

(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 ap-

pointment 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.)

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. Evaluation and assessment of agricultural research, extension, and education programs**(a) Evaluation**

The Secretary of Agriculture shall conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance.

(b) Contract

The Secretary shall enter into a contract with 1 or more entities with expertise in research assessment and performance evaluation to provide input and recommendations to the Secretary with respect to federally funded agricultural research, extension, and education programs.

(c) Guidelines for performance measurement

The contractor selected under subsection (b) of this section shall develop and propose to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension, and education programs. The guidelines shall be consistent with the Government Performance and Results Act of 1993 (Public Law 103-62) and amendments made by that Act.

(Pub. L. 105-185, title VI, § 631, June 23, 1998, 112 Stat. 608.)

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (c), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, section 306 of Title 5, Government Organization and Employees, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

§ 7672. Study of federally funded agricultural research, extension, and education**(a) Study**

Not later than January 1, 1999, the Secretary of Agriculture shall request the National Academy of Sciences to conduct a study of the role

and mission of federally funded agricultural research, extension, and education.

(b) Requirements

The study shall—

(1) evaluate the strength of science conducted by the Agricultural Research Service and the relevance of the science to national priorities;

(2) examine how the work of the Agricultural Research Service relates to the capacity of the agricultural research, extension, and education system of the United States;

(3) examine the appropriateness of the formulas for the allocation of funds under the Smith-Lever Act (7 U.S.C. 341 et seq.) and the Hatch Act of 1887 (7 U.S.C. 361a et seq.) with respect to current conditions of the agricultural economy and other factors of the various regions and States of the United States and develop recommendations to revise the formulas to more accurately reflect the current conditions; and

(4) examine the system of competitive grants for agricultural research, extension, and education.

(c) Reports

The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(1) not later than 18 months after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (1) and (2) of subsection (b) of this section, including any appropriate recommendations; and

(2) not later than 3 years after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (3) and (4) of subsection (b) of this section, including the recommendations developed under paragraph (3) of subsection (b) of this section and other appropriate recommendations.

(Pub. L. 105-185, title VI, § 632, June 23, 1998, 112 Stat. 608.)

REFERENCES IN TEXT

The Smith-Lever Act, referred to in subsec. (b)(3), is act May 8, 1914, ch. 79, 38 Stat. 372, as amended, which is classified generally to subchapter IV (§341 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 341 of this title and Tables.

The Hatch Act of 1887, referred to in subsec. (b)(3), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, which is classified generally to sections 361a to 361i of this title. For complete classification of this act to the Code, see Short Title note set out under section 361a of this title and Tables.

CHAPTER 104—PLANT PROTECTION

Sec.	
7701.	Findings.
7702.	Definitions.

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.

Sec.	
7712a.	Reduction in backlog of agricultural export petitions.
7713.	Notification and holding requirements upon arrival.
7714.	General remedial measures for new plant pests and noxious weeds.
7715.	Declaration of extraordinary emergency and resulting authorities.
7716.	Recovery of compensation for unauthorized activities.
7717.	Control of grasshoppers and Mormon crickets.
7718.	Certification for exports.
7719.	Methyl bromide.
7720.	National plan for control and management of Sudden Oak Death.
7721.	Plant pest and disease management and disaster prevention.

SUBCHAPTER II—INSPECTION AND ENFORCEMENT

7731.	Inspections, seizures, and warrants.
7732.	Collection of information.
7733.	Subpoena authority.
7734.	Penalties for violation.
7735.	Enforcement actions of Attorney General.
7736.	Court jurisdiction.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

7751.	Cooperation.
7752.	Buildings, land, people, claims, and agreements.
7753.	Reimbursable agreements.
7754.	Regulations and orders.
7755.	Protection for mail handlers.
7756.	Preemption.
7757.	Severability.
7758.	Repeal of superseded laws.
7759.	Fees for inspection of plants for exporting or transiting.
7760.	State terminal inspection; transmission of mailed packages for State inspection; non-mailable matter; punishment for violations; rules and regulations by United States Postal Service.
7761.	National Clean Plant Network.

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

7771.	Authorization of appropriations.
7772.	Transfer authority.

SUBCHAPTER V—NOXIOUS WEED CONTROL AND ERADICATION

7781.	Definitions.
7782.	Establishment of program.
7783.	Grants to weed management entities.
7784.	Agreements.
7785.	Relationship to other programs.
7786.	Authorization of appropriations.

§ 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