

117TH CONGRESS
1ST SESSION

H. R. 326

To nullify the Executive Order 13957 entitled “Executive Order on Creating Schedule F In The Excepted Service”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2021

Mr. CONNOLLY (for himself, Ms. NORTON, Mr. SARBANES, Mr. BEYER, Mr. RASKIN, Mr. HOYER, Mr. TRONE, Mr. BROWN, Mrs. CAROLYN B. MALONEY of New York, and Ms. WEXTON) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To nullify the Executive Order 13957 entitled “Executive Order on Creating Schedule F In The Excepted Service”, 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. SHORT TITLE.**

4 This Act may be cited as the “Saving the Civil Serv-
5 ice Act”.

6 **SEC. 2. NULLIFICATION OF EXECUTIVE ORDER 13957 RE-**
7 **LATING TO SCHEDULE F IN THE EXCEPTED**
8 **SERVICE.**

9 (a) RESCISSION.—

1 (1) IN GENERAL.—The provisions of the Execu-
2 tive Order 13957 (relating to Executive Order on
3 Creating Schedule F In The Excepted Service),
4 issued on October 21, 2020, are rescinded and shall
5 have no force or effect.

6 (2) EFFECTIVE DATE.—This subsection shall
7 take effect as if enacted on October 21, 2020.

8 (b) LIMITATION ON FUNDS.—No Federal funds may
9 be used to implement, administer, or otherwise carry out
10 the Executive Order described in subsection (a)(1), or any
11 successor Executive Order or regulation.

12 **SEC. 3. LIMITATIONS ON CONVERSIONS OF POSITIONS AND**
13 **APPOINTMENTS.**

14 (a) PROHIBITION.—Notwithstanding any other law,
15 rule, or regulation, and except as provided in subsection

16 (b)—

17 (1) a position in the competitive service or the
18 Senior Executive Service may not be converted to a
19 position in the excepted service; and

20 (2) an individual serving in an appointment in
21 the competitive service or the Senior Executive Serv-
22 ice may not be converted to an appointment in the
23 excepted service.

24 (b) CONVERSIONS AND APPOINTMENTS RE-
25 VERSED.—Notwithstanding subsection (a)—

1 (1) any position in the competitive service that
2 was converted to a position in the excepted service
3 under Executive Order 13957 during the period be-
4 ginning on October 21, 2020, and ending on the
5 date of enactment of this Act shall be converted to
6 a position in the competitive service;

7 (2) any individual serving in an appointment in
8 the competitive service who was converted to an ap-
9 pointment in the excepted service under such Execu-
10 tive Order during such period shall be converted to
11 an appointment in the competitive service;

12 (3) any individual serving in an appointment in
13 the excepted service who was transferred to schedule
14 F from any of schedules A, B, C, D, or E in the
15 excepted service during such period shall be trans-
16 ferred to such schedule A, B, C, D, or E (as the
17 case may be);

18 (4) any individual noncompetitively appointed
19 to any position under schedule F during such period
20 shall be transferred to schedule C in the excepted
21 service; and

22 (5) any individual serving in the Senior Execu-
23 tive Service as a limited term appointee, limited
24 emergency appointee, or noncareer appointee (as
25 those terms are defined in paragraphs (5), (6), and

1 (7), respectively, of section 3132(a) of title 5, United
2 States Code) and who was converted to an appoint-
3 ment in the excepted service under such Executive
4 Order during such period shall be converted to such
5 appointee position in the Senior Executive Service.

6 (c) POLITICAL APPOINTEES NONCOMPETITIVELY AP-
7 POINTED OR TRANSFERRED TO SCHEDULE F POSI-
8 TIONS.—Any individual described in subsection (b)(3),
9 (b)(4), or (b)(5)—

10 (1) may not be converted to a position or ap-
11 pointment in the competitive service;

12 (2) may not acquire competitive status under
13 any conversion carried out under this section; and

14 (3) shall not be afforded any employment pro-
15 tections established under section 6 of the Executive
16 Order 13957.

17 (d) REINSTATEMENT.—Any individual occupying a
18 position that was converted from the competitive service
19 to the excepted service under the Executive Order 13957,
20 and any individual whose appointment was converted from
21 the competitive service to the excepted service under such
22 Executive Order, who was involuntarily removed from the
23 civil service during the period beginning on October 21,
24 2020, and ending on the date of enactment of this Act

1 shall be appointed by reinstatement with backpay in ac-
2 cordance with section 5596 of title 5, United States Code.

3 (e) DEFINITIONS.—In this section—

4 (1) the terms “civil service”, “competitive serv-
5 ice”, and “excepted service” have the meaning given
6 those terms in sections 2101(1), 2102, and 2103, re-
7 spectively, of title 5, United States Code; and

8 (2) the term “schedule F” means schedule F in
9 the excepted service established under Executive
10 Order 13957.

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