

1 “(2) AGENCY APPOINTMENT REQUEST.—The
2 head of an agency shall submit a request to the Di-
3 rector to approve the appointment of any individual
4 described in paragraph (4) to a career position. Any
5 such request shall include certification by the agency
6 head to the Director that the appointment is critical
7 for the agency to meet its mission.

8 “(3) OPM REVIEW.—The Director shall review
9 any request received pursuant to paragraph (2)
10 and—

11 “(A) with respect to any such request,
12 may—

13 “(i) approve the request if the Direc-
14 tor determines that the appointment proc-
15 ess with respect to the request was fair,
16 open, and free from political influence; or

17 “(ii) deny the request if—

18 “(I) the Director fails to make
19 the determination under clause (i); or

20 “(II) determines that the agency
21 certification under paragraph (2) is
22 unreasonable; and

23 “(B) with respect to a request approved
24 under subparagraph (A)(i), shall, not less than
25 five days before the date of approval, provide to

1 the Committee on Oversight and Government
2 Reform of the House of Representatives and
3 the Committee on Homeland Security and Gov-
4 ernmental Affairs of the Senate the agency cer-
5 tification and the Director's rationale for con-
6 curring with that certification.

7 “(4) COVERED INDIVIDUALS.—An individual
8 described in this paragraph is—

9 “(A) a political appointee;

10 “(B) a former political appointee who held
11 any political position during the five-year period
12 before the date of the request described in para-
13 graph (2); or

14 “(C) at the discretion of the Director, a
15 former political appointee who held any political
16 position before the five-year period described in
17 subparagraph (B).

18 “(b) RESTRICTION ON APPOINTMENT.—

19 “(1) IN GENERAL.—Notwithstanding any other
20 law, rule, or regulation, during the 2-year period fol-
21 lowing the date a political appointee separates from
22 a political position, such appointee may not be ap-
23 pointed to any career position in the civil service.

24 “(2) EXCEPTION.—Paragraph (1) shall not
25 apply to a political appointee who has not personally

1 and substantially participated in any particular mat-
2 ter while employed in a political position.

3 “(c) APPLICATION.—Nothing in this section shall be
4 construed to restrict the appointment of an individual who
5 is—

6 “(1) entitled to reinstatement under section
7 3593(b); or

8 “(2) eligible for reinstatement under section
9 3593(a).

10 “(d) DEFINITIONS.—In this section—

11 “(1) the term ‘agency’ has the meaning given
12 the term ‘Executive agency’ in section 105;

13 “(2) the term ‘political appointee’ means an in-
14 dividual serving in an appointment of any duration
15 to a political position;

16 “(3) the term ‘political position’ means—

17 “(A) a position which has been excepted
18 from the competitive service by reason of its
19 confidential, policy-determining, policy-making,
20 or policy-advocating character;

21 “(B) a position described under sections
22 5312 through 5316 (relating to the Executive
23 Schedule); and

1 “(C) a general position in the Senior Exec-
2 utive Service during such time as it is filled
3 by—

4 “(i) a noncareer appointee, as defined
5 in paragraph (7) of section 3132(a); or

6 “(ii) a limited term appointee or lim-
7 ited emergency appointee, as defined in
8 paragraphs (5) and (6) of section 3132(a),
9 who is serving under a political appoint-
10 ment.

11 “(4) the term ‘career position’ means—

12 “(A) a position in the competitive service
13 filled by career or career-conditional appoint-
14 ment;

15 “(B) a position in the excepted service
16 filled by an appointment of equivalent tenure as
17 a position described in subparagraph (A);

18 “(C) a career reserved position, as defined
19 in paragraph (8) of section 3132(a), in the Sen-
20 ior Executive Service; or

21 “(D) a general position in the Senior Exec-
22 utive Service when filled by a career appointee,
23 as defined in section 3132(a)(4);

24 “(5) the term ‘participated’ means an action
25 taken as an officer or employee through decision, ap-

1 proval, disapproval, recommendation, the rendering
2 of advice, investigation, or other such action; and

3 “(6) the term ‘particular matter’ includes any
4 investigation, application, request for a ruling or de-
5 termination, rulemaking, contract, controversy,
6 claim, charge, accusation, arrest, or judicial or other
7 proceeding.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 of chapter 31 of title 5, United States Code, is amended
10 by adding after the item relating to section 3114 the fol-
11 lowing:

 “3115. Employment of political appointees.”.

12 (c) APPLICATION.—

13 (1) APPOINTMENT REQUESTS.—Section
14 3115(a) of title 5, United States Code, as added by
15 subsection (a), shall apply to any appointment or re-
16 quest for appointment described in such section sub-
17 mitted to the Office of Personnel Management after
18 the date of enactment of this Act.

19 (2) LIMITATION ON APPOINTMENTS.—Section
20 3115(b) of title 5, United States Code, as added by
21 subsection (a), shall apply to any individual who sep-
22 arates from a political position (as that term is de-
23 fined in section 3115(c)(2) of such title, as added by
24 such subsection) after the date of enactment of this
25 Act.

1 (d) REGULATIONS REQUIRED.—The Director of the
2 Office of Personnel Management shall issue regulations
3 necessary to carry out this Act, including regulations to
4 define the term “personally and substantially partici-
5 pated” as such term is used in section 3115(b)(2) of title
6 5, United States Code, as added by subsection (a).

