

- (B) a term appointment;
- (C) an excepted service appointment that provides for noncompetitive conversion to a career or career-conditional appointment;
- (D) a career or limited term Senior Executive Service appointment;
- (E) an appointment made under section 20113(b)(1) of title 51;
- (F) an appointment to a position established under section 3104; or
- (G) an appointment to a position established under section 5108; or

(2) a student trainee who, upon completion of academic work, is converted to an appointment in the Administration that is identified in paragraph (1) in accordance with an appropriate authority.

(b) The Administrator may pay the travel, transportation, and relocation expenses of a new appointee to the same extent, in the same manner, and subject to the same conditions as the payment of such expenses under sections 5724, 5724a, 5724b, and 5724c to an employee transferred in the interests of the United States Government.

(Added Pub. L. 108–201, §3(a), Feb. 24, 2004, 118 Stat. 472; amended Pub. L. 111–314, §4(a), Dec. 18, 2010, 124 Stat. 3440.)

AMENDMENTS

2010—Subsec. (a)(1)(E). Pub. L. 111–314 substituted “section 20113(b)(1) of title 51” for “section 203(c)(2)(A) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(2)(A))”.

§ 9812. Annual leave enhancements

(a) In this section—

(1) the term “newly appointed employee” means an individual who is first appointed—

- (A) as an employee of the Federal Government; or
- (B) as an employee of the Federal Government following a break in service of at least 90 days after that individual’s last period of Federal employment, other than—
 - (i) employment under the Student Educational Employment Program administered by the Office of Personnel Management;
 - (ii) employment as a law clerk trainee;
 - (iii) employment under a short-term temporary appointing authority while a student during periods of vacation from the educational institution at which the student is enrolled;
 - (iv) employment under a provisional appointment if the new appointment is permanent and immediately follows the provisional appointment; or
 - (v) employment under a temporary appointment that is neither full-time nor the principal employment of the individual;

(2) the term “period of qualified non-Federal service” means any period of service performed by an individual that—

- (A) was performed in a position the duties of which were directly related to the duties of the position in the Administration which that individual will fill as a newly appointed employee; and

(B) except for this section, would not otherwise be service performed by an employee for purposes of section 6303; and

(3) the term “directly related to the duties of the position” means duties and responsibilities in the same line of work which require similar qualifications.

(b)(1) For purposes of section 6303, the Administrator may deem a period of qualified non-Federal service performed by a newly appointed employee to be a period of service of equal length performed as an employee.

(2) A decision under paragraph (1) to treat a period of qualified non-Federal service as if it were service performed as an employee shall continue to apply so long as that individual serves in or under the Administration.

(c)(1) Notwithstanding section 6303(a), the annual leave accrual rate for an employee of the Administration in a position paid under section 5376 or 5383, or for an employee in an equivalent category whose rate of basic pay is greater than the rate payable at GS–15, step 10, shall be 1 day for each full biweekly pay period.

(2) The accrual rate established under this subsection shall continue to apply to the employee so long as such employee serves in or under the Administration.

(Added Pub. L. 108–201, §3(a), Feb. 24, 2004, 118 Stat. 472.)

REFERENCES IN TEXT

GS–15, referred to in subsec. (c)(1), is contained in the General Schedule, which is set out under section 5332 of this title.

§ 9813. Limited appointments to Senior Executive Service positions

(a) In this section—

(1) the term “career reserved position” means a position in the Administration designated under section 3132(b) which may be filled only by—

- (A) a career appointee; or
- (B) a limited emergency appointee or a limited term appointee—

(i) who, immediately before entering the career reserved position, was serving under a career or career-conditional appointment outside the Senior Executive Service; or

(ii) whose limited emergency or limited term appointment is approved in advance by the Office of Personnel Management;

(2) the term “limited emergency appointee” has the meaning given under section 3132; and

(3) the term “limited term appointee” means an individual appointed to a Senior Executive Service position in the Administration to meet a bona fide temporary need, as determined by the Administrator.

(b) The number of career reserved positions which are filled by an appointee as described under subsection (a)(1)(B) may not exceed 10 percent of the total number of Senior Executive Service positions allocated to the Administration.

(c) Notwithstanding sections 3132 and 3394(b)—

(1) the Administrator may appoint an individual to any Senior Executive Service posi-