

116TH CONGRESS
1ST SESSION

S. 396

To amend section 1202 of title 5, United States Code, to modify the continuation of service provision for members of the Merit Systems Protection Board.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

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

A BILL

To amend section 1202 of title 5, United States Code, to modify the continuation of service provision for members of the Merit Systems Protection Board.

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. MERIT SYSTEMS PROTECTION BOARD CON-**
4 **TINUATION OF SERVICE.**

5 Section 1202 of title 5, United States Code, is
6 amended to read as follows:

7 **“§ 1202. Term of office; filling vacancies; removal**

8 “(a) TERM.—The term of office of each member of
9 the Merit Systems Protection Board is 7 years.

1 “(b) IN-TERM VACANCIES.—

2 “(1) TERM OF APPOINTMENT.—A member ap-
3 pointed to fill a vacancy occurring before the end of
4 a term of office of the member’s predecessor may
5 serve for the remainder of that term.

6 “(2) APPOINTMENT REQUIREMENTS.—Any ap-
7 pointment to fill a vacancy is subject to the require-
8 ments of section 1201.

9 “(3) CONTINUATION OF SERVICE.—Any mem-
10 ber serving only a portion of a 7-year term in office
11 may continue to serve until a successor is appointed
12 and has qualified, except that—

13 “(A) such member may not continue to
14 serve for more than 1 year after the date on
15 which the term of the member would otherwise
16 expire under this section, unless reappointed
17 under section 1201; or

18 “(B) if such member is the sole member
19 appointed to the Board under section 1201 on
20 the date on which the term of the member
21 would expire under subparagraph (A), unless
22 such member is reappointed under section
23 1201, such member may not continue to serve
24 on and after the earlier of—

1 “(i) the date on which a member (in-
 2 cluding a successor) is appointed and has
 3 qualified; or

4 “(ii) the date that is 2 years after the
 5 date on which the term of the member
 6 would otherwise expire under this section.

7 “(c) CONTINUATION OF SERVICE AS MEMBER FOR
 8 FULL-TERM APPOINTMENTS.—Any member appointed for
 9 a 7-year term—

10 “(1) may not be reappointed to any following
 11 term; and

12 “(2) may continue to serve beyond the expira-
 13 tion of the term until a successor is appointed and
 14 has qualified, except that—

15 “(A) such member may not continue to
 16 serve for more than 1 year after the date on
 17 which the term of the member would otherwise
 18 expire under this section; or

19 “(B) if such member is the sole member
 20 appointed to the Board under section 1201 on
 21 the date on which the term of the member
 22 would expire under subparagraph (A), such
 23 member may not continue to serve on and after
 24 the earlier of—

1 “(i) the date on which a member (in-
2 cluding a successor) is appointed and has
3 qualified; or

4 “(ii) the date that is 2 years after the
5 date on which the term of the member
6 would otherwise expire under this section.

7 “(d) REMOVAL.—Any member may be removed by
8 the President only for inefficiency, neglect of duty, or mal-
9 feasance in office.”.

○