

103^D CONGRESS
1ST SESSION

H. R. 853

To amend title 5, United States Code, to provide that career positions in the Senior Executive Service may not be filled, during the period between the date of a presidential election and the next Inauguration Day thereafter, by any current or recently separated political appointee, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. MORAN (for himself and Mr. McCLOSKEY) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to provide that career positions in the Senior Executive Service may not be filled, during the period between the date of a presidential election and the next Inauguration Day thereafter, by any current or recently separated political appointee, and for other purposes.

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. RESTRICTIONS.**

4 (a) APPOINTMENTS.—Section 3393 of title 5, United
5 States Code, is amended by adding at the end the follow-
6 ing:

1 “(h) An individual may not, during the period begin-
2 ning on the date of a presidential election and ending on
3 the next Inauguration Day thereafter, be appointed to a
4 career reserved position if, within the 1-month period im-
5 mediately preceding the date of the proposed appointment,
6 such individual served for any length of time as a political
7 appointee.”.

8 (b) TRANSFERS AND REASSIGNMENTS.—Section
9 3395 of title 5, United States Code, is amended by adding
10 at the end the following:

11 “(f)(1) A career appointee may not, during the period
12 beginning on the date of a presidential election and ending
13 on the next Inauguration Day thereafter, be involuntarily
14 transferred or involuntarily reassigned.

15 “(2) An individual may not, during any period de-
16 scribed in paragraph (1), be transferred or reassigned to
17 a career reserved position from any position which such
18 individual held as a political appointee.”.

19 **SEC. 2. DEFINITIONS.**

20 Section 3391 of title 5, United States Code, is
21 amended to read as follows:

22 **“§ 3391. Definitions**

23 “For the purpose of this subchapter—

24 “(1) the terms ‘agency’, ‘Senior Executive Serv-
25 ice position’, ‘senior executive’, ‘career appointee’,

1 'limited term appointee', 'limited emergency ap-
2 pointee', 'noncareer appointee', and 'general posi-
3 tion' have the meanings set forth in section 3132(a);

4 "(2) the term 'political appointee' means an
5 employee within the Executive branch who holds—

6 "(A) a position, appointment to which is
7 made by and with the advice and consent of the
8 Senate;

9 "(B) a civil service position that has been
10 excepted from the competitive service on the
11 basis of its confidential, policy-determining, pol-
12 icy-making, or policy-advocating character; or

13 "(C) any Senior Executive Service position
14 that is not a career reserved position;

15 "(3) the term 'presidential election' means an
16 election of presidential and vice-presidential electors;
17 and

18 "(4) the term 'Inauguration Day' has the
19 meaning set forth in section 6103(c).".

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