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5 U.S. Code § 3109 - Employment of experts and consultants; temporary or intermittent

U.S. Code Notes Authorities (CFR)

(a) For the purpose of this section—

(1) “agency” has the meaning given it by section 5721 of this title; and

(2) “appropriation” includes funds made available by statute under section 9104 of title 31.

(b) When authorized by an appropriation or other statute, the head of an agency may procure by contract the temporary (not in excess of 1 year) or intermittent services of experts or consultants or an organization thereof, including stenographic reporting services. Services procured under this section are without regard to—

- (1)** the provisions of this title governing appointment in the competitive service;
- (2)** chapter 51 and subchapter III of chapter 53 of this title; and
- (3)** section 6101(b) to (d) of title 41, except in the case of stenographic reporting services by an organization.

However, an agency subject to chapter 51 and subchapter III of chapter 53 of this title may pay a rate for services under this section in excess of the daily equivalent of the highest rate payable under section 5332 of this title only when specifically authorized by the appropriation or other statute authorizing the procurement of the services.

(c) Positions in the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service may not be filled under the authority of subsection (b) of this section.

(d) The Office of Personnel Management shall prescribe regulations necessary for the administration of this section. Such regulations shall include—

- (1)** criteria governing the circumstances in which it is appropriate to employ an expert or consultant under the provisions of this section;
- (2)** criteria for setting the pay of experts and consultants under this section; and
- (3)** provisions to ensure compliance with such regulations.

(e) Each agency shall report to the Office of Personnel Management on an annual basis with respect to—

- (1)** the number of days each expert or consultant employed by the agency during the period was so employed; and
- (2)** the total amount paid by the agency to each expert and consultant for such work during the period.

([Pub. L. 89-554](#), Sept. 6, 1966, [80 Stat. 416](#); [Pub. L. 95-454](#), title IV, § 402(b), Oct. 13, 1978, [92 Stat. 1160](#); [Pub. L. 97-258](#), § 3(a)(4), Sept. 13, 1982, [96 Stat. 1063](#); [Pub. L. 100-325](#), § 2(b), May 30, 1988, [102 Stat. 581](#); [Pub. L. 102-378](#), § 2(8), Oct. 2, 1992, [106 Stat. 1347](#); [Pub. L. 111-350](#), § 5(a)(4), Jan. 4, 2011, [124 Stat. 3841](#).)

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