

***In the House of Representatives, U. S.,***

*February 29, 2016.*

*Resolved*, That the bill from the Senate (S. 1580) entitled “An Act to allow additional appointing authorities to select individuals from competitive service certificates.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Competitive Service Act*  
3 *of 2015”.*

4 ***SEC. 2. ADDITIONAL APPOINTING AUTHORITIES FOR COM-***  
5 ***PETITIVE SERVICE.***

6 *(a) IN GENERAL.—Section 3318 of title 5, United*  
7 *States Code, is amended—*

8 *(1) by redesignating subsections (b) and (c) as*  
9 *subsections (c) and (d), respectively; and*

10 *(2) by inserting after subsection (a) the fol-*  
11 *lowing:*

12 *“(b) OTHER APPOINTING AUTHORITIES.—*

13 *“(1) IN GENERAL.—During the 240-day period*  
14 *beginning on the date of issuance of a certificate of*  
15 *eligibles under section 3317(a), an appointing author-*

1 *ity other than the appointing authority requesting the*  
 2 *certificate (in this subsection referred to as the ‘other*  
 3 *appointing authority’)* may select an individual from  
 4 *that certificate in accordance with this subsection for*  
 5 *an appointment to a position that is—*

6 *“(A) in the same occupational series as the*  
 7 *position for which the certification of eligibles*  
 8 *was issued (in this subsection referred to as the*  
 9 *‘original position’); and*

10 *“(B) at a similar grade level as the original*  
 11 *position.*

12 *“(2) APPLICABILITY.—An appointing authority*  
 13 *requesting a certificate of eligibles may share the cer-*  
 14 *tificate with another appointing authority only if the*  
 15 *announcement of the original position provided notice*  
 16 *that the resulting list of eligible candidates may be*  
 17 *used by another appointing authority.*

18 *“(3) REQUIREMENTS.—The selection of an indi-*  
 19 *vidual under paragraph (1)—*

20 *“(A) shall be made in accordance with sub-*  
 21 *section (a); and*

22 *“(B) subject to paragraph (4), may be made*  
 23 *without any additional posting under section*  
 24 *3327.*

1           “(4) *INTERNAL NOTICE.*—*Before selecting an in-*  
 2           *dividual under paragraph (1), and subject to the re-*  
 3           *quirements of any collective bargaining obligation of*  
 4           *the other appointing authority, the other appointing*  
 5           *authority shall—*

6                     “(A) *provide notice of the available position*  
 7                     *to employees of the other appointing authority;*

8                     “(B) *provide up to 10 business days for em-*  
 9                     *ployees of the other appointing authority to*  
 10                    *apply for the position; and*

11                    “(C) *review the qualifications of employees*  
 12                    *submitting an application.*

13           “(5) *COLLECTIVE BARGAINING OBLIGATIONS.*—  
 14           *Nothing in this subsection limits any collective bar-*  
 15           *gaining obligation of an agency under chapter 71.”.*

16           (b) *ALTERNATIVE RANKING AND SELECTION PROCE-*  
 17           *DURES.*—*Section 3319 of title 5, United States Code, is*  
 18           *amended by striking subsection (c) and inserting the fol-*  
 19           *lowing:*

20                    “(c) *SELECTION.*—

21                    “(1) *IN GENERAL.*—*An appointing official may*  
 22                    *select any applicant in the highest quality category*  
 23                    *or, if fewer than 3 candidates have been assigned to*  
 24                    *the highest quality category, in a merged category*

1       *consisting of the highest and the second highest qual-*  
2       *ity categories.*

3           “(2) *USE BY OTHER APPOINTING OFFICIALS.—*  
4       *Under regulations prescribed by the Office of Per-*  
5       *sonnel Management, appointing officials other than*  
6       *the appointing official described in paragraph (1) (in*  
7       *this subsection referred to as the ‘other appointing of-*  
8       *ficial’)* may select an applicant for an appointment  
9       *to a position that is—*

10           “(A) *in the same occupational series as the*  
11       *position for which the certification of eligibles*  
12       *was issued (in this subsection referred to as the*  
13       *‘original position’); and*

14           “(B) *at a similar grade level as the original*  
15       *position.*

16           “(3) *APPLICABILITY.—An appointing authority*  
17       *requesting a certificate of eligibles may share the cer-*  
18       *tificate with another appointing authority only if the*  
19       *announcement of the original position provided notice*  
20       *that the resulting list of eligible candidates may be*  
21       *used by another appointing authority.*

22           “(4) *REQUIREMENTS.—The selection of an indi-*  
23       *vidual under paragraph (2)—*

24           “(A) *shall be made in accordance with this*  
25       *subsection; and*

1           “(B) subject to paragraph (5), may be made  
2           without any additional posting under section  
3           3327.

4           “(5) *INTERNAL NOTICE.*—Before selecting an in-  
5           dividual under paragraph (2), and subject to the re-  
6           quirements of any collective bargaining obligation of  
7           the other appointing authority (within the meaning  
8           given that term in section 3318(b)(1)), the other ap-  
9           pointing official shall—

10           “(A) provide notice of the available position  
11           to employees of the appointing authority employ-  
12           ing the other appointing official;

13           “(B) provide up to 10 business days for em-  
14           ployees of the other appointing authority to  
15           apply for the position; and

16           “(C) review the qualifications of employees  
17           submitting an application.

18           “(6) *COLLECTIVE BARGAINING OBLIGATIONS.*—  
19           Nothing in this subsection limits any collective bar-  
20           gaining obligation of an agency under chapter 71.

21           “(7) *PREFERENCE ELIGIBLES.*—Notwithstanding  
22           paragraphs (1) and (2), an appointing official may  
23           not pass over a preference eligible in the same cat-  
24           egory from which selection is made, unless the re-

1        *quirements of section 3317(b) and 3318(c), as appli-*  
2        *cable, are satisfied.”.*

3        *(c) TECHNICAL AND CONFORMING AMENDMENT.—Sec-*  
4        *tion 9510(b)(5) of title 5, United States Code, is amended*  
5        *by striking “3318(b)” and inserting “3318(c)”.*

6        *(d) REGULATIONS.—Not later than 1 year after the*  
7        *date of enactment of this Act, the Director of the Office of*  
8        *Personnel Management shall issue an interim final rule*  
9        *with comment to carry out the amendments made by this*  
10       *section.*

Attest:

*Clerk.*



114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1580**

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**AMENDMENT**