

graph (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.

**CHAPTER 104—PLANT PROTECTION**

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7701.	Definitions.
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**SUBCHAPTER I—PLANT PROTECTION**

7711.	Regulation of movement of plant pests.
7712.	Regulation of movement of plants, plant products, biological control organisms, noxious weeds, articles, and means of conveyance.
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7713.	Notification and holding requirements upon arrival.
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7731.	Inspections, seizures, and warrants.
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