

credited institution authorized to grant graduate degrees, a graduate degree in a field of study for which possession of that degree meets the qualification standards at this grade level as prescribed by the Office of Personnel Management for the position to which the individual is being appointed; and

(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position; or

(4) with respect to a research position at the GS-12 level, the individual—

(A) received, within 2 years before the effective date of the appointment, from an accredited institution authorized to grant graduate degrees, a graduate degree in a field of study for which possession of that degree meets the qualification standards at this grade level as prescribed by the Office of Personnel Management for the position to which the individual is being appointed; and

(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position.

(c) In making any selections under this section, preference eligibles who meet the criteria for distinguished scholar appointments shall be considered ahead of nonpreference eligibles.

(d) An appointment made under this authority shall be a career-conditional appointment in the competitive civil service.

(Added Pub. L. 108-201, §3(a), Feb. 24, 2004, 118 Stat. 470.)

#### Editorial Notes

##### REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of this title.

#### § 9811. Travel and transportation expenses of certain new appointees

(a) In this section, the term “new appointee” means—

(1) a person newly appointed or reinstated to Federal service to the Administration to—

(A) a career or career-conditional appointment or an excepted service appointment to a continuing position;

(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.)

#### Editorial Notes

##### 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.)

#### Editorial Notes

##### 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 position in the Administration as a limited term appointee under this section for a period of—

(A) 4 years or less to a position the duties of which will expire at the end of such term; or

(B) 1 year or less to a position the duties of which are continuing; and

(2) in rare circumstances, the Administrator may authorize an extension of a limited appointment under—

(A) paragraph (1)(A) for a period not to exceed 2 years; and

(B) paragraph (1)(B) for a period not to exceed 1 year.

(d) A limited term appointee who has been appointed in the Administration from a career or

career-conditional appointment outside the Senior Executive Service shall have reemployment rights in the agency from which appointed, or in another agency, under requirements and conditions established by the Office of Personnel Management. The Office shall have the authority to direct such placement in any agency.

(e) Notwithstanding section 3394(b) and section 3395—

(1) a limited term appointee serving under a term prescribed under this section may be re-assigned to another Senior Executive Service position in the Administration, the duties of which will expire at the end of a term of 4 years or less; and

(2) a limited term appointee serving under a term prescribed under this section may be re-assigned to another continuing Senior Executive Service position in the Administration, except that the appointee may not serve in 1 or more positions in the Administration under such appointment in excess of 1 year, except that in rare circumstances, the Administrator may approve an extension up to an additional 1 year.

(f) A limited term appointee may not serve more than 7 consecutive years under any combination of limited appointments.

(g) Notwithstanding section 5384, the Administrator may authorize performance awards to limited term appointees in the Administration in the same amounts and in the same manner as career appointees.

(Added Pub. L. 108-201, §3(a), Feb. 24, 2004, 118 Stat. 473.)

#### § 9814. Qualifications pay

(a) Notwithstanding section 5334, the Administrator may set the pay of an employee paid under the General Schedule at any step within the pay range for the grade of the position, if such employee—

(1) possesses unusually high or unique qualifications; and

(2) is assigned—

(A) new duties, without a change of position; or

(B) to a new position.

(b) If an exercise of the authority under this section relates to a current employee selected for another position within the Administration, a determination shall be made that the employee's contribution in the new position will exceed that in the former position, before setting pay under this section.

(c) Pay as set under this section is basic pay for such purposes as pay set under section 5334.

(d) If the employee serves for at least 1 year in the position for which the pay determination under this section was made, or a successor position, the pay earned under such position may be used in succeeding actions to set pay under chapter 53.

(e) Before setting any employee's pay under this section, the Administrator shall submit a plan to the Office of Personnel Management and the appropriate committees of Congress, that includes—

(1) criteria for approval of actions to set pay under this section;