

under section 3131 of this title] shall be effective following the expiration of the 90-day period beginning on the date of enactment of this Act [Nov. 8, 1984], except that the amendments made by section 304 [amending sections 3395, 3595, 7543, and 8336 of this title] shall be effective as of such date of enactment.”

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective June 1, 1981, with certain exceptions and conditions, see section 1704(e) of Pub. L. 97-35, set out as an Effective Date note under section 3595 of this title.

#### EFFECTIVE DATE

Section effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415(a)(1), (b) of Pub. L. 95-454, set out as an Effective Date note under section 3131 of this title.

#### TEMPORARY INAPPLICABILITY OF CERTIFICATION OF EXECUTIVE QUALIFICATIONS BY QUALIFICATION REVIEW BOARDS OF OFFICE OF PERSONNEL MANAGEMENT

Pub. L. 115-232, div. A, title XI, §1109, Aug. 13, 2018, 132 Stat. 2010, provided that:

“(a) TEMPORARY INAPPLICABILITY.—Notwithstanding section 3393(c) of title 5, United States Code, or any regulations implementing that section, and subject to the provisions of this section, the Secretary of Defense may appoint individuals for service in the Senior Executive Service of the Department of Defense without such individuals being subject to the certification of executive qualifications by a qualification review board of the Office of Personnel Management in connection with such appointment otherwise required by that section.

“(b) QUALIFICATIONS OF INDIVIDUALS APPOINTED.—The Secretary shall ensure that individuals appointed under this section possess the necessary qualifications and experience for the position to which appointed.

“(c) LIMITATION.—The total number of appointments made under this section in any year may not exceed 50 appointments.

“(d) REPORTS.—

“(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act [Aug. 13, 2018], the Secretary shall submit to the committees of Congress and official specified in paragraph (3) a report on the number and type of appointments made under this section as of the date of the report, including—

“(A) a description of the qualifications of the individuals appointed; and

“(B) data on the time required to appoint the individuals.

“(2) FINAL REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the committees of Congress and official specified in paragraph (3) a report on the use of the authority in this section. The report shall include the following:

“(A) The number and type of appointments made under this section during the one-year period ending on the date of the report.

“(B) Data on and an assessment whether appointments under the authority in this section reduced the time to hire when compared with the time to hire under the current review system of the Office of Personnel Management.

“(C) An assessment of the utility of the appointing authority and process under this section.

“(D) An assessment whether the appointments made under this section resulted in higher quality new executives for the Senior Executive Service of the Department when compared with the executives produced under the current review system of the Office of Personnel Management.

“(E) Any recommendation for the improvement of the selection and qualification process for the Senior Executive Service of the Department that the

Secretary considers necessary in order to attract and hire highly qualified candidates for service in that Senior Executive Service.

“(3) COMMITTEES OF CONGRESS AND OFFICIAL.—The committees of Congress and official specified in this paragraph are—

“(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Armed Services and the Committee on Oversight and Government Reform [now Committee on Oversight and Reform] of the House of Representatives; and

“(C) the Director of the Office of Personnel Management.

“(e) SUNSET.—Subsection (a) shall cease to be effective on the date that is two years after the date of the enactment of this Act.”

#### § 3393a. Repealed. Pub. L. 107-296, title XIII, § 1321(a)(1)(B), Nov. 25, 2002, 116 Stat. 2296]

Section, added Pub. L. 101-194, title V, §506(a)(1), Nov. 30, 1989, 103 Stat. 1756, related to recertification of career appointees.

#### EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

#### § 3394. Noncareer and limited appointments

(a) Each noncareer appointee, limited term appointee, and limited emergency appointee shall meet the qualifications of the position to which appointed, as determined in writing by the appointing authority.

(b) An individual may not be appointed as a limited term appointee or as a limited emergency appointee without the prior approval of the exercise of such appointing authority by the Office of Personnel Management.

(Added Pub. L. 95-454, title IV, §403(a), Oct. 13, 1978, 92 Stat. 1162.)

#### PRIOR PROVISIONS

A prior section 3394, added Pub. L. 95-437, §3(a), Oct. 10, 1978, 92 Stat. 1057, which related to personnel ceilings, was renumbered as section 3404 of this title by Pub. L. 95-454, title IX, §906(c)(1)(B), Oct. 13, 1978, 92 Stat. 1226.

#### EFFECTIVE DATE

Section effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415(a)(1), (b) of Pub. L. 95-454, set out as an Effective Date note under section 3131 of this title.

#### § 3395. Reassignment and transfer within the Senior Executive Service

(a)(1) A career appointee in an agency—

(A) may, subject to paragraph (2) of this subsection, be reassigned to any Senior Executive Service position in the same agency for which the appointee is qualified; and

(B) may transfer to a Senior Executive Service position in another agency for which the appointee is qualified, with the approval of the agency to which the appointee transfers.

(2)(A) Except as provided in subparagraph (B) of this paragraph, a career appointee may be reassigned to any Senior Executive Service position only if the career appointee receives writ-