

and coordinated dissemination of information throughout the executive branch in the event of a crisis, such as, in the case of a threat to human health from food-borne pathogens, developing a rapid and coordinated response among the Department, the Centers for Disease Control, and the Food and Drug Administration.

(Pub. L. 105-185, title VI, §618, June 23, 1998, 112 Stat. 607.)

**§ 7657. Senior Scientific Research Service**

**(a) In general**

There is established in the Department of Agriculture the Senior Scientific Research Service (referred to in this section as the “Service”).

**(b) Members**

**(1) In general**

Subject to paragraphs (2) through (4), the Secretary shall appoint the members of the Service.

**(2) Qualifications**

To be eligible for appointment to the Service, an individual shall—

(A) have conducted outstanding research in the field of agriculture or forestry;

(B) have earned a doctoral level degree at an institution of higher education (as defined in section 1001 of title 20); and

(C) meet qualification standards prescribed by the Director of the Office of Personnel Management for appointment to a position at level GS-15 of the General Schedule.

**(3) Number**

Not more than 100 individuals may serve as members of the Service at any 1 time.

**(4) Other requirements**

**(A) In general**

Subject to subparagraph (B) and subsection (d)(2), the Secretary may appoint and employ a member of the Service without regard to—

(i) the provisions of title 5 governing appointments in the competitive service;

(ii) the provisions of subchapter I of chapter 35 of title 5 relating to retention preference;

(iii) the provisions of chapter 43 of title 5 relating to performance appraisal and performance actions;

(iv) the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates; and

(v) the provisions of chapter 75 of title 5 relating to adverse actions.

**(B) Exception**

A member of the Service appointed and employed by the Secretary under subparagraph (A) shall have the same right of appeal to the Merit Systems Protection Board and the same right to file a complaint with the Office of Special Counsel as an employee appointed to a position at level GS-15 of the General Schedule.

**(c) Performance appraisal system**

The Secretary shall develop a performance appraisal system for members of the Service that is designed to—

(1) provide for the systematic appraisal of the employment performance of the members; and

(2) encourage excellence in employment performance by the members.

**(d) Compensation**

**(1) In general**

Subject to paragraph (2), the Secretary shall determine the compensation of members of the Service.

**(2) Limitations**

The rate of pay for a member of the Service shall—

(A) not be less than the minimum rate payable for a position at level GS-15 of the General Schedule; and

(B) not be more than the rate payable for a position at level I of the Executive Schedule, unless the rate is approved by the President under section 5377(d)(2) of title 5.

**(e) Retirement contributions**

**(1) In general**

On the request of a member of the Service who was an employee of an institution of higher education (as defined in section 1001 of title 20) immediately prior to appointment as a member of the Service and who retains the right to continue to make contributions to the retirement system of the institution, the Secretary may contribute an amount not to exceed 10 percent of the basic pay of the member to the retirement system of the institution on behalf of the member.

**(2) Federal retirement system**

**(A) In general**

Subject to subparagraph (B), a member for whom a contribution is made under paragraph (1) shall not, as a result of serving as a member of the Service, be covered by, or earn service credit under, chapter 83 or 84 of title 5.

**(B) Annual leave**

Service of a member of the Service described in subparagraph (A) shall be creditable for determining years of service under section 6303(a) of title 5.

**(f) Involuntary separation**

**(1) In general**

Subject to paragraph (2) and notwithstanding the provisions of title 5 governing appointment in the competitive service, in the case of an individual who is separated from the Service involuntarily and without cause—

(A) the Secretary may appoint the individual to a position in the competitive civil service at level GS-15 of the General Schedule; and

(B) the appointment shall be a career appointment.

**(2) Excepted civil service**

In the case of an individual described in paragraph (1) who immediately prior to appointment as a member of the Service was not a career appointee in the civil service or the Senior Executive Service, the appointment of the individual under paragraph (1)—

(A) shall be to the excepted civil service; and  
 (B) may not exceed a period of 2 years.  
 (Pub. L. 105–185, title VI, §620, as added Pub. L. 107–171, title VII, §7219, May 13, 2002, 116 Stat. 449.)

### Editorial Notes

#### REFERENCES IN TEXT

The General Schedule, referred to in subsecs. (b)(2)(C), (4)(A)(iv), (B), (d)(2)(A), and (f)(1)(A), is set out under section 5332 of Title 5, Government Organization and Employees.

Level I of the Executive Schedule, referred to in subsec. (d)(2)(B), is set out in section 5312 of Title 5, Government Organization and Employees.

#### PART C—STUDIES

### §§ 7671, 7672. Repealed. Pub. L. 113–79, title VII, § 7311, Feb. 7, 2014, 128 Stat. 893

Section 7671, Pub. L. 105–185, title VI, §631, June 23, 1998, 112 Stat. 608, related to evaluation and assessment of agricultural research, extension, and education programs.

Section 7672, Pub. L. 105–185, title VI, §632, June 23, 1998, 112 Stat. 608, related to study of federally funded agricultural research, extension, and education.

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### § 7701. Findings

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds, and its use should be facilitated by the Department of Agriculture, other Federal agencies, and States whenever feasible;

(3) it is the responsibility of the Secretary to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds;

(4) decisions affecting imports, exports, and interstate movement of products regulated under this chapter shall be based on sound science;

(5) the smooth movement of enterable plants, plant products, biological control organisms, or other articles into, out of, or within the United States is vital to the United State's<sup>1</sup> economy and should be facilitated to the extent possible;

(6) export markets could be severely impacted by the introduction or spread of plant pests or noxious weeds into or within the United States;

(7) the unregulated movement of plant pests, noxious weeds, plants, certain biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds could present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(8) the existence on any premises in the United States of a plant pest or noxious weed

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