

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. _____

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. LANKFORD

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Temporary and Term
5 Appointments Act of 2017”.

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

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

1 **“§ 3115. Temporary and term appointments**

2 “(a) DEFINITIONS.—In this section:

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

5 “(2) TEMPORARY APPOINTMENT.—The term
6 ‘temporary appointment’ means an appointment in
7 the competitive service for a period of not more than
8 1 year.

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

13 “(b) APPOINTMENT.—

14 “(1) IN GENERAL.—The head of an agency may
15 make a temporary appointment or term appointment
16 to a position in the competitive service when the
17 need for the services of the employee services is not
18 permanent.

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

21 “(A) extend a temporary appointment
22 made under paragraph (1) in increments of not
23 more than 1 year, up to a maximum of 3 total
24 years of service; and

25 “(B) extend a term appointment made
26 under paragraph (1) in increments determined

1 appropriate by the head of the agency, up to a
2 maximum of 6 total years of service.

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

12 “(d) REGULATIONS.—The Director may prescribe
13 regulations to carry out this section, but is not required
14 to promulgate regulations prior to implementation of this
15 section.

16 “(e) SPECIAL PROVISION REGARDING THE DEPART-
17 MENT OF DEFENSE.—Nothing in this section shall pre-
18 clude the Secretary of Defense from making temporary
19 and term appointments in the competitive service pursu-
20 ant to section 1105 of the National Defense Authorization
21 Act for Fiscal Year 2017 (10 U.S.C. note prec. 1580; Pub-
22 lic Law 114–328; 130 Stat. 2447), and any regulations
23 prescribed by the Director for the administration of this
24 section shall not apply to the Secretary of Defense in the

1 exercise of the authorities granted under such section
2 1105.”.

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

“3115. Temporary and term appointments.”.