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 3348. Vacant office.  
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 3349b. Holdover provisions relating to certain independent establishments.<sup>1</sup>  
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#### AMENDMENT OF ANALYSIS

*Pub. L. 118–31, div. A, title XI, § 1119(d), Dec. 22, 2023, 137 Stat. 435, provided that, effective Dec. 31, 2028, the amendment made by section 1119(b) of Pub. L. 118–31 would expire. See 2023 Amendment note below.*

*Pub. L. 115–232, div. A, title XI, § 1107(c), (d), Aug. 13, 2018, 132 Stat. 2005, provided that, effective on the date on which the Director of the Office of Personnel Management issues final regulations for implementation, with such regulations due not later than one year after Aug. 13, 2018, this analysis is amended by striking*

*items 3317, 3318, and 3319 and inserting new items 3317 “Competitive service; certification using numerical ratings”, 3318 “Competitive service; selection using numerical ratings”, and 3319 “Competitive service; selection using category rating”. See 2018 Amendment note below.*

*Pub. L. 115–232, div. A, title V, § 573(e), Aug. 13, 2018, 132 Stat. 1779, as amended by Pub. L. 117–263, div. A, title XI, § 1111(a), Dec. 23, 2022, 136 Stat. 2820, provided that, effective Dec. 31, 2028, the amendment made by section 573(b) of Pub. L. 115–232 would expire. See 2018 Amendment note below.*

#### Editorial Notes

##### AMENDMENTS

2023—Pub. L. 118–31, div. A, title XI, § 1119(b), (d), Dec. 22, 2023, 137 Stat. 434, 435, which directed the amendment of the table of sections for subchapter I of this chapter by adding item 3330d “Appointment of military and Department of Defense civilian spouses” and striking out former item 3330d “Appointment of military spouses”, was executed to the table of sections for this chapter and was treated as temporary to reflect the probable intent of Congress, notwithstanding termination provision in sections 573(e) of Pub. L. 115–232 and 1119(d) of Pub. L. 118–31, which effectively undid the amendments made to section 3330d of this title but only provided that the amendment made to this analysis would expire. See Termination Date of 2018 Amendment and Termination Date of 2023 Amendment notes set out under section 3330d of this title.

2022—Pub. L. 117–263, div. E, title LII, § 5221(b), title LIII, § 5322(a)(2), Dec. 23, 2022, 136 Stat. 3234, 3259, which directed amendment of the analyses for subchapter I of this chapter by adding item 3330f and for subchapter III of this chapter by adding item 3349e, was executed by adding items 3330f and 3349e to the analysis for this chapter to reflect the probable intent of Congress.

2018—Pub. L. 115–232, div. A, title XI, § 1107(c), Aug. 13, 2018, 132 Stat. 2005, substituted “certification using numerical ratings” for “certification from registers.” in item 3317, “selection using numerical ratings” for “selection from certificates.” in item 3318, and “Competitive service; selection using category rating” for “Alternative ranking and selection procedures.” in item 3319.

Pub. L. 115–232, div. A, title V, § 573(b), (e), Aug. 13, 2018, 132 Stat. 1779, which amended analysis by adding item 3330d “Appointment of military spouses” and striking out former item 3330d, “Appointment of certain military spouses”, was treated as temporary to reflect the probable intent of Congress, notwithstanding termination provision in section 573(e) of Pub. L. 115–232, which effectively undid the amendments made to section 3330d of this title but only provided that the amendment made to this analysis would expire. See Termination Date of 2018 Amendment note set out under section 3330d of this title.

2016—Pub. L. 114–328, div. A, title XI, §§ 1136(c), 1140(c), Dec. 23, 2016, 130 Stat. 2460, 2471, which directed the amendment of the table of sections of subchapter I of chapter 33 by adding item 3330e at end and inserting item 3322 after item 3321, respectively, was executed to the table of sections for this chapter, to reflect the probable intent of Congress.

2013—Pub. L. 112–239, div. A, title V, § 566(c), Jan. 2, 2013, 126 Stat. 1751, added item 3330d.

2002—Pub. L. 107–296, title XIII, §§ 1312(b), 1321(a)(1)(C), Nov. 25, 2002, 116 Stat. 2291, 2296, added item 3319 and struck out item 3393a “Recertification”.

1998—Pub. L. 105–339, § 3(b), Oct. 31, 1998, 112 Stat. 3184, added items 3330a to 3330c.

Pub. L. 105–277, div. C, title I, § 151(c)(1), Oct. 21, 1998, 112 Stat. 2681–616, substituted “DETAILS, VACANCIES, AND APPOINTMENTS” for “DETAILS” in heading for subchapter III, “Acting officer” for “Details; to office

<sup>1</sup> So in original. Does not conform to section catchline.

of head of Executive agency or military department” in item 3345, “Time limitation” for “Details; to subordinate offices” in item 3346, “Exclusivity” for “Details; Presidential authority” in item 3347, “Vacant office” for “Details; limited in time” in item 3348, and “Reporting of vacancies” for “Details; to fill vacancies; restrictions” in item 3349 and added items 3349a to 3349d.

1996—Pub. L. 104-197, title III, §315(b)(1), Sept. 16, 1996, 110 Stat. 2416, substituted “Competitive service; recommendations of Senators or Representatives” for “Political recommendations” in item 3303.

Pub. L. 104-106, div. A, title X, §1037(b)(2), Feb. 10, 1996, 110 Stat. 432, which directed substitution of “3330. Government-wide list of vacant positions” for the item relating to section 3329, as added by section 4431(b) of Pub. L. 102-484, could not be executed because of the intervening amendment by Pub. L. 104-52, §4(2). See 1995 Amendment note below.

1995—Pub. L. 104-52, title IV, §4(2), Nov. 19, 1995, 109 Stat. 490, redesignated item 3329 “Government-wide list of vacant positions” as item 3330.

1993—Pub. L. 103-94, §8(b), Oct. 6, 1993, 107 Stat. 1007, substituted “Political recommendations” for “Competitive service; recommendations of Senators or Representatives” in item 3303.

1992—Pub. L. 102-484, div. A, title V, §544(b), div. D, title XLIV, §4431(b), Oct. 23, 1992, 106 Stat. 2415, 2720, added two items 3329.

Pub. L. 102-378, §2(13)(B), Oct. 2, 1992, 106 Stat. 1347, struck out item 3342 “Federal participants in executive exchange programs”.

1990—Pub. L. 101-509, title V, §529 [title I, §101(b)(9)(C)(iii)], Nov. 5, 1990, 104 Stat. 1427, 1441, substituted “Appointments to positions classified above GS-15” for “Appointments at GS-16, 17, and 18” in item 3324.

Pub. L. 101-416, §2(a)(2), Oct. 12, 1990, 104 Stat. 903, added item 3342.

1989—Pub. L. 101-194, title V, §506(a)(2), Nov. 30, 1989, 103 Stat. 1758, added item 3393a.

Pub. L. 101-12, §5(b), Apr. 10, 1989, 103 Stat. 33, added item 3352.

1988—Pub. L. 100-398, §7(a)(3), Aug. 17, 1988, 102 Stat. 988, inserted “agency” after “Executive” in item 3345. 1985—Pub. L. 99-145, title XVI, §1622(a)(2), Nov. 8, 1985, 99 Stat. 777, added item 3328.

1979—Pub. L. 96-54, §2(a)(13), Aug. 14, 1979, 93 Stat. 382, struck out item 3315a “Registers; individuals receiving compensation for work injuries”.

1978—Pub. L. 95-454, title III, §§303(b), 307(h)(2), 309(b), title IV, §403(b), title IX, §906(c)(4), Oct. 13, 1978, 92 Stat. 1146, 1149, 1152, 1165, 1227, substituted “probationary period” for “probation; period of” in item 3321, struck out item 3319 “Competitive service; selection; members of family restriction”, added items 3327 and 3391 to 3397, and struck out items 3391 to 3398.

Pub. L. 95-437, §3(b), Oct. 10, 1978, 92 Stat. 1058, added heading for subchapter VII and items 3391 to 3398.

Pub. L. 95-256, §5(b)(2), Apr. 6, 1978, 92 Stat. 191, struck out item 3322 “Competitive service; temporary appointments after age 70”.

Pub. L. 95-251, §2(c)(3), Mar. 27, 1978, 92 Stat. 184, substituted “administrative law judges” for “hearing examiners” in item 3344.

Pub. L. 95-228, §2(a), Feb. 10, 1978, 92 Stat. 25, struck out item 3306 “Competitive service; departmental service; apportionment”.

1975—Pub. L. 94-183, §2(7), Dec. 31, 1975, 89 Stat. 1057, struck out item 3364 “Promotion; substitute employees in the postal field service”.

1972—Pub. L. 92-297, §§2(b), 3(b), May 16, 1972, 86 Stat. 142, 144, substituted “maximum age entrance requirements, exceptions” for “maximum age requirement; restriction on use of appropriated funds” in item 3307, and added subchapter VII and items 3381 to 3385.

1971—Pub. L. 91-648, title IV, §402(b), Jan. 5, 1971, 84 Stat. 1925, added heading for subchapter VI and items 3371 to 3376.

1970—Pub. L. 91-375, §6(c)(7)(B), Aug. 12, 1970, 84 Stat. 776, struck out item 3327 “Postmasters; standards for determination of qualifications”.

1967—Pub. L. 90-105, §1(b), Oct. 11, 1967, 81 Stat. 273, added item 3304a.

Pub. L. 90-83, §1(9)(B), Sept. 11, 1967, 81 Stat. 197, added item 3315a.

1966—Pub. L. 89-762, §1(b), Nov. 5, 1966, 80 Stat. 1312, struck out item 3342 “Details; field to departmental service prohibited”.

## SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

### § 3301. Civil service; generally

The President may—

(1) prescribe such regulations for the admission of individuals into the civil service in the executive branch as will best promote the efficiency of that service;

(2) ascertain the fitness of applicants as to age, health, character, knowledge, and ability for the employment sought; and

(3) appoint and prescribe the duties of individuals to make inquiries for the purpose of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 417.)

#### HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 631 (less last 16 words).	R.S. §1753 (less last 16 words).

The words “civil service in the executive branch” are substituted for “civil service of the United States” to confirm the grant of authority in view of the definition of “civil service” in section 2101. The word “will” is substituted for “may”. The words “for the employment sought” are substituted for “for the branch of service into which he seeks to enter” as the latter are archaic since there are no “branches” within the executive branch. The word “applicant” is substituted for “candidate”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-277, div. C, title I, §151(a), Oct. 21, 1998, 112 Stat. 2681-611, provided that: “This section [enacting sections 3345 to 3349d of this title, repealing former sections 3345 to 3349 of this title, and enacting provisions set out as a note under section 3345 of this title] may be cited as the ‘Federal Vacancies Reform Act of 1998’.”

##### SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-175, §1, Dec. 2, 1991, 105 Stat. 1222, provided that: “This Act [amending sections 3395, 3396, 5383, and 7701 of this title] may be cited as the ‘Senior Executive Service Improvements Act’.”

#### MODIFICATIONS TO NATIONAL SECURITY EDUCATION PROGRAM

Pub. L. 107-296, title XIII, §1332(a), Nov. 25, 2002, 116 Stat. 2299, provided that:

“(a) FINDINGS AND POLICIES.—

“(1) FINDINGS.—Congress finds that—

“(A) the United States Government actively encourages and financially supports the training, education, and development of many United States citizens;

“(B) as a condition of some of those supports, many of those citizens have an obligation to seek either compensated or uncompensated employment in the Federal sector; and