

115TH CONGRESS
1ST SESSION

S. 1886

To amend subchapter I of chapter 31 of title 5, United States Code, to authorize agencies to make noncompetitive temporary and term appointments in the competitive service.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2017

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend subchapter I of chapter 31 of title 5, United States Code, to authorize agencies to make noncompetitive temporary and term appointments in the competitive service.

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 “Temporary and Term
5 Appointments Act of 2017”.

1 **SEC. 2. NONCOMPETITIVE TEMPORARY AND TERM AP-**
 2 **POINTMENTS IN THE COMPETITIVE SERVICE.**

3 (a) TEMPORARY AND TERM APPOINTMENTS.—Sub-
 4 chapter I of chapter 31 of title 5, United States Code,
 5 is amended by adding at the end the following:

6 **“§ 3115. Temporary and term appointments**

7 “(a) DEFINITIONS.—In this section:

8 “(1) DIRECTOR.—The term ‘Director’ means
 9 the Director of the Office of Personnel Management.

10 “(2) TEMPORARY APPOINTMENT.—The term
 11 ‘temporary appointment’ means an appointment in
 12 the competitive service for a period of not more than
 13 1 year.

14 “(3) TERM APPOINTMENT.—The term ‘term
 15 appointment’ means an appointment in the competi-
 16 tive service for a period of more than 1 year and not
 17 more than 5 years.

18 “(b) APPOINTMENT.—

19 “(1) IN GENERAL.—The head of an agency may
 20 make a temporary appointment or term appointment
 21 to a position in the competitive service when the
 22 need for the services of the employee is not perma-
 23 nent.

24 “(2) EXTENSION.—Under conditions prescribed
 25 by the Director, the head of an agency may—

1 “(A) extend a temporary appointment
2 made under paragraph (1) to be for a period of
3 not more than 2 years; and

4 “(B) extend a term appointment made
5 under paragraph (1) to be for a period of not
6 more than 5 years.

7 “(c) APPOINTMENTS FOR CRITICAL HIRING
8 NEEDS.—Under conditions prescribed by the Director, the
9 head of an agency may make a noncompetitive temporary
10 appointment, or a noncompetitive term appointment for
11 a period of not more than 18 months, to a position in
12 the competitive service for which a critical hiring need ex-
13 ists, without regard to the requirements of sections 3327
14 and 3330. An appointment made under this subsection
15 may not be extended.

16 “(d) REGULATIONS.—The Director may prescribe
17 regulations to carry out this section, but is not required
18 to promulgate regulations prior to implementation of this
19 section.

20 “(e) SPECIAL PROVISION REGARDING THE DEPART-
21 MENT OF DEFENSE.—Nothing in this section shall pre-
22 clude the Secretary of Defense from making temporary
23 and term appointments in the competitive service pursu-
24 ant to section 1105 of the National Defense Authorization
25 Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580; Pub-

1 lie Law 114–328; 130 Stat. 2447), and any regulations
2 prescribed by the Director for the administration of this
3 section shall not apply to the Secretary of Defense in the
4 exercise of the authorities granted under such section
5 1105.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for chapter 31 of title 5, United States Code, is amended
8 by inserting after the item relating to section 3114 the
9 following:

“3115. Temporary and term appointments.”.

