

118TH CONGRESS
1ST SESSION

H. R. 1002

To prohibit the establishment of schedule F of the excepted service, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2023

Mr. CONNOLLY (for himself, Mr. FITZPATRICK, and Ms. SPANBERGER) introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

To prohibit the establishment of schedule F of 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”.

1 **SEC. 2. LIMITATIONS ON EXCEPTING POSITIONS FROM**
2 **COMPETITIVE SERVICE AND TRANSFERRING**
3 **POSITIONS.**

4 (a) **IN GENERAL.**—A position in the competitive serv-
5 ice may not be excepted from the competitive service un-
6 less such position is placed—

7 (1) in any of the schedules A through E as de-
8 scribed in section 6.2 of title 5, Code of Federal
9 Regulations, as in effect on September 30, 2020;
10 and

11 (2) under the terms and conditions under part
12 6 of such title as in effect on such date.

13 (b) **TRANSFERS.**—

14 (1) **WITHIN EXCEPTED SERVICE.**—A position in
15 the excepted service may not be transferred to any
16 schedule other than a schedule described in sub-
17 section (a)(1).

18 (2) **OPM CONSENT REQUIRED.**—An agency
19 may not transfer any occupied position from the
20 competitive service or excepted service into schedule
21 C of subpart C of part 213 of title 5, Code of Fed-
22 eral Regulations, without the prior consent of the
23 Director of the Office of Personnel Management.

24 (3) **LIMIT DURING PRESIDENTIAL TERM.**—Dur-
25 ing any four-year presidential term, an agency may
26 not transfer from the competitive service into the ex-

1 cepted service a total number of employees that is
2 more than one percent of the total number of em-
3 ployees at such agency as of the first day of such
4 term, or five employees, whichever is greater.

5 (4) EMPLOYEE CONSENT REQUIRED.—Notwith-
6 standing any other provision of this section—

7 (A) an employee who occupies a position in
8 the excepted service may not be transferred to
9 an excepted service schedule other than the
10 schedule such position is located without the
11 prior written consent of the employee; and

12 (B) an employee who occupies a position in
13 the competitive service may not be transferred
14 to the excepted service without the employee’s
15 prior written consent.

16 (c) OTHER MATTERS.—

17 (1) APPLICATION.—Notwithstanding section
18 7425(b) of title 38, United States Code, this section
19 shall apply to positions under chapter 73 or 74 of
20 such title.

21 (2) REGULATIONS.—The Director shall issue
22 regulations to implement this section.

23 (d) DEFINITIONS.—In this section—

1 (1) the term “agency” means any department,
2 agency, or instrumentality of the Federal Govern-
3 ment;

4 (2) the term “competitive service” has the
5 meaning given that term in section 2102 of title 5,
6 United States Code;

7 (3) the term “Director” means the Director of
8 the Office of Personnel Management; and

9 (4) the term “excepted service” has the mean-
10 ing given that term in section 2103 of title 5, United
11 States Code.

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