

(A) employees of the Department are entitled to fair treatment in any appeals that they bring in decisions relating to their employment; and

(B) in prescribing regulations for any such appeals procedures, the Secretary and the Director of the Office of Personnel Management—

(i) should ensure that employees of the Department are afforded the protections of due process; and

(ii) toward that end, should be required to consult with the Merit Systems Protection Board before issuing any such regulations.

(2) REQUIREMENTS.—Any regulations under this section which relate to any matters within the purview of chapter 77—

(A) shall be issued only after consultation with the Merit Systems Protection Board;

(B) shall ensure the availability of procedures which shall—

(i) be consistent with requirements of due process; and

(ii) provide, to the maximum extent practicable, for the expeditious handling of any matters involving the Department; and

(C) shall modify procedures under chapter 77 only insofar as such modifications are designed to further the fair, efficient, and expeditious resolution of matters involving the employees of the Department.

(g) PROVISIONS RELATING TO LABOR-MANAGEMENT RELATIONS.—Nothing in this section shall be construed as conferring authority on the Secretary of Homeland Security to modify any of the provisions of section 842 of the Homeland Security Act of 2002.

(h) SUNSET PROVISION.—Effective 5 years after the conclusion of the transition period defined under section 1501 of the Homeland Security Act of 2002, all authority to issue regulations under this section (including regulations which would modify, supersede, or terminate any regulations previously issued under this section) shall cease to be available.

(Added Pub. L. 107–296, title VIII, § 841(a)(2), Nov. 25, 2002, 116 Stat. 2230.)

REFERENCES IN TEXT

Section 842 of the Homeland Security Act of 2002, referred to in subsec. (g), is classified to section 412 of Title 6, Domestic Security.

Section 1501 of the Homeland Security Act of 2002, referred to in subsec. (h), is classified to section 541 of Title 6, Domestic Security.

EFFECTIVE DATE

Section effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as a note under section 101 of Title 6, Domestic Security.

ALLOWANCES AND BENEFITS FOR PERSONNEL ABROAD

Pub. L. 111–83, title V, § 546, Oct. 28, 2009, 123 Stat. 2177, provided that: “For fiscal year 2010 and thereafter, the Secretary [of Homeland Security] may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 [1980] (22 U.S.C. 4081 et seq.).”

CHAPTER 98—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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§ 9801. Definitions

For purposes of this chapter—

(1) the term “Administration” means the National Aeronautics and Space Administration;

(2) the term “Administrator” means the Administrator of the National Aeronautics and Space Administration;

(3) the term “critical need” means a specific and important safety, management, engineering, science, research, or operations requirement of the Administration’s mission that the Administration is unable to fulfill because the Administration lacks the appropriate employees because—

(A) of the inability to fill positions; or

(B) employees do not possess the requisite skills;

(4) the term “employee” means an individual employed in or under the Administration;

(5) the term “workforce plan” means the plan required under section 9802(a);

(6) the term “appropriate committees of Congress” means—

(A) the Committees on Government Reform, Science, and Appropriations of the House of Representatives; and

(B) the Committees on Governmental Affairs, Commerce, Science, and Transportation, and Appropriations of the Senate;

(7) the term “redesignation bonus” means a bonus under section 9804 paid to an individual described in subsection (a)(2) thereof;

(8) the term “supervisor” has the meaning given such term by section 7103(a)(10); and

(9) the term “management official” has the meaning given such term by section 7103(a)(11).

(Added Pub. L. 108–201, § 3(a), Feb. 24, 2004, 118 Stat. 461.)

CHANGE OF NAME

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives and Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee