

117TH CONGRESS
2D SESSION

S. 4027

To amend title 5, United States Code, to provide flexibility for temporary and term appointments in the competitive service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2022

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

A BILL

To amend title 5, United States Code, to provide flexibility for temporary and term appointments in the competitive service, 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 “Inspired to Serve Hir-
5 ing Improvements Act”.

1 **SEC. 2. FLEXIBILITY FOR TEMPORARY AND TERM APPOINT-**
 2 **MENTS.**

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 **“§ 3117. 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 10 years.

18 “(b) APPOINTMENT.—

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

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

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

5 “(B) extend a term appointment made
 6 under paragraph (1), the initial period of which
 7 is less than 6 years, in increments determined
 8 appropriate by the head of the Executive agen-
 9 cy, up to a maximum of 6 total years of service.

10 “(c) APPOINTMENTS FOR CRITICAL HIRING
 11 NEEDS.—

12 “(1) IN GENERAL.—The head of an Executive
 13 agency may make a noncompetitive temporary ap-
 14 pointment, or a noncompetitive term appointment
 15 for a period of not more than 18 months, to a posi-
 16 tion in the competitive service for which a critical
 17 hiring need exists, as determined under section
 18 3304, without regard to the requirements of sections
 19 3327 and 3330.

20 “(2) NO EXTENSIONS.—An appointment made
 21 under paragraph (1) may not be extended.

22 “(d) REGULATIONS.—

23 “(1) IN GENERAL.—During the 1-year period
 24 beginning on the date of enactment of this section,

1 and subject to paragraphs (2) and (3), the Director
2 may prescribe regulations to carry out this section.

3 “(2) APPLICATION.—Any regulations prescribed
4 by the Director for the administration of this section
5 shall not apply to the Secretary of Defense in the ex-
6 ercise of the authorities granted under section 1105
7 of the National Defense Authorization Act for Fiscal
8 Year 2017 (Public Law 114–328; 130 Stat. 2447).

9 “(3) REPORTING.—With respect to any regula-
10 tion prescribed by the Director under this sub-
11 section, the Director shall brief the appropriate com-
12 mittees of Congress with respect to the regulation
13 not later than 30 days before the date on which the
14 final version of the regulation is published.

15 “(e) SPECIAL PROVISION REGARDING THE DEPART-
16 MENT OF DEFENSE.—Nothing in this section shall pre-
17 clude the Secretary of Defense from making temporary
18 and term appointments in the competitive service pursu-
19 ant to section 1105 of the National Defense Authorization
20 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
21 2447).

22 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to affect the authorities granted
24 under section 3109.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-
 2 tions for subchapter I of chapter 31 of title 5, United
 3 States Code, is amended by inserting after the item relat-
 4 ing to section 3116 the following:

“3117. Temporary and term appointments.”.

5 **SEC. 3. CRITERIA FOR GRANTING DIRECT-HIRE AUTHORITY**
 6 **TO AGENCIES.**

7 Section 3304(a)(3)(B) of title 5, United States Code,
 8 is amended by striking “shortage of candidates” and all
 9 that follows through “highly qualified candidates)” and in-
 10 serting “shortage of highly qualified candidates”.

11 **SEC. 4. EXPEDITED HIRING AUTHORITY.**

12 (a) EXPEDITED HIRING AUTHORITY FOR COLLEGE
 13 GRADUATES.—Section 3115(e)(1) of title 5, United States
 14 Code, is amended by striking “15 percent” and inserting
 15 “25 percent”.

16 (b) EXPEDITED HIRING AUTHORITY FOR POST-SEC-
 17 ONDARY STUDENTS.—Section 3116(d)(1) of title 5,
 18 United States Code, is amended by striking “15 percent”
 19 and inserting “25 percent”.

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