

# Union Calendar No. 134

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1531

[Report No. 114–182]

To amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2015

Mr. CONNOLLY (for himself, Mr. YOUNG of Alaska, and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

JUNE 25, 2015

Additional sponsors: Mr. HUFFMAN, Mr. WELCH, Ms. KELLY of Illinois, Ms. NORTON, Mr. POCAN, Mr. LOWENTHAL, Mr. JOYCE, Mr. GRIJALVA, Mr. TIPTON, Mr. JONES, Mr. COLE, Mr. SIMPSON, Mr. AUSTIN SCOTT of Georgia, and Mr. KILDEE

JUNE 25, 2015

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

To amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land Management  
5 Workforce Flexibility Act”.

6 **SEC. 2. PERSONNEL FLEXIBILITIES RELATING TO LAND**  
7 **MANAGEMENT AGENCIES.**

8 (a) IN GENERAL.—Subpart I of part III of title 5,  
9 United States Code, is amended by inserting after chapter  
10 95 the following:

11 **“CHAPTER 96—PERSONNEL FLEXIBILI-**  
12 **TIES RELATING TO LAND MANAGE-**  
13 **MENT AGENCIES**

“Sec.

“9601. Definitions.

“9602. Competitive service; time-limited appointments.

14 **“§ 9601. Definitions**

15 “For purposes of this chapter—

16 “(1) the term ‘land management agency’  
17 means—

18 “(A) the Forest Service of the Department  
19 of Agriculture;

20 “(B) the Bureau of Land Management of  
21 the Department of the Interior;

22 “(C) the National Park Service of the De-  
23 partment of the Interior;

1           “(D) the Fish and Wildlife Service of the  
2           Department of the Interior;

3           “(E) the Bureau of Indian Affairs of the  
4           Department of the Interior; and

5           “(F) the Bureau of Reclamation of the De-  
6           partment of the Interior; and

7           “(2) the term ‘time-limited appointment’ in-  
8           cludes a temporary appointment and a term appoint-  
9           ment, as defined by the Office of Personnel Manage-  
10          ment.

11 **“§ 9602. Competitive service; time-limited appoint-**  
12 **ments**

13          “(a) Notwithstanding chapter 33 or any other provi-  
14 sion of law relating to the examination, certification, and  
15 appointment of individuals in the competitive service, an  
16 employee of a land management agency serving under a  
17 time-limited appointment in the competitive service is eli-  
18 gible to compete for a permanent appointment in the com-  
19 petitive service at any land management agency or any  
20 other agency (as defined in section 101 of title 31) under  
21 the internal merit promotion procedures of the applicable  
22 agency if—

23           “(1) the employee was appointed initially under  
24          open, competitive examination under subchapter I of  
25          chapter 33 to the time-limited appointment;

1           “(2) the employee has served under 1 or more  
2           time-limited appointments by a land management  
3           agency for a period or periods totaling more than 24  
4           months without a break of 2 or more years; and

5           “(3) the employee’s performance has been at an  
6           acceptable level of performance throughout the pe-  
7           riod or periods (as the case may be) referred to in  
8           paragraph (2).

9           “(b) In determining the eligibility of a time-limited  
10          employee under this section to be examined for or ap-  
11          pointed in the competitive service, the Office of Personnel  
12          Management or other examining agency shall waive re-  
13          quirements as to age, unless the requirement is essential  
14          to the performance of the duties of the position.

15          “(c) An individual appointed under this section—

16                 “(1) becomes a career-conditional employee, un-  
17                 less the employee has otherwise completed the serv-  
18                 ice requirements for career tenure; and

19                 “(2) acquires competitive status upon appoint-  
20                 ment.

21          “(d) A former employee of a land management agen-  
22          cy who served under a time-limited appointment and who  
23          otherwise meets the requirements of this section shall be  
24          deemed a time-limited employee for purposes of this sec-  
25          tion if—

1           “(1) such employee applies for a position covered by this section within the period of 2 years after the most recent date of separation; and

2           “(2) such employee’s most recent separation was for reasons other than misconduct or performance.

3           “(e) The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.”.

4           (b) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item for chapter 95 the following:

5           **“96. Personnel flexibilities relating to land management agencies ..... 9601”.**



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