so requires, may except an individual from this subsection by Executive order. This subsection does not apply to an individual named by a statute providing for the continuance of the individual in the civil service or in the government of the District of Columbia.

(b)(1) Notwithstanding other statutes, an annuitant, as defined by section 8331 or 8401, receiving annuity from the Civil Service Retirement and Disability Fund is not barred by reason of his retired status from employment in an appointive position for which the annuitant is qualified. An annuitant so reemployed, other than an annuitant reappointed under paragraph (2) of this subsection, serves at the will of the appointing authority.

(2) Subject to such regulations as the Director of the Office of Personnel Management may prescribe, any annuitant to whom the first sentence of paragraph (1) of this subsection applies and who has served as an administrative law judge pursuant to an appointment under section 3105 of this title may be reappointed an administrative law judge under such section for a specified period or for such period as may be necessary for such administrative law judge to conduct and complete the hearing and disposition of one or more specified cases. The provisions of this title that apply to or with respect to administrative law judges appointed under section 3105 of this title shall apply to or with respect to administrative law judges reappointed under such section pursuant to the first sentence of this paragraph.

(c) Notwithstanding subsection (a) of this section, a member of the Foreign Service retired under section 812 of the Foreign Service Act of 1980 is not barred by reason of his retired status from employment in a position in the civil service for which he is qualified. An annuitant so reemployed serves at the will of the appointing authority.

(d) Notwithstanding subsection (a) of this section, the Chief of Engineers of the Army, under section 569a of title 33, may employ a retired employee whose expert assistance is needed in connection with river and harbor or flood control works. There shall be deducted from the pay of an employee so reemployed an amount equal to the annuity or retired pay allocable to the period of actual employment.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 422; Pub. L. 96–465, title II, § 2314(a), Oct. 17, 1980, 94 Stat. 2167; Pub. L. 98–224, § 2, Mar. 2, 1984, 98 Stat. 47; Pub. L. 102–378, § 2(10), Oct. 2, 1992, 106 Stat. 1347.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(a)	5 U.S.C. 715a.	June 30, 1932, ch. 314, § 204, 47 Stat. 404.
(b)	5 U.S.C. 2263(a).	July 31, 1956, ch. 804, § 401 ''Sec. 13(a)'', 70 Stat. 757.
(c)	22 U.S.C. 915(c).	Sept. 8, 1960, Pub. L. 86–723, § 10(d), 74 Stat. 832.
(d)	33 U.S.C. 544a, 701*l*.	June 20, 1938, ch. 535, § 5, 52 Stat. 805.

In subsection (a), the words ''On and after July 1, 1932'' are omitted as executed. The words ''heretofore or hereafter'' are omitted as unnecessary. The words ''in the civil service'' are substituted for ''civilian service in any branch or service of the United States Government'' and ''to any appointive office, position, or employment under the United States'' in view of the definition of ''civil service'' in section 2101.

In subsection (b), the words ''receiving annuity from the Civil Service Retirement and Disability Fund'' are substituted for ''heretofore or hereafter retired under this chapter''. The word ''authority'' is substituted for ''officer'' in recognition of the several appointing authorities named in section 2105(a)(1).

In subsection (c), the words ''Notwithstanding subsection (a) of this section'' are substituted for ''Notwithstanding the provisions of sections 62 and 715a of title 5'' to reflect the codification of former section 715a in subsection (a) of this section and in view of the repeal of section 62 of title 5 by § 402(a)(7) of the Act of Aug. 19, 1964, Pub. L. 88–448, 78 Stat. 492. The words ''heretofore or hereafter'' and ''hereafter'' are omitted as unnecessary. The words ''in a position in the civil service'' are substituted for ''in Federal Government service in any appointive position'' in view of the definition of ''civil service'' in section 2101. The word ''authority'' is substituted for ''officer'' in recognition of the several appointing authorities named in section 2105(a)(1).

In subsection (d), the words ''Notwithstanding subsection (a) of this section'' are substituted for ''The provisions of section 715a of title 5 shall not be so construed as to prevent'' to reflect the codification of former section 715a in subsection (a) of this section, and to conform to the style of this section. The words ''under section 569a of title 33'' are substituted for ''under agreement as authorized by sections 569a, 584a and 607a of title 33'' on authority of the provision contained in section 569a of title 33. The word ''employee'' is coextensive with and substituted for ''civilian employee'' in view of the definition of ''employee'' in section 2105. The last sentence is restated for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Section 812 of the Foreign Service Act of 1980, referred to in subsec. (c), is classified to section 4052 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1992—Subsec. (b)(1). Pub. L. 102–378 substituted ''annuitant, as defined by section 8331 or 8401,'' for ''annuitant as defined by section 8331 of this title''.

1984—Subsec. (b). Pub. L. 98–224 designated existing provisions as par. (1), substituted ''the annuitant'' for ''he'' and inserted '', other than an annuitant reappointed under paragraph (2) of this subsection,'', and added par. (2).

1980—Subsec. (c). Pub. L. 96–465 substituted ''member of the Foreign Service retired under section 812 of the Foreign Service Act of 1980'' for ''Foreign Service officer retired under section 1001 or 1002 of title 22 or a Foreign Service staff officer or employee retired under section 1063 of title 22''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

§ 3324. Appointments to positions classified above GS–15

(a) An appointment to a position classified above GS–15 pursuant to section 5108 may be made only on approval of the qualifications of the proposed appointee by the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in

regulations prescribed by the Director. This section does not apply to a position—

(1) to which appointment is made by the Chief Judge of the United States Tax Court;

(2) to which appointment is made by the President;

(3) to which appointment is made by the Librarian of Congress; or

(4) the incumbent of which is paid from—

(A) appropriations for the Executive Office of the President under the heading ''The White House Office'', ''Special Projects'', ''Council of Economic Advisers'', or ''National Security Council''; or

(B) funds appropriated to the President under the heading ''Emergency Fund for the President'' by the Treasury, Post Office, and Executive Office Appropriation Act, 1966, or a later statute making appropriations for the same purpose.

(b) The Office may prescribe regulations necessary for the administration of this section.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 422; Pub. L. 90–83, § 1(10), Sept. 11, 1967, 81 Stat. 197; Pub. L. 95–454, title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96–54, § 2(a)(17), Aug. 14, 1979, 93 Stat. 382; Pub. L. 101–509, title V, § 529 [title I, § 101(b)(9)(C)(i), (ii)], Nov. 5, 1990, 104 Stat. 1427, 1441; Pub. L. 102–378, § 2(11), Oct. 2, 1992, 106 Stat. 1347; Pub. L. 110–372, § 2(c)(2), Oct. 8, 2008, 122 Stat. 4044.)

HISTORICAL AND REVISION NOTES

1966 ACT

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 1105(i).	June 20, 1958, Pub. L. 85–462, § 10 ''(i)'', 72 Stat. 213. Sept. 13, 1960, Pub. L. 86–768, 74 Stat. 910.

In subsection (a), the words ''in GS–16, 17, and 18'' are substituted for ''in grades 16, 17, and 18 of the General Schedule''.

In subsection (a)(2), the words ''by the President'' are coextensive with and substituted for ''by the President alone or by the President by and with the advice and consent of the Senate''.

In subsection (a)(4)(A), the words ''Office of Emergency Planning'' are substituted for ''Office of Defense Mobilization'' on authority of 1958 Reorg. Plan No. 1, § 2(a), effective July 1, 1958, 72 Stat. 1799, as amended Aug. 26, 1958, Pub. L. 85–763, 72 Stat. 861, and Sept. 22, 1961, Pub. L. 87–296, 75 Stat. 630. Reference to ''President's Advisory Committee on Government Organization'' is omitted since the Committee was abolished by Executive Order No. 10917, February 10, 1961.

In subsection (a)(4)(B), the words '''Emergency Fund for the President' by the Treasury, Post Office, and Executive Office Appropriation Act, 1966'' are substituted for '''Emergency Fund for the President, National Defense' by the General Government Matters Appropriation Act, 1959'' to reflect the heading and title of the current appropriation Act.

Subsection (b) is added on authority of former sections 1072 and 1072a, which are carried into section 5115.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

This section amends 5 U.S.C. 3324(a)(4)(A) to correct typographical errors.

REFERENCES IN TEXT

The Treasury, Post Office, and Executive Office Appropriation Act, 1966, referred to in subsec. (a)(4)(B), is Pub. L. 89–57, June 30, 1965, 79 Stat. 196. For classification of this Act to the Code, see Tables.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–372 substituted ''the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director'' for ''the Office of Personnel Management'' in introductory provisions.

1992—Pub. L. 102–378, § 2(11)(A), substituted ''GS–15'' for ''GA–15'' in section catchline.

Subsec. (a)(1). Pub. L. 102–378, § 2(11)(B), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''provided for in section 5108(c)(2) of this title;''.

1990—Pub. L. 101–509, § 529 [title I, § 101(b)(9)(C)(ii)], which directed that ''to positions classified above GA–15'' be substituted for ''at GS–16, 17, or 18'' in section catchline, was executed by making the substitution for ''at GS–16, 17, and 18'', as the probable intent of Congress.

Subsec. (a). Pub. L. 101–509, § 529 [title I, § 101(b)(9)(C)(i)], substituted ''classified above GS–15 pursuant to section 5108'' for ''in GS–16, 17, or 18''.

1979—Subsec. (a)(4)(A). Pub. L. 96–54 struck out reference to Office of Emergency Planning.

1978—Subsecs. (a), (b). Pub. L. 95–454 substituted ''Office of Personnel Management'' for ''Civil Service Commission'' and ''Office'' for ''Commission''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–372 effective on the first day of the first pay period beginning on or after the 180th day following Oct. 8, 2008, see section 2(d) of Pub. L. 110–372, set out as a note under section 5376 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–378 effective May 4, 1991, see section 9(b)(4) of Pub. L. 102–378, set out as a note under section 6303 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101–509, set out as a note under section 5301 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–54 effective July 12, 1979, see section 2(b) of Pub. L. 96–54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–83 effective as of Sept. 6, 1966, for all purposes, see section 9(h) of Pub. L. 90–83, set out as a note under section 5102 of this title.

§ 3325. Appointments to scientific and professional positions

(a) Positions established under section 3104 of this title are in the competitive service. However, appointments to the positions are made without competitive examination on approval of the qualifications of the proposed appointee by the Office of Personnel Management on the basis of standards developed by the agency involved in