

the Internal Revenue Service or the Department of the Treasury.

(Added Pub. L. 105-206, title I, § 1201(a), July 22, 1998, 112 Stat. 717; amended Pub. L. 114-137, § 2(c), Mar. 18, 2016, 130 Stat. 312.)

REFERENCES IN TEXT

GS-9, referred to in subsec. (b)(3), is contained in the General Schedule which is set out under section 5332 of this title.

AMENDMENTS

2016—Subsec. (b)(5). Pub. L. 114-137 substituted “3318(c)” for “3318(b)”.

**CHAPTER 96—PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES**

Sec.

9601. Definitions.

9602. Competitive service; time-limited appointments.

**§ 9601. Definitions**

For purposes of this chapter—

(1) the term “land management agency” means—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior;

(E) the Bureau of Indian Affairs of the Department of the Interior; and

(F) the Bureau of Reclamation of the Department of the Interior; and

(2) the term “time-limited appointment” includes a temporary appointment and a term appointment, as defined by the Office of Personnel Management.

(Added Pub. L. 114-47, § 2(a), Aug. 7, 2015, 129 Stat. 485.)

**§ 9602. Competitive service; time-limited appointments**

(a) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of a land management agency serving under a time-limited appointment in the competitive service is eligible to compete for a permanent appointment in the competitive service at such land management agency when such agency is accepting applications from individuals within the agency’s workforce under merit promotion procedures, or any agency, including a land management agency, when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency if—

(1) the employee was appointed initially under open, competitive examination under subchapter I of chapter 33 to the time-limited appointment;

(2) the employee has served under 1 or more time-limited appointments by a land manage-

ment agency for a period or periods totaling more than 24 months without a break of 2 or more years; and

(3) the employee’s performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in paragraph (2).

(b) In determining the eligibility of a time-limited employee under this section to be examined for or appointed in the competitive service, the Office of Personnel Management or other examining agency shall waive requirements as to age, unless the requirement is essential to the performance of the duties of the position.

(c) An individual appointed under this section—

(1) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

(2) acquires competitive status upon appointment.

(d) A former employee of a land management agency who served under a time-limited appointment and who otherwise meets the requirements of this section shall be deemed a time-limited employee of the agency from which the former employee was most recently separated for purposes of this section if—

(1) such employee applies for a position covered by this section within the period of 2 years after the most recent date of separation; and

(2) such employee’s most recent separation was for reasons other than misconduct or performance.

(e) The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.

(Added Pub. L. 114-47, § 2(a), Aug. 7, 2015, 129 Stat. 485; amended Pub. L. 114-328, div. A, title XI, § 1135, Dec. 23, 2016, 130 Stat. 2459.)

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-328, § 1135(1), substituted in introductory provisions “such land management agency when such agency is accepting applications from individuals within the agency’s workforce under merit promotion procedures, or any agency, including a land management agency, when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency” for “any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency”.

Subsec. (d). Pub. L. 114-328, § 1135(2), inserted “of the agency from which the former employee was most recently separated” after “deemed a time-limited employee” in introductory provisions.

**CHAPTER 97—DEPARTMENT OF HOMELAND SECURITY**

Sec.

9701. Establishment of human resources management system.

**§ 9701. Establishment of human resources management system**

(a) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary of Home-