3596. Regulations.

SUBCHAPTER VI—REEMPLOYMENT FOLLOWING LIMITED APPOINTMENT IN THE FOREIGN SERVICE

3597. Reemployment following limited appointment in the Foreign Service.

SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

3598.[1] Federal Bureau of Investigation reserve service.[2]

3598.[1] Federal Bureau of Investigation Reserve Service.

AMENDMENTS

2004—Pub. L. 108–447, div. B, title I, § 114(b), Dec. 8, 2004, 118 Stat. 2869, and Pub. L. 108–458, title II, § 2004(b), Dec. 17, 2004, 118 Stat. 3704, amended analysis identically, adding item for subchapter VII.

Pub. L. 108–458, title II, § 2004(b), Dec. 17, 2004, 118 Stat. 3704, added item 3598, set out second.

Pub. L. 108–447, div. B, title I, § 114(b), Dec. 8, 2004, 118 Stat. 2869, added item 3598, set out first.

2002—Pub. L. 107–296, title XIII, § 1313(a)(1)(B), Nov. 25, 2002, 116 Stat. 2294, substituted ''RETENTION PREFERENCE, VOLUNTARY SEPARATION INCENTIVE PAYMENTS, RESTORATION, AND REEMPLOYMENT'' for ''RETENTION PREFERENCE, RESTORATION, AND REEMPLOYMENT'' in chapter heading and added item for subchapter II and items 3521 to 3525.

1994—Pub. L. 103–353, § 2(b)(2)(C), Oct. 13, 1994, 108 Stat. 3169, struck out item for subchapter II ''RESTORATION AFTER ACTIVE DUTY OR TRAINING DUTY'' and item 3551 ''Restoration; Reserves and National Guardsmen''.

1984—Pub. L. 98–615, title III, § 306(c)(2), Nov. 8, 1984, 98 Stat. 3220, added item 3595a.

1981—Pub. L. 97–35, title XVII, § 1704(a)(2), Aug. 13, 1981, 95 Stat. 757, redesignated item 3595 as 3596, and added item 3595.

1980—Pub. L. 96–465, title II, § 2301(b), Oct. 17, 1980, 94 Stat. 2164, added item for subchapter VI and item 3597.

1978—Pub. L. 95–454, title IV, § 404(c), Oct. 13, 1978, 92 Stat. 1167, added item for subchapter V and items 3591 to 3595.

SUBCHAPTER I—RETENTION PREFERENCE

§ 3501. Definitions; application

(a) For the purpose of this subchapter, except section 3504—

(1) ''active service'' has the meaning given it by section 101 of title 37;

(2) ''a retired member of a uniformed service'' means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his service as such a member; and

(3) a preference eligible employee who is a retired member of a uniformed service is considered a preference eligible only if—

(A) his retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed without a break in service of more than 30 days.

(b) Except as otherwise provided by this subsection and section 3504 of this title, this subchapter applies to each employee in or under an Executive agency. This subchapter does not apply to an employee whose appointment is required by Congress to be confirmed by, or made with the advice and consent of, the Senate or to a member of the Senior Executive Service or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 428; Pub. L. 94–183, § 2(8), Dec. 31, 1975, 89 Stat. 1057; Pub. L. 95–454, title IV, § 404(a), Oct. 13, 1978, 92 Stat. 1165; Pub. L. 100–325, § 2(e), May 30, 1988, 102 Stat. 581; Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(a)(1), (2) ...	5 U.S.C. 3101 (as applicable to 5 U.S.C. 861).	Aug. 19, 1964, Pub. L. 88–448, § 101 (as applicable to § 202), 78 Stat. 484.
(a)(3)	5 U.S.C. 861(b).	June 27, 1944, ch. 287, § 12(b); added Aug. 19, 1964, Pub. L. 88–448, § 202(4) (''(b)''), 78 Stat. 486.

In subsection (a), the definitions of ''uniformed services'' and ''armed forces'' are omitted as unnecessary in view of the definitions in section 2101. The definition of ''civilian office'' is omitted as unnecessary as subsection (b) of this section states the application of this subchapter.

In subsection (a)(3), the words ''Notwithstanding any other provision of this Act'' are omitted as unnecessary. The words ''preference eligible employee'' are coextensive with and substituted for ''employee * * * included under section 2 of this Act'' in view of the definition of preference eligible in section 2108. In paragraph (3)(C), the words ''on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed'' are substituted for ''immediately prior to the effective date of this subsection, he was employed in a civilian office to which this Act applies and, on and after such date, he continues to be employed in any such office''.

Subsection (b) is supplied on authority of sections 2, 12, and 20 of the Act of June 27, 1944, ch. 287, 58 Stat. 387, 391, which are carried into this title.

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

AMENDMENTS

1991—Subsec. (a)(3)(A)(ii). Pub. L. 102–83 substituted reference to section 1101 of title 38 for reference to section 301 of title 38.

1988—Subsec. (b). Pub. L. 100–325 inserted reference to Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

1978—Subsec. (b). Pub. L. 95–454 inserted reference to a member of Senior Executive Service.

1975—Subsec. (b). Pub. L. 94–183 struck out '', except an employee whose appointment is made under section

[1] So in original. Two sections ''3598'' have been enacted.

[2] So in original. Does not conform to section catchline.