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

IN THE HOUSE OF REPRESENTATIVES

Mr. CONNOLLY introduced the following bill; which was referred to the Committee on ______________________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Saving the Civil Service Act”.
SEC. 2. LIMITATIONS ON EXCEPTING POSITIONS FROM COMPETITIVE SERVICE AND TRANSFERRING POSITIONS.

(a) IN GENERAL.—A position in the competitive service may not be excepted from the competitive service unless such position is placed—

(1) in any of the schedules A through E as described in section 6.2 of title 5, Code of Federal Regulations, as in effect on September 30, 2020; and

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

(b) TRANSFERS.—

(1) WITHIN EXCEPTED SERVICE.—A position in the excepted service may not be transferred to any schedule other than a schedule described in subsection (a)(1).

(2) OPM CONSENT REQUIRED.—An agency may not transfer any occupied position from the competitive service or excepted service into schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, without the prior consent of the Director of the Office of Personnel Management.

(3) LIMIT DURING PRESIDENTIAL TERM.—During any four-year presidential term, an agency may not transfer from the competitive service into the ex-
cepted service a total number of employees that is
more than one percent of the total number of em-
ployees at such agency as of the first day of such
term, or five employees, whichever is greater.

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

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

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

(e) OTHER MATTERS.—

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

(2) REPORT.—Not later than March 15 of each
calendar year, the Director shall submit to Congress
a report on the immediately preceding calendar year
that lists—
(A) each position that was transferred in such year from the competitive service to the excepted service and a justification as to why each position was so transferred; and

(B) any violation of this section occurring during such year.

(3) REGULATIONS.—The Director shall issue regulations to implement this section.

(d) DEFINITIONS.—In this section—

(1) the term “agency” means any department, agency, or instrumentality of the Federal Government;

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

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

(4) the term “excepted service” has the meaning given that term in section 2103 of title 5, United States Code.