, 39 Stat. 742, which was repealed and the provisions thereof were reenacted as subchapter I (§8101 et seq.) of chapter 81 of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

#### Statutory Notes and Related Subsidiaries

##### AVAILABILITY OF FOREIGN AGRICULTURAL SERVICE FUNDS

Pub. L. 100-202, §101(k) [title IV], Dec. 22, 1987, 101 Stat. 1329-322, 1329-350, as amended by Pub. L. 105-277, div. A, §101(a) [title VII, §750], Oct. 21, 1998, 112 Stat. 2681, 2681-32, provided in part: “That funds available to

<sup>1</sup> So in original.

the Foreign Agricultural Service under this and subsequent appropriations Acts shall be available to contract with individuals for services to be performed outside the United States as determined by the Service to be necessary or appropriate for carrying out programs and activities abroad. On or after August 1, 1998 such individuals employed by contract to perform such services shall not, by virtue of such employment, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. Such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq.”

**§ 2225d. Availability of Department of Agriculture funds for temporary employment**

On and after November 10, 2005, funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available for employment pursuant to the second sentence of section 2225 of this title and section 3109 of title 5.

(Pub. L. 109-97, title VII, §703, Nov. 10, 2005, 119 Stat. 2149.)

**Editorial Notes**

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108-447, div. A, title VII, §703, Dec. 8, 2004, 118 Stat. 2838.

Pub. L. 108-199, div. A, title VII, §703, Jan. 23, 2004, 118 Stat. 31.

Pub. L. 108-7, div. A, title VII, §703, Feb. 20, 2003, 117 Stat. 38.

**§ 2226. Employment of persons for forest fire fighting, pest control, and handling of animals**

Notwithstanding any other provisions of law, the Department is authorized on and after August 31, 1951, to employ or otherwise contract with persons at regular rates of pay for necessary hours of work for emergency forest fire fighting and pest control and for handling of animals, including dairy cattle, without regard to Sundays, Federal holidays, and the regular workweek.

(Aug. 31, 1951, ch. 374, title IV, §407, 65 Stat. 246.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 574a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

**§ 2227. Traveling expenses**

The Secretary of Agriculture is authorized to purchase from appropriations made for traveling expenses for employees of the Department of Agriculture, mileage and mileage books, at commercial rates, in the manner in which such mileage or mileage books are usually purchased.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1281.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 538 of Title 5 prior to the general revision and enactment of Title

5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

**Statutory Notes and Related Subsidiaries**

REPEAL

Insofar as the provisions of this section relating to subsistence may conflict with those of sections 821 to 823, and 827 to 833 of former Title 5, which are now covered by sections 102, 105, 2105, 2106, 5701, 5705, 5707 and 5708 of Title 5, Government Organization and Employees, they were repealed by section 829 of former Title 5, which is now covered by section 5708 of Title 5.

**§ 2228. Emergency subsistence for employees**

The Department of Agriculture is authorized to furnish subsistence to employees without consideration as, or deduction from, the compensation of such employees where warranted by emergency condition connected with the work under such regulations as the Secretary of Agriculture may prescribe.

(Aug. 3, 1956, ch. 950, §5, 70 Stat. 1033.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 541d of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

**§ 2229. Travel and per diem expenses of temporary or seasonal employees**

Under such regulations as may be prescribed by the Secretary of Agriculture, funds available to the Department of Agriculture may be used for the payment of transportation expenses and per diem in lieu of subsistence expenses, in accordance with subchapter I of chapter 57 of title 5, for travel between places of recruitment and duty, and while at places of duty, of persons appointed for temporary or seasonal services in inspection, classing or grading agricultural commodities.

(Aug. 3, 1956, ch. 950, §12, 70 Stat. 1034.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 541e of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

“Subchapter I of chapter 57 of title 5” substituted in text for “the Travel Expense Act of 1949” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

**§ 2230. Employees in Alaska; subsistence, equipment, and supplies**

The Secretary of Agriculture is authorized to furnish subsistence to employees of the United States Department of Agriculture in the Territory of Alaska, and to purchase personal equipment and supplies for them, and to make deductions to meet the cost thereof from any money appropriated for salary payments or otherwise due such employees.

(Feb. 16, 1931, ch. 200, 46 Stat. 1162.)