

115TH CONGRESS  
2D SESSION

# S. 3387

To restore administrative law judges to the competitive service.

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IN THE SENATE OF THE UNITED STATES

AUGUST 23, 2018

Ms. CANTWELL (for herself and Ms. COLLINS) introduced the following bill;  
which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To restore administrative law judges to 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. APPOINTMENT OF ADMINISTRATIVE LAW**  
4 **JUDGES.**

5 (a) IN GENERAL.—Section 3105 of title 5, United  
6 States Code is amended to read as follows:

7 **“§ 3105. Appointment of administrative law judges**

8 “(a) AUTHORITY TO APPOINT.—Each agency shall  
9 appoint as many administrative law judges as are nec-

1 essary for proceedings required to be conducted in accord-  
2 ance with sections 556 and 557.

3 “(b) COMPETITIVE SERVICE.—Administrative law  
4 judge positions shall be positions in the competitive serv-  
5 ice.

6 “(c) APPOINTMENT.—Administrative law judges shall  
7 be appointed by the head of an agency from a list of eligi-  
8 ble candidates provided by the Office of Personnel Man-  
9 agement or based upon approval of the qualifications of  
10 the individual by the Office of Personnel Management.

11 “(d) ASSIGNMENT.—Administrative law judges shall  
12 be assigned to cases in rotation as far as practicable, and  
13 may not perform duties inconsistent with their duties and  
14 responsibilities as administrative law judges.”.

15 (b) CONVERSION OF POSITIONS.—With respect to  
16 any individual serving on the date of enactment of this  
17 Act in an excepted service position as an administrative  
18 law judge appointed under section 3105 of title 5, United  
19 States Code, as in effect on the day before the date of  
20 enactment of this Act, the head of the agency employing  
21 the administrative law judge shall convert the appointment  
22 to a permanent appointment in the competitive service in  
23 the agency.

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